

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

DECEMBER 2 2020

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 11:00 a.m. EST, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
WILLIAM SANFORD, General Counsel of the  
Office of Campaign Finance  
CECILY COLLIER-MONTGOMERY, Director of  
the Office of Campaign Finance

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

(11:14 a.m.)

1  
2  
3 CHAIR BENNETT: Good morning. This is  
4 the December and November meeting of the D.C.  
5 Board of Elections. This is Michael Bennett,  
6 Chair of the Board. I want to call the meeting to  
7 order.

8 First thing that we want to do is to  
9 approve the minutes and the agenda for today.  
10 However, we're going to adjust the agenda a bit  
11 and move Board matters to right before public  
12 matters, Karyn?

13 Yes, we want to move Board matters to  
14 right before public matters at the end. I also  
15 want to recognize that we have Michael Gill,  
16 Board Member, as I said earlier, Michael Bennett,  
17 Chair of the Board, and also, Karyn Greenfield,  
18 Board Member. We have a full complement, so we  
19 have -- certainly have a quorum.

20 I'd like to get a motion to approve  
21 the agenda as amended and also, the minutes from  
22 the last meeting. I'll note, though, before we

1 get that motion, that Karyn Greenfield is online  
2 and on -- in visual online for those who are  
3 there, and Michael Gill and myself are here at  
4 board headquarters.

5 Certainly, social distancing and  
6 following all the protocols for staying safe with  
7 this COVID-19 pandemic. So can I get a motion  
8 from Mr. Gill to approve the agenda as amended  
9 and the minutes from last meeting?

10 MEMBER GILL: I make a motion to  
11 approve the amended agenda and the minutes from  
12 the October meeting.

13 CHAIR BENNETT: Can I get a second  
14 from Ms. Greenfield?

15 MEMBER GREENFIELD: I second.

16 CHAIR BENNETT: It has been properly  
17 moved and seconded. I'll take a voice vote. Mr.  
18 Gill?

19 MEMBER GILL: Aye.

20 CHAIR BENNETT: Ms. Greenfield?

21 MEMBER GREENFIELD: Aye.

22 CHAIR BENNETT: And aye as well, so

1 it's unanimously approved, the agenda as amended  
2 and the minutes from last meeting. As I said  
3 earlier, we shifted -- we're going to shift Board  
4 matters to right before public matters and so the  
5 next thing on the agenda is the executive  
6 director's report.

7 MS. MILLER: Thank you, Mr. Chair.  
8 Good morning, everyone. I just see the first  
9 matter on my agenda is certification of the  
10 election results. Just briefly, by way of  
11 context, as you know, we conducted the  
12 presidential general election on November 3rd.

13 Subsequent to a week of early voting  
14 and the mailing of ballots to all registered  
15 voters in the District of Columbia. Total  
16 turnout for the election was 66.9 percent of  
17 voters eligible to vote in the election.

18 Ballots were overwhelmingly cast by  
19 both return mail through the postal service and  
20 by the use of 55 mail ballot drop boxes located  
21 through the District of Columbia. Between  
22 October 27th and November 2nd, BOE opened 32

1 early vote centers and on November 3rd, we had 95  
2 of those centers that were in operation.

3 With all the options put in place,  
4 Election Day saw a turnout of, I think it was,  
5 about 30,000 voters citywide. Election Day was  
6 29,036 for the Election Day vote centers.

7 Ballots returned by mail, USPS, was  
8 60,349, the drop boxes were 160,221, and the  
9 early vote centers, 82,586, and we had some  
10 overseas and military ballots tied-up in the  
11 count total taken out as well.

12 For the first time, we used the super  
13 vote centers, and that proved to be very popular.  
14 Voters were able to go to any location to vote  
15 during this election. Use of precincts were  
16 replaced by vote centers citywide, meaning, of  
17 course, that our concept for voting completely  
18 changed.

19 The super vote centers allowed voters  
20 to take advantage of large venues with more  
21 voting equipment and election workers to service  
22 them. Voters were processed at a quicker rate

1 and had their access to other attractions, such  
2 as, as you know, the Nat Stadium had on display,  
3 the World Series trophy, which a lot of folks  
4 thought was an attraction to go there to vote.

5 Let me see, so I want to, once again,  
6 acknowledge and thank all the volunteers that  
7 served as election workers during the November  
8 election. Their service, of course, was  
9 commendable, especially given the health risk  
10 that each -- everyone endured as they worked the  
11 polls interaction with members of public daily.

12 I do want to, again, comment on the  
13 fact that we not only met, but well exceeded our  
14 goal, thanks to D.C. residents that willingly  
15 agreed to volunteer. We had over 3000  
16 applications that we received, but were not  
17 needed, and we will, of course, keep that  
18 information.

19 Okay. The Board conducted the  
20 mandated manual audit of one randomly selected  
21 precinct per Ward, two Ward-based contests, one  
22 citywide contest on November 23rd and 24th. The

1 results of the audit were made available to the  
2 public on the Web site by way of -- and by way of  
3 press release, so Monday, November 30th.

4 The audit was also in verification  
5 that the election was conducted and the totals  
6 tallied with the required confidence level within  
7 the statutory margins of error, and as such, the  
8 Board can now proceed with certification.

9 So with that, I will now turn to  
10 request the Board to certify the election results  
11 as posted, per certification, totals reflected.  
12 I'll refrain from reading all the results on the  
13 record, but I will read the contest at the top of  
14 the ballot, and at the end of doing so, request  
15 certification as read into the record.

16 I will note that we have a number of  
17 write-ins that we need to certify for ANC  
18 positions and we have one contest within the ANC  
19 that is a tie. The Board will have to draw lots  
20 for that and we're prepared with that right now,  
21 and then after that, we will certify that winner  
22 as the name is chosen from the ballot.



1 CHAIR BENNETT: Okay.

2 MS. MILLER: So I'm going to begin  
3 with the electors of president. Hold on a  
4 second. So for the November 3rd presidential  
5 election, the electors of President and Vice  
6 President of the United States were for Joseph R.  
7 Biden and Kamala Harris, with 317,323 votes.

8 The next contest -- let me explain,  
9 the top of the ballot, by the top of the ballot,  
10 I mean those contests in which everyone in the  
11 District of Columbia were eligible to vote for  
12 citywide, just so that we're clear on what I'm  
13 doing.

14 Delegate to the U.S. House of  
15 Representatives, the winner of that election, the  
16 individual with the highest votes, is Eleanor  
17 Holmes-Norton, with 281,831 votes. At-large  
18 member of the Council, we voted for two, that  
19 would be Robert White, with 139,208 votes and  
20 Christina Henderson, 79,189.

21 The next contest would be the United  
22 States Senator, winner being Paul Strauss,

1 251,991, United States Representative, Oye  
2 Owolewa, 240,553, Jacque Patterson for at-large  
3 member of the State Board of Education -- I'm  
4 sorry, United States Representative was Democrat  
5 Oye Owolewa.

6 The next race would be the at-large  
7 member of the State Board of Education, who, the  
8 winner was, Jacque Patterson, 83,782, and then  
9 the final contest in which everyone was eligible  
10 to vote on would be the Initiative 81 contest,  
11 which voters voted to -- yes, to approve, with  
12 214,885 votes.

13 I will now ask that we go to certify  
14 our write-ins for ANC. So we had a number of  
15 individuals who ran write-in contests. These  
16 individuals filed appropriately, the declaration  
17 of candidacy timely, and we have determined the  
18 winners of those contests, and I'll just read  
19 them in -- read their names in.

20 Write-in winners, Jason W. Clark,  
21 1A12, Yannik Omictin, 2A01, Donna Barbisch, 2A04,  
22 Evelyn Hudson, 2A05, Adam Friend, 2A07, Hannah

1 Untereiner, 2D02, Matias Burdman, 2E08, Peter  
2 Gosselin, 3G06, Eric Smith, 4D05, Edward Ryder,  
3 6B07, Pranav Nanda, 6C04, Andrew Bossi, 6D01,  
4 Jared Weiss, 6D02, Wendall Felder, 7D07, Whitney  
5 Weston (phonetic), 7F03, Shirley Thompson-Wright,  
6 7F06, Khadijah Watson, 8B01, Paul Trantham, 8B02,  
7 Rhonda Edwards-Hines, 8C06, Ellen Armstead, 8D05.

8 Those are our write-ins that the Board  
9 will need to certify as winners. And for the  
10 contest that we have -- ANC7B03, it was a tie  
11 vote, and the names for the tie was Lindsey Botts  
12 (phonetic) and Wenterly Wood-Peacock (phonetic),  
13 who entered both of these names in here, and ask  
14 the Chair -- it's on you.

15 And we will then certify the winner.

16 CHAIR BENNETT: The winner is?

17 MS. MILLER: The winner is Lindsey  
18 Botts, and that would be for ANC7B03.

19 CHAIR BENNETT: Thank you.  
20 Congratulations.

21 MS. MILLER: So I want to now request  
22 that Board certify the winners of the November

1 3rd general election as the individuals receiving  
2 the highest vote, specific contests for which  
3 they were candidates, as reflected on the pre-  
4 certification documents, which are posted on our  
5 Web site, so we will need a motion to certify  
6 those candidates as having received the highest  
7 number of votes.

8 CHAIR BENNETT: Can I get a motion  
9 from Ms. Greenfield to certify the candidates  
10 receiving the highest number of votes that the  
11 executive director just noted?

12 MEMBER GREENFIELD: Yes, I move that  
13 we certify to the candidates that received the  
14 highest number of votes, as reflected by the  
15 executive director.

16 CHAIR BENNETT: Can I get a second,  
17 Mr. Gill?

18 MEMBER GILL: Second.

19 CHAIR BENNETT: It's been properly  
20 moved and seconded. All in favor, Ms.  
21 Greenfield?

22 MEMBER GREENFIELD: Aye.

1 CHAIR BENNETT: Mr. Gill?

2 MEMBER GILL: Aye.

3 CHAIR BENNETT: And aye as well, so  
4 it's unanimous. Thank you, Ms. Miller.

5 MS. MILLER: And now you will need to  
6 -- I will request the Board to certify the oath  
7 for the -- have the oath -- have the presidential  
8 electors take their oath so that they can move  
9 forward with their duties.

10 CHAIR BENNETT: Okay. I'd like to  
11 have each of you stand and I will do the -- and I  
12 know we're on Zoom, but I will do the --  
13 administer the oath to each person individually,  
14 so not as a group. And I will also ask you to  
15 state your full name and address as I call your  
16 name.

17 So I'll start with -- and please,  
18 please, please, forgive me and correct me if I  
19 don't say your name correctly, I'll start with  
20 Meedie -- okay. I'm going to start with Meedie  
21 Bardonille.

22 MS. BARDONILLE: Bardonille.

1 CHAIR BENNETT: Bardonille. Okay.  
2 I'm sorry. So if I could get you to state -- and  
3 I will now stand, because if I do, I will not be  
4 able to -- and somebody is actually not on mute  
5 and lots of things happening.

6 If everybody, except Ms. Bardonille,  
7 could you please mute, it would be most  
8 appreciated. Bardonille. Sorry. Thank you.  
9 Okay. Ms. Bardonille, would you state your full  
10 name and address for the record, please?

11 MS. BARDONILLE: Meedie Bardonille,  
12 1226 Quincy Street, NE --

13 CHAIR BENNETT: There's lots of  
14 static. It's yours, I think, Ms. Bardonille.  
15 We're getting lots of feedback, Ms. Bardonille.

16 MS. BARDONILLE: Is that better now?

17 CHAIR BENNETT: Yes.

18 MS. BARDONILLE: I have nothing on.

19 CHAIR BENNETT: Okay. So if you could  
20 state your full name and address for the record.

21 MS. BARDONILLE: Meedie Bardonille,  
22 1226 Quincy Street, NE, Washington, D.C.

1 CHAIR BENNETT: Okay. You're still a  
2 little bit -- the background's still a little bit  
3 rough, but we'll continue.

4 MS. BARDONILLE: I apologize.

5 CHAIR BENNETT: That's okay.

6 MS. BARDONILLE: There's nothing here.  
7 I apologize.

8 CHAIR BENNETT: Okay. So if you can  
9 repeat after me, and we'll hold up the right  
10 hand, and repeat after me, I, please state your  
11 name, having been duly elected.

12 MS. BARDONILLE: I, Meedie Bardonille,  
13 having been duly elected.

14 CHAIR BENNETT: As an elector for the  
15 Offices of President and Vice President of the  
16 United States.

17 MS. BARDONILLE: As an elector for the  
18 Offices of the President and Vice President of  
19 the United States.

20 CHAIR BENNETT: Do solemnly affirm.

21 MS. BARDONILLE: Do solemnly affirm.

22 CHAIR BENNETT: That I will vote in

1 the electoral college.

2 MS. BARDONILLE: That I will vote in  
3 the electoral college.

4 CHAIR BENNETT: For the candidates of  
5 the party which I represent.

6 MS. BARDONILLE: For the candidates of  
7 the party which I represent.

8 CHAIR BENNETT: Thank you very much.

9 MS. BARDONILLE: Thank you.

10 CHAIR BENNETT: You are now sworn in.  
11 All right. Ms. Barbara Helmick. You can take  
12 yourself off mute or we'll take you off mute.  
13 Try again, Ms. Helmick.

14 MS. HELMICK: How's that now? Good?

15 CHAIR BENNETT: That's great. Thank  
16 you. If you could stand and state your full name  
17 and address for the record, if you're able to do  
18 that.

19 MS. HELMICK: Yes.

20 CHAIR BENNETT: Okay.

21 MS. HELMICK: Barbara Helmick.

22 CHAIR BENNETT: And your address,



1 ma'am?

2 MS. HELMICK: 2707 Adams Mill Road,  
3 NW, Apt. 407, Washington, D.C.

4 CHAIR BENNETT: Great. Thank you.  
5 And so repeat after me, please, and it's, I,  
6 please state your full name. I'm sorry, raise  
7 your right hand and then repeat after me.

8 MS. HELMICK: I have a copy of the  
9 Constitution in my right hand here.

10 CHAIR BENNETT: Okay. Well, hold it  
11 as you raise it.

12 MS. HELMICK: I, Barbara Helmick.

13 CHAIR BENNETT: Having been duly  
14 elected as an elector for the Offices of the  
15 President and Vice President of the United  
16 States.

17 MS. HELMICK: Having been duly elected  
18 to be an elector for the President and the Vice  
19 President of the United States.

20 CHAIR BENNETT: Do solemnly affirm.

21 MS. HELMICK: Do solemnly affirm.

22 CHAIR BENNETT: That I will vote in

1 the electoral college.

2 MS. HELMICK: That I will vote in the  
3 electoral college.

4 CHAIR BENNETT: For the candidates of  
5 the party which I represent.

6 MS. HELMICK: For the candidate for  
7 the party for which I represent.

8 CHAIR BENNETT: Thank you very much.

9 MS. HELMICK: Thank you very much.

10 CHAIR BENNETT: Okay. And lastly, is  
11 Jaqueline Thompson-Echavarria, and please help  
12 me. I think you're on mute. Ms. Echavarria, you  
13 may be on mute. Can you unmute yourself? We  
14 have a line that says Jaqueline, and I assume  
15 that's you. Can you unmute yourself? I am going  
16 to be the first one to take the COVID vaccine so  
17 we can stop.

18 Okay. Try to unmute yourself, Ms.  
19 Echavarria. We've unmuted everyone. It looks  
20 like she's still muted, at least Jaqueline's  
21 muted, Randy. Okay. Looks like you need to  
22 unmute, Ms. Echavarria. Something's going on, so

1 if you can call in, a number to call is (202)  
2 860-2110 and the access code is 474816726.

3 Radio silence is not good. Do we have  
4 her direct number? We're going to move on and  
5 come back, so please continue trying. Okay. I  
6 think we're going to continue with the executive  
7 director's report.

8 MS. MILLER: All right. Thank you,  
9 Mr. Chairman. So the election has been  
10 certified, electors have been sworn in, with the  
11 exception of Ms. Echavarria, who we will come  
12 back to later in the meeting.

13 We will forward this information over  
14 to the Mayor and to the Secretary of the District  
15 of Columbia, who will proceed with informing the  
16 electors of their next responsibility with  
17 respect to where and when the vote for D.C. will  
18 take place, where the electors cast their vote,  
19 and how that process will move forward.

20 That will be up to the Mayor and  
21 Kimberly Bassett, the Secretary of the District  
22 of Columbia. Any registered voter, and of

1 course, any candidate to a contest who would like  
2 to file for a recount of the results has seven  
3 days from today to do so, and they file with the  
4 registrar of voters.

5 If the vote is more than 10 of a  
6 difference, like, anyone filing and requesting a  
7 recount will have to pay per precinct as they  
8 request the recount to be filed, as well as for  
9 the staff time put toward conducting the recount.

10 The seventh day expires on December  
11 9th. The Board will conduct any recount that is  
12 requested, if any are requested, on Friday,  
13 December 11th and 12th, if needed.

14 So just a little bit about the details  
15 associated with this election, election worker  
16 training and recruitment division trained 3712  
17 election workers over 12 weeks that began on  
18 August 4th and ended on October 20th.

19 According to our allocation list, we  
20 trained about 1553 more workers than we estimated  
21 that we needed, that were trained as site  
22 coordinators, registration clerks, ballot clerks,

1 voter assistance clerks, and we also had our area  
2 reps that were also trained.

3 They conducted 58 registration  
4 classes, 33 ballot clerk classes, 54 voter  
5 assistance classes, and 12 site coordinator  
6 classes. During early voting, there were 2120  
7 election workers assigned to the 32 early vote  
8 centers throughout the week, that was with  
9 alternative work shifts.

10 They had morning shifts and afternoon  
11 shifts, which I'm going to say was a real  
12 challenge doing this. We've never had 32 early  
13 vote centers and that staff is to be commended  
14 for being able to pull that off and put that  
15 together. It was a heavy lift.

16 We also had, on Election Day, there  
17 were 2150 election workers that managed the vote  
18 centers all day Election Day. As you know, we  
19 installed 55 mail ballot drop boxes that were  
20 available to voters to deposit their ballots  
21 between October 5th and November 3rd.

22 There was also an interactive map that

1 allowed voters to locate both the closest drop  
2 boxes and the vote centers for them to vote based  
3 on their address or wherever they were trying to  
4 vote from.

5 For simplicity, we did place a drop  
6 box at every public library, with the exception  
7 of Lamond-Riggs, due to construction, and that  
8 made it easy for individuals to identify at least  
9 one place where they know they could go to drop  
10 their mail ballots off.

11 Ballot tracks operated for our voters  
12 to track their ballots for ballots deposited  
13 through USPS or the mail drop box. It was  
14 tracked and voters were able to follow the travel  
15 path of their ballots back to our offices through  
16 the Web site.

17 Ballot tracks showed if the ballot was  
18 both received and accepted. Update, with respect  
19 to our outreach activities, the voter education  
20 and outreach division was responsible for our  
21 senior residential ballot collection program and  
22 they collected from 57 senior buildings and

1 facilities that participated in that program.

2 They, along with our Board  
3 coordinators, collected a total of 1191 ballots  
4 from those facilities with a week prior to the  
5 election. And they did that throughout the day,  
6 from October 27th through Monday, November 2nd.

7 And as you know, the staff and Board  
8 Members participated in a number of meetings, ANC  
9 meetings, civic association meetings, and other  
10 types of general web-sponsored meetings that we  
11 were requested to participate in.

12 The goal was to make sure that while  
13 things were different this year, as it relates to  
14 voting, we wanted to make certain that the  
15 November election was as seamless as possible.  
16 At the end of the day, we wanted to make sure  
17 that everyone had what they needed and everyone  
18 worked hard to make that happen.

19 With respect to media outreach for  
20 this election, we had over 200 media inquiries  
21 and interviews with D.C. BOE Chair and staff.  
22 Those outlets included the Washington Post and

1 all local T.V. stations multiple times. We  
2 advertised two 30-second ads produced for  
3 television in 2700 airings on local T.V. stations  
4 and cable.

5 Online advertising was targeted and  
6 reached about 300,000 District residents with  
7 T.V. ads and with respect to transit advertising,  
8 we had four different digital live broad, meaning  
9 electronic messaging ads, in Metro stations,  
10 mostly in Wards 6, 7, and 8.

11 Radio ads played multiple times daily  
12 and totaled over 1800 airings on Weather and  
13 Traffic Radio, iHeartRadio, WAMU Radio, and on  
14 Radio One.

15 Four different robocall messages were  
16 recorded, targeting approximately 400,000  
17 registered voters. We had text messages that  
18 also went out, reached 200,000 District residents  
19 on their cellphones, 11 print ads, including  
20 weekly e-blasts to the Washington Business  
21 Journal, the city paper, Washington Informer,  
22 Afro-American, I'm sorry, Washington Informer and



1 Afro-American, Georgetown, El Tempo, Washington  
2 Play, HillRag, East of the River, and the Met  
3 City D.C.

4 For yard signs, we distributed over  
5 10,000 yard signs to residents and posted those  
6 on major roads, and we also had about 20,000 door  
7 hangers that were distributed.

8 We sent out four informational post  
9 cards to every registered voter informing them of  
10 various times throughout this process of the  
11 information needed to vote, how to vote, where to  
12 vote, times of voting, hours of voting, and we  
13 sent out one post card to eligible, but  
14 unregistered voters, which told them of their  
15 opportunities to also cast their ballot, even  
16 though they had not yet registered.

17 And I think that about sums up where  
18 we are, what we did for this, for me. I'm done.

19 CHAIR BENNETT: All right. Any  
20 questions, Mr. Gill?

21 MEMBER GILL: No questions.

22 CHAIR BENNETT: Ms. Greenfield, any

1 questions for Ms. Miller?

2 MEMBER GREENFIELD: No questions.

3 CHAIR BENNETT: Ms. Greenfield, you  
4 said no questions?

5 MEMBER GREENFIELD: No questions.

6 CHAIR BENNETT: Okay. Do we have Ms.  
7 Echavarria? All right. Next item on the agenda,  
8 our general counsel, while we try and find Ms.  
9 Echavarria. Let me switch to campaign finance.  
10 Ms. Montgomery, are you prepared to do it now?

11 MS. COLLIER-MONTGOMERY: Okay. Good  
12 morning. Can you hear me now?

13 CHAIR BENNETT: Yes, we can.

14 MS. COLLIER-MONTGOMERY: Okay. All  
15 right. So basically, I will start with giving  
16 the report for the Office of Campaign Finance.  
17 The Agency continues to operate under a modified  
18 --

19 CHAIR BENNETT: Ms. Montgomery, we're  
20 getting some feedback. Can you turn some of the  
21 phones off?

22 MS. COLLIER-MONTGOMERY: Okay. Is

1 that better?

2 CHAIR BENNETT: Yes, it is.

3 MS. COLLIER-MONTGOMERY: Okay. All  
4 right. The Agency continues to operate under a  
5 modified status.

6 CHAIR BENNETT: Ms. Montgomery?

7 MS. COLLIER-MONTGOMERY: Services are  
8 still being provided remotely via email and  
9 telephone at (202) 671-0547. I would report that  
10 on November the 23rd, 2020, the Agency attended  
11 the virtual introduction meeting ---

12 (Audio interference.)

13 MS. COLLIER-MONTGOMERY: Who will be  
14 conducting a financial audit --

15 CHAIR BENNETT: Cecily, you need to --  
16 we had muted you, because there's lots of  
17 feedback.

18 MS. ECHAVARRIA: This is Jacqueline  
19 Echavarria just signing in. Just joining your  
20 call.

21 CHAIR BENNETT: Okay. All right. Ms.  
22 Montgomery, this is really a bit sloppy today,

1           however, we're going to stop with the Office of  
2           Campaign Finance. Try to make sure that the  
3           voice issues are addressed and we're going to go  
4           with the swearing in, since she's here, Ms.  
5           Echavarria?

6                         MS. ECHAVARRIA: Yes. I'm here.

7                         CHAIR BENNETT: Okay. Great. And did  
8           I pronounce your name okay?

9                         MS. ECHAVARRIA: Echavarria.

10                        CHAIR BENNETT: Echavarria.

11                        MS. ECHAVARRIA: That's fine.

12                        CHAIR BENNETT: That's fine. I'm  
13           sorry. Thanks for your patience. I'm going to  
14           swear you in as an elector for the Office of  
15           President and Vice President of the United  
16           States. So if you would please stand and raise  
17           your right hand and repeat after me.

18                        First, if you would provide your full  
19           name and address for the record.

20                        MS. ECHAVARRIA: Jacqueline W.  
21           Thompson-Echavarria.

22                        CHAIR BENNETT: Okay. Thank you. And

1 so repeat after me, please, I, and please state  
2 your full name.

3 MS. ECHAVARRIA: I, Jacqueline W.  
4 Thompson-Echavarria.

5 CHAIR BENNETT: Having been duly  
6 elected as an elector.

7 MS. ECHAVARRIA: Having been duly  
8 elected as an elector.

9 CHAIR BENNETT: For the Offices of the  
10 President and Vice President of the United  
11 States.

12 MS. ECHAVARRIA: For the Offices of  
13 the President and Vice President of the United  
14 States.

15 CHAIR BENNETT: Do solemnly affirm.

16 MS. ECHAVARRIA: Do solemnly affirm.

17 CHAIR BENNETT: That I will vote in  
18 the electoral college.

19 MS. ECHAVARRIA: That I will vote in  
20 the electoral college.

21 CHAIR BENNETT: For the candidates of  
22 the party which I represent.

1 MS. ECHAVARRIA: For the candidates of  
2 the party to which I represent.

3 CHAIR BENNETT: Thank you very much  
4 and sorry for the challenges with the audio, but  
5 congratulations and thank you for your service.

6 MS. ECHAVARRIA: Thank you. Thank you  
7 so much. It's quite an honor.

8 CHAIR BENNETT: All right. Okay. And  
9 I believe Ms. Miller will indicate that we'll  
10 pass it on to the Mayor's office, that you've  
11 been sworn in and you will get instructions as to  
12 how to proceed accordingly.

13 MS. ECHAVARRIA: Okay. Will do.  
14 Thank you so much.

15 CHAIR BENNETT: All right. Thank you.

16 MS. ECHAVARRIA: Have a great day.

17 CHAIR BENNETT: You too.

18 MS. ECHAVARRIA: Bye-bye.

19 CHAIR BENNETT: Okay. So we're going  
20 to switch back to the Office of the -- the  
21 Director of Office of Campaign Finance's report.  
22 And so can we get Ms. Montgomery in? Okay. I

1 think you're on mute, Ms. Montgomery, so let's  
2 try this again. Okay. I think you're in, Ms.  
3 Montgomery. You can unmute yourself, Ms.  
4 Montgomery.

5 MS. COLLIER-MONTGOMERY: Okay.

6 CHAIR BENNETT: Okay. There we go.

7 MS. COLLIER-MONTGOMERY: Okay. Is the  
8 audio better now?

9 CHAIR BENNETT: Yes.

10 MS. COLLIER-MONTGOMERY: Okay. All  
11 right.

12 CHAIR BENNETT: Thank you so much.

13 MS. COLLIER-MONTGOMERY: All right.

14 So I'll continue with my report. And basically,  
15 I had started by saying that we're continuing to  
16 operate under a modified status and we are still  
17 providing all of our services remotely via email  
18 and telephone at (202) 671-0547.

19 On November the 23rd, 2020, the Office  
20 of Campaign Finance attended the virtual  
21 introductory meeting of the D.C. Auditor, who  
22 will be conducting a financial audit of the Fair

1 Elections Program, as required by the Fair  
2 Elections Act.

3 The report will also evaluate the  
4 extent to which the program and the candidates  
5 met the requirements of the Fair Elections Act  
6 and will make recommendations to improve the  
7 program.

8 In the Fair Elections Program  
9 Division, during the month of October, the Agency  
10 authorized, as of October 31, 2020, the total sum  
11 of \$3,932,063.90 in base amount and matching  
12 payments to the 36 candidates who have been  
13 certified in the program to participate in the  
14 June 2nd primary election, the June 16th special  
15 elections, and the November the 3rd, 2020 general  
16 election.

17 There were 20 candidates who were  
18 certified as participating candidates in the  
19 program for the November general elections, 12  
20 candidates certified as participating candidates  
21 in the June 2nd primary election, and 4  
22 candidates certified as participating candidates



1 in the June 16, 2020 special election.

2 During October 2020, the total sum of  
3 \$404,246.90 was authorized in 49 transactions for  
4 the disbursement of base and matching payments to  
5 17 FEP participating candidates.

6 That information, which includes the  
7 name of the candidate, as well as the payment  
8 which was made, and the date on which the payment  
9 was made, is included in the report of the Office  
10 of Campaign Finance, which will be posted at our  
11 website --

12 CHAIR BENNETT: You went back on mute,  
13 Ms. Montgomery.

14 MS. COLLIER-MONTGOMERY: All right.  
15 Okay. In the Fair Elections Division during the  
16 month of November, the division conducted 78 desk  
17 reviews of the reports that had been filed during  
18 the month and issued 24 requests for additional  
19 information to the committees who had filed the  
20 reports.

21 The division also issued five status  
22 reports which denied matching payments to

1 certified participating candidates who had  
2 reached the maximum allowable cap on the  
3 distributions for matching payments.

4 In the Fair Elections Division, there  
5 are currently 14 ongoing audits and 10 of those  
6 audits are post-election audits of candidates and  
7 committees who participated in the June 2, 2020  
8 primary election, and those were initiated on  
9 June the 19th, 2020.

10 There are also four post-election  
11 audits of candidates and committees who  
12 participated in the June 16th special election,  
13 and those audits were initiated on July the 6th,  
14 2020.

15 And again, because of the amount of  
16 information, I would just indicate to the public  
17 that our report will appear at our website by the  
18 close of business today and at that point, we can  
19 also review the status of those audits and the  
20 names of the committees that are under audit.

21 During the month of November, the Fair  
22 Elections Program Division, as of November the

1 30th, again, the total sum of \$3,939,524 has been  
2 disbursed in base amount and matching payments.  
3 And during the month of November, the amount  
4 increased due to the authorization for the total  
5 sum of \$7461, which was distributed in matching  
6 payments to three candidates participating in the  
7 program.

8 Again, the dates and names of the  
9 candidate and the amount of the matching payment  
10 being listed in our report, which will be made  
11 available at our website this evening.

12 As I stated previously, there were 20  
13 candidates who were certified as participating  
14 candidates in the program for the November  
15 general election and the following candidates  
16 were elected to public office in the general  
17 election.

18 The first one is Christina D.  
19 Henderson, at-large member of the council,  
20 Janeese Lewis George, Ward 4 member of the  
21 council, Trayon White, Ward 8 member of the  
22 council, Allister Chang, Ward 2 member of the

1 State Board of Education, Eboni-Rose Thompson,  
2 Ward 7 member of the State Board of Education,  
3 Carlene D. Reid, Ward 8 member of the State Board  
4 of Education.

5 During the month of November, the  
6 division conducted 11 desk reviews of receipts of  
7 reports of receipts and expenditures, issued 6  
8 requests for additional information, and issued,  
9 again, 2 status reports denying matching payments  
10 to certified candidates who had, in fact, reached  
11 the maximum allowable cap on distributions for  
12 matching payment.

13 Also in November, the 14 committees  
14 which are under audit remain under audit. The  
15 names of those committees are listed in our  
16 report and the status of their audits is also  
17 available in the report.

18 Again, those were audits that are  
19 ongoing of ten candidates who participated in the  
20 June primary elections and also post-election  
21 audits of the four candidates who participated in  
22 the special election.

1                   In our Public Information and Records  
2 Management Division, there were three filing  
3 deadlines as follows in October, which occurred  
4 on October the 1st, and the first one was the  
5 Constituent Service Program. The October the 1st  
6 report of receipts and expenditures, there were  
7 nine required filers, all nine timely filed.

8                   There were extensions, two extensions  
9 granted, and also, all nine of the required  
10 filers electronically filed their reports. With  
11 our Senator Representative Statehood Fund,  
12 October the 1st was also the deadline for the  
13 filing of the report of receipts and  
14 expenditures.

15                   There were three required filers and  
16 all three timely filed, and all three  
17 successfully electronically filed their reports.  
18 With the Legal Defense Committees, the tenth  
19 report of receipts and expenditures was due on  
20 October 1st. There was one required filer, the  
21 filer timely filed, and also, electronically  
22 filed the report.

1                   There also were two reports which were  
2                   due -- I'm sorry, three reports which were due on  
3                   October the 10th. The first was by our principle  
4                   campaign committees and political action  
5                   committee. There were 74 required filers, 72  
6                   timely filed, 1 late file, there were 3  
7                   extensions requested and granted.

8                   We had six failures to file and a  
9                   total of seven referrals to the Office of the  
10                  General Counsel for non-compliance with the  
11                  filing requirements. In total, there were 73 who  
12                  electronically filed.

13                  Also, October the 10th was the filing  
14                  of the report of receipts and expenditures by our  
15                  committees who are registered in the Fair  
16                  Elections Program. There were 44 required  
17                  filers, 36 timely filed, 3 requested extensions,  
18                  which were granted, 8 failed to file, and there  
19                  were 8 referrals to the Office of the General  
20                  Counsel for enforcement.

21                  And all of the 36 timely filers also  
22                  electronically filed their reports. October the

1 10th was also the filing deadline for the report  
2 of independent expenditure committees. There  
3 were four required filers, three timely filed,  
4 one late filed, and that committee was referred  
5 to the Office of the General Counsel for  
6 enforcement.

7 And all four of the committees who  
8 filed did, in fact, successfully electronically  
9 filed their reports.

10 With our principle campaign committee  
11 and political action committee, October the 26th  
12 was the deadline for the filing of the eight-day  
13 pre-general report of receipts and expenditures.

14 There were 71 required filers, 56  
15 timely filed, 1 late filed, there were 3  
16 extensions which were requested and granted,  
17 there were 14 failures to file, and in total,  
18 there were 15 referrals to the Office of the  
19 General Counsel.

20 And all 57 of the filers who did, in  
21 fact, file, electronically filed their reports.  
22 With our Fair Elections Program principle

1 campaign committees, again, October the 26th was  
2 the filing also for their eight-day pre-general  
3 elections report of receipts and expenditures.

4 There were 26 required filers, 19  
5 filed, 2 requested extensions, which were  
6 granted, 7 failed to file and were referred to  
7 the Office of the General Counsel for  
8 enforcement. And the 19 committees that did file  
9 also successfully electronically filed their  
10 reports.

11 Also, we had four independent  
12 committees, expenditure committees, who were  
13 required filers with respect to the eight-day  
14 pre-general election report, which was due,  
15 again, on October the 26th.

16 Three timely filed, one late filed,  
17 that one late filer was referred to the Office of  
18 the General Counsel for enforcement, and all four  
19 of the committees who filed their reports  
20 successfully electronically filed their reports.

21 We had one committee to register  
22 during the month of October 2020, and this is a



1 traditional campaign finance committee, the  
2 Citizens to Elect Bill Lewis 2020 registered on  
3 October the 28th, 2020.

4 We had three candidates for treasurers  
5 who completed the entrance conference mandatory  
6 presentation for October 2020. The first was  
7 Tanika Washington, Treasurer 2020, Elect Dorothy  
8 Douglas for At-Large State Board of Education,  
9 the second was Christopher Eteese, Candidate  
10 Chris Education Tech Ward 2, and the third was  
11 Steven Gilfus, Treasurer Chris Eteese Education  
12 Tech Ward 2.

13 Again, in terms of the referrals to  
14 the Office of the General Counsel for the  
15 failures to file their, to timely file, we had 16  
16 committees who were referred, and their names and  
17 the names of their treasurers will be available  
18 when our report is filed this afternoon for  
19 viewing by members of the public.

20 During the month of November 2020,  
21 this is the report for our audit division and our  
22 audit division that is responsible for the

1 reports that are filed in our traditional  
2 program.

3 And basically, with the -- oh, I'm  
4 sorry. I skipped in my report. The next section  
5 that I will provide is for the production stats  
6 for November 2020. And in the Public Information  
7 and Records Management Division, there was only  
8 one report was due in November and that was for  
9 the legal defense committees. And that was the  
10 11th report of receipts and expenditures, which  
11 was due on November the 1st, and that report was  
12 timely filed and also was electronically filed.

13 And during the month of November, the  
14 Public Information and Records Management  
15 Division referred 23 committees to the Office of  
16 the General Counsel for various failures to  
17 timely file or failures to file reports of  
18 receipts and expenditures which were due. And  
19 the list of those committees and their treasurers  
20 will be available for review by members of the  
21 public this afternoon when our report is posted.

22 The last report which I'll give is for

1 the Reports Analysis and Audit Division, and  
2 this, basically, is the division of the Office of  
3 Campaign Finance which is responsible for the  
4 monitoring and the review of the financial  
5 reports filed by our traditional committee.

6 During the month of October, the  
7 Reports Analysis and Audit Division desk reviewed  
8 131 reports of receipts and expenditures which  
9 had been filed with the agency.

10 They also issued 39 requests for  
11 additional information to the various committees  
12 where deficiencies were found during the desk  
13 review process, and the Audit Branch resolved 28  
14 of those matters and referred one to the Office  
15 of the General Counsel for enforcement.

16 There are currently nine ongoing  
17 audits by the Reports Analysis and Audit  
18 Division. There are three periodic random audits  
19 of candidates who participated in the 2020  
20 election of the January 31st filing.

21 The first was Friends of Robert White,  
22 the preliminary draft statement of findings was

1 under review, Veda for Ward 7, again, the  
2 preliminary draft statement of findings was under  
3 review, and the third is Committee to Elect  
4 Rogers for Council.

5 The audit field work continues and the  
6 audit field work is partially complete. We also  
7 have three periodic random audits of political  
8 action committees with respect to the January  
9 31st filing.

10 The first is Verizon Communications  
11 Inc. for Good Government Club PAC. The audit  
12 report is under review. The second is the D.C.  
13 Libertarian Party. The audit report was issued  
14 on October the 8th. And the third is the  
15 Firefighters Committee on Political Activities.  
16 The preliminary draft statement of findings was  
17 issued on November the 2nd.

18 With our periodic random audits of  
19 constituent service programs and this periodic  
20 random audit was conducted of the October the  
21 1st, 2020 filing. The first was the Citizens  
22 Outreach Fund. The audit report was issued on

1 October the 30th.

2           The second is Do Something  
3 Constituents Fund. The preliminary draft  
4 statement of findings is under review. And the  
5 third was the Ward 7 Constituents Fund. The  
6 audit report is under review.

7           And again, the audit branch issued two  
8 audits during the month of October. And the  
9 first one, again, was the D.C. Libertarian Party  
10 PAC, which was issued on October the 30th, and  
11 the Citizens Outreach Fund, which was issued on  
12 October the 30th, and both of those reports are  
13 available at the OCF website for review by the  
14 public.

15           During the month of November, the  
16 audit branch issued -- or I'm sorry, desk  
17 reviewed 32 reports of receipts and expenditures.  
18 It also, during the month of November, resolved  
19 22 follow-up letters to committees concerning  
20 deficiencies found on the reports of receipts and  
21 expenditures.

22           Again, there are five ongoing audits

1 currently in the audit branch, periodic random  
2 audits of the candidates in the 2020 election,  
3 again, of the January 31st filing. Friends of  
4 Robert White, the preliminary draft statement of  
5 findings was issued on November the 5th, 2020,  
6 and the audit report is under review.

7 Veda for Ward 7, the preliminary draft  
8 statement of findings was issued on November the  
9 1st and the audit report is under review. And  
10 Committee to Elect Rogers for Council. The audit  
11 field work is continuing and partially complete.

12 With the periodic random audits of  
13 political action committees for the January 31st  
14 filing, the Firefighters Committee on Political  
15 Activities, the preliminary draft statement of  
16 findings was issued on November the 2nd and the  
17 audit report is under review.

18 We also have a periodic random audit  
19 of constituent service programs, and that is of  
20 the October the 1st, 2020 filing. The Do  
21 Something Constituents Fund, the preliminary  
22 draft statement of findings was issued on

1 November the 11th.

2 We issued two audits during the month  
3 of November. The first was the Ward 7  
4 Constituent Services Fund. The report was issued  
5 on November the 12th. The second is the Verizon  
6 Communications Inc. Good Government Club PAC, and  
7 the audit report was issued on November the 13th.

8 And again, the audit reports are  
9 available at the OCF Web site for review by the  
10 public and before the close of business today we  
11 will post our reports so the public has access to  
12 the information that is provided in the report of  
13 the Office of Campaign Finance.

14 I would now ask the General Counsel,  
15 William Sanford, if he's on the line, to present  
16 the report for the Office of the General Counsel.

17 CHAIR BENNETT: Thank you. Mr.  
18 Sanford? Okay. Mr. Sanford, unmute yourself.  
19 We're going to unmute everybody so we can hear  
20 you, Mr. Sanford.

21 MR. SANFORD: Good morning, Mr.  
22 Chairman.

1                   CHAIR BENNETT: Good morning, Mr.  
2                   Sanford.

3                   MR. SANFORD: Good morning, Mr.  
4                   Chairman and distinguished board members. This  
5                   is William Sanford, General Counsel for the  
6                   Office of Campaign Finance. During the month of  
7                   October, the Office of the General Counsel  
8                   received 17 referrals, completed 13 informal  
9                   hearings, and issued 13 orders, which included  
10                  the following.

11                  Eight audits were issued in which no  
12                  fines were imposed and five orders were issued in  
13                  which fines totaling \$8500 were proposed.

14                  During the month of October 2020, the  
15                  Office of the General Counsel also transmitted 16  
16                  petitions for enforcement to the Office of the  
17                  General Counsel for the Board of Elections.  
18                  During the month of October 2020, the Office of  
19                  the General Counsel for the Office of Campaign  
20                  Finance imposed fines against the following  
21                  respondents.

22                  A fine of \$2050 was imposed against



1 the Urban Red PAC, a fine of \$2050 was imposed  
2 against the Money Supply Initiative, a fine of  
3 \$2050 was imposed against the D.C. Republic  
4 Recovery Act Initiative, a fine of \$2050 was  
5 imposed against the U.S. Citizens Recovery  
6 Initiative, and a fine of \$300 was imposed  
7 against the Dump Trump Initiative.

8           During the month of October 2020,  
9 there were two open investigations in the Office  
10 of the General Counsel at the Office of Campaign  
11 Finance. They included OCF Investigation 2020-  
12 009, the complainant was Jenny Malloy, the  
13 complaint was received on May 19th. The  
14 respondent was Karl Racine for Attorney General  
15 2018.

16           The allegation was inappropriate use  
17 of campaign funds. The investigation was  
18 completed and the order was issued on October 26,  
19 2020.

20           The second investigation was OCF 2020,  
21 Investigation Number 009, the complainant was  
22 Chuck Thies, the complaint was received on the

1 28th of May 2020, the respondent was Anthony  
2 Lorenzo Green, the allegation was inappropriate  
3 use of government resources, and the  
4 investigation was completed, and an order was  
5 pending during the month of October.

6           During the month of October 2020,  
7 there were no show-cause proceedings and no  
8 requests for interpretive opinions were  
9 requested.

10           During the month of November 2020, the  
11 Office of the General Counsel received 17  
12 referrals from the public -- excuse me, the  
13 office received 24 referrals, completed 13  
14 informal hearings, and issued 13 orders, which  
15 included the following.

16           One order was issued in which no fine  
17 was imposed and 12 orders were issued in which  
18 fines totaling \$13,600 were imposed.

19           During the month of November 2020, the  
20 Office of the General Counsel also transmitted  
21 three petitions for enforcement to the Office of  
22 the General Counsel for the Board of Elections.

1                   During the month of November 2020, the  
2 Office of the General Counsel imposed fines  
3 against the following respondents. A fine of  
4 \$500 was imposed against Committee to Elect  
5 Stewart Anderson. A fine of \$300 was imposed  
6 against the Committee to Elect Stewart Anderson.

7                   A fine of \$1800 was imposed against  
8 Callie for State Board of Education. A fine of  
9 \$1800 was imposed against Toliver for Ward 4. A  
10 fine of \$300 was imposed against Reid for Ward 1  
11 2018. A fine of \$250 was imposed against Vote  
12 Fria Moore 2020.

13                   A fine of \$1800 was imposed against  
14 the Committee to Elect Alpha Bah. A fine of  
15 \$1850 was imposed against D.C. Choice. A fine of  
16 \$1400 was imposed against Ivan Cloyd for U.S.  
17 Representative. A fine of \$400 was imposed  
18 against Trayon White for Ward 8.

19                   A fine of \$1400 was imposed against  
20 Edwards for Ward 4. And a fine of \$1800 was  
21 imposed against Ivan Cloyd, U.S. Representative.

22                   During the month of November 2020,

1 there was one open investigation. That was  
2 Investigation Number OCF 2020-009. Complainant  
3 was Chuck Thies. The complaint was received on  
4 May 28, 2020. The respondent was Anthony Lorenzo  
5 Green. The allegation was inappropriate use of  
6 government resources.

7 The investigation was completed and  
8 the order was issued on November 30, 2020.  
9 During the month of November 2020, there were no  
10 requests for interpretive opinions and no show-  
11 cause proceedings were conducted, and that should  
12 conclude my report.

13 CHAIR BENNETT: Thank you, Mr. Sanford  
14 and Ms. Montgomery. If you're still on the line,  
15 I assume that concludes your report. Okay.

16 MS. COLLIER-MONTGOMERY: I just have  
17 one item that I am trying to clarify and I may  
18 ask to address the board later on in the meeting.

19 CHAIR BENNETT: Okay. Thank you, Ms.  
20 Montgomery. We'll --

21 MS. COLLIER-MONTGOMERY: Thank you.

22 CHAIR BENNETT: If you want to do

1 that, we'll do that at a board matter, okay?

2 MS. COLLIER-MONTGOMERY: All right.

3 Thank you.

4 CHAIR BENNETT: Thank you. Ms.

5 Stroud, General Counsel's report.

6 MEMBER GILL: So essentially, I just  
7 wanted -- before -- and it can be this meeting or  
8 we can take it up next month, but this is not a  
9 question for you now, but just to put it on your  
10 radar screen, when fair elections process first  
11 kicked off, you know, one of my questions early  
12 on was that you had people who can receive money  
13 through it who are not actually candidates yet.

14 And one of my concerns was, the money,  
15 you know, to be spent on disseminating policy  
16 views so that you can differentiate yourself, and  
17 I was worried that money was going to be spent on  
18 more of the bureaucratic side, signature  
19 gathering and things like that, so I am, sort of,  
20 curious, now that we've been through a cycle, and  
21 maybe this is something we could report on or we  
22 can do offline and then report at a future

1 hearing.

2 But I am sort of curious now, we  
3 tracked what the expenses were, we tracked where  
4 the money went, what the percentage was, how many  
5 potential candidates applied that never got on  
6 the ballot, for whatever reason, it would just be  
7 nice to track all these things so we have --  
8 we're starting from zero, we can only -- we've  
9 don't it one time, but I'd like to start a  
10 process of keeping track of that type of  
11 information going forward.

12 So you don't need to answer now, I  
13 just wanted to put it on your radar screen.

14 CHAIR BENNETT: Okay. And I should  
15 have asked if there are any questions from Board  
16 Members. Do you have anything, Mr. Gill?

17 MEMBER GILL: No, that's it.

18 CHAIR BENNETT: Okay. Ms. Greenfield,  
19 do you have any questions for Ms. Montgomery or  
20 Mr. Sanford?

21 MEMBER GREENFIELD: No, I do not.

22 CHAIR BENNETT: Okay. Great. Thanks,

1 Ms. Montgomery. We'll --

2 MS. COLLIER-MONTGOMERY: All right.

3 Thank you.

4 CHAIR BENNETT: Maybe a little later,  
5 before the end, for Ms. Montgomery. Ms. Stroud,  
6 General Counsel's report.

7 MS. STROUD: Good afternoon, everyone.  
8 The first item on my agenda is a final ruling  
9 where we will amend Chapters 5 and 7 to place  
10 them into conformity with the General Elections  
11 Preparation Emergency Amendment Act of 2020,  
12 clarify that cameras may be used in voting and  
13 counting locations as long as they do not disrupt  
14 or interfere with the election administration  
15 process, and establish that requests for absentee  
16 ballots must be received by the 15th day before  
17 Election Day.

18 A notice of emergency and proposed  
19 rulemaking with respect to this action was  
20 published in the D.C. Register in September 11th.  
21 No written comments on the proposed rules were  
22 received during the public comment period and no

1 substantive changes have been made to the  
2 regulations as proposed.

3 So I would ask for a motion to approve  
4 this rulemaking so that they can be published in  
5 the D.C. Register, upon which time they will  
6 become effective immediately.

7 CHAIR BENNETT: Mr. Gill, can I get a  
8 motion?

9 MEMBER GILL: I make a motion to  
10 approve the rulemaking.

11 CHAIR BENNETT: Ms. Greenfield, can I  
12 get a second?

13 MEMBER GREENFIELD: I second.

14 CHAIR BENNETT: Okay. It's been  
15 properly moved and seconded to approve the motion  
16 for rulemaking as presented by the General  
17 Counsel. I'll get a voice vote. Ms. Greenfield?

18 MEMBER GREENFIELD: Aye.

19 CHAIR BENNETT: Mr. Gill?

20 MEMBER GILL: Aye.

21 CHAIR BENNETT: And aye for me, so  
22 it's unanimous. Your request is approved, Ms.



1 Stroud.

2 MS. STROUD: Thank you. And so these  
3 rulemakings will be sent to the D.C. Register,  
4 where they will be published in next Friday, not  
5 the coming Friday, but next Friday's edition of  
6 the D.C. Register.

7 CHAIR BENNETT: Okay.

8 MS. STROUD: Next on the agenda is my  
9 litigation status. I have four matters, two of  
10 which are consolidated. The first is William V.  
11 Hunt v the Board. This is a matter that was  
12 filed in the U.S. District Court for D.C. over  
13 two years ago in October of 2018.

14 It's a complaint regarding the  
15 counting of the write-in votes cast in the  
16 November 2018 general election. Mr. Hunt  
17 requested that the Board count the write-in votes  
18 past the mayoral contest. The Board was not  
19 obligated to because the number of write-in votes  
20 cast was not sufficient to elect a write-in  
21 candidate.

22 And as a result of the Board not

1 counting the write-in votes, Mr. Hunt sued. The  
2 Board filed a motion to dismiss in April 2019.  
3 The motion was granted on March 10th of 2020.  
4 Mr. Hunt appealed to the D.C. Court of Appeals in  
5 April of 2020 and Mr. Hunt's appeal was dismissed  
6 as untimely on September 29th of this year.

7 And so this matter is no longer being  
8 litigated and final, and will not appear on the  
9 Board's litigation status going forward.

10 The next two matters are consolidated.  
11 They are Phillip Hammond v the D.C. Board of  
12 Elections and Robin Marlin v the D.C. Board of  
13 Elections. These matters were filed in the D.C.  
14 Court of Appeals and they are appeals of Board  
15 Orders 19-32 and 19-33, both of which upheld the  
16 resolution of ANC 7B, which found no vacancies in  
17 single-member district 7B04 and 7B05, on the  
18 basis that the incumbent -- that the petitioners  
19 did not meet the burden of proving that the  
20 sitting commissioners, Nicole Smith-McDermott and  
21 Villareal Johnson, did not meet residency  
22 qualifications to serve as ANC commissioners in

1 their respective single-member districts.

2 The petitioners filed their brief on  
3 this matter nearly a year ago, in December of  
4 2019, and their appendix on March 4th, the Board  
5 filed a response on April 5th via electronic  
6 filing, and we expect the court to decide the  
7 merits on the paper soon.

8 The final matter is Alliance Party v  
9 the Board. This matter was filed in the  
10 District's Federal District Court, and was  
11 handled by the District Office of the Attorney  
12 General. It involved a complaint for declaratory  
13 and adjunctive relief against the Board, and it  
14 sought to preclude the Board from enforcing the  
15 August 5, 2020 ballot access filing deadline  
16 against independent and third-party candidates  
17 for the Office of President, because reduced  
18 signature requirements were lowered for several  
19 citywide offices and board offices through the  
20 passage of the General Election Preparation  
21 Emergency Amendment Act of 2020, that did not  
22 occur until after the August 5th deadline for

1 ballot access had passed.

2           Thereby, preventing independent and  
3 third-party candidates from being able to take  
4 advantage of the reduced signature requirement.

5           The court denied the plaintiff's  
6 motion for a temporary restraining order on  
7 September 3rd. The plaintiffs insisted on still  
8 litigating the court -- the case on the merits on  
9 November 5th. The Office of the Attorney General  
10 filed a motion to dismiss and a court order is  
11 still pending in this matter.

12           And that concludes my litigation  
13 status report.

14           CHAIR BENNETT: Okay. Do we have --  
15 and you have orders to issue, right?

16           MS. STROUD: Board matters.

17           CHAIR BENNETT: Okay. All right. Any  
18 questions, Ms. Greenfield, for Ms. Stroud on the  
19 litigation report?

20           MEMBER GREENFIELD: No, I don't have  
21 any.

22           CHAIR BENNETT: Okay. Mr. Gill?

1 MEMBER GILL: No, thank you.

2 CHAIR BENNETT: Okay. So we are now  
3 at Board matters, I believe. And I'll take the  
4 first swing. Oh, well, let me stop. Ms.  
5 Montgomery, was there another matter you wanted  
6 to bring up before we went to Board matters?

7 MS. COLLIER-MONTGOMERY: If you can  
8 just allow me a few more seconds, I have not  
9 received a confirmation yet, but as soon as I do,  
10 I will let you know.

11 CHAIR BENNETT: Okay.

12 MS. COLLIER-MONTGOMERY: Okay. Thank  
13 you.

14 CHAIR BENNETT: Thank you. I just  
15 wanted to, I guess, point out a couple things.  
16 One is, and that is, to give high praise and  
17 compliments to the Office of Campaign Finance.  
18 During this pandemic and during this incredibly  
19 contentious election process, and lots of issues,  
20 you rarely heard anything from the Office of  
21 Campaign Finance.

22 And in that business, that's a good

1 thing. The processes worked almost flawlessly,  
2 they got things done, I rarely received any  
3 comments from any candidates about anything  
4 happening at the Office of Campaign Finance, and  
5 so that, in and of itself, is high praise and  
6 compliments for the men and women of the agency,  
7 and certainly, the leadership.

8 I want to point out, though,  
9 specifically, that the Fair Elections Program was  
10 brand spanking new, as my Southern roots are  
11 coming out, and that particular program had to  
12 get started out and had to function in the midst  
13 of all the other things going on.

14 And they were able to meet the needs  
15 of the candidates, not being here in the office,  
16 doing things virtually, and just did a  
17 magnificent job, so I wanted to compliment,  
18 specifically, not just Ms. Montgomery as the  
19 director, but also, Eric Jackson and his team  
20 that managed the Fair Elections Program for all  
21 their hard work and incredible competence.

22 It's not just hard work to make things

1 happen, it's also competence, and so they just  
2 performed under extreme circumstances and  
3 incredibly well.

4 Also, too, I wanted to point out a  
5 couple of things that the -- and to go as far as  
6 to compliment the men and women of the Board of  
7 Elections and the agency in terms of the  
8 administration of the election.

9 I've got just tons and tons of  
10 compliments from a number of people around the  
11 city that felt like that the agency did just a  
12 magnificent job of keeping them safe and making  
13 sure that their ability to cast ballots were done  
14 in an incredibly effective way and easy.

15 So I wanted to particularly comment  
16 and read into the record comments received from  
17 Ms. Barbara Press, who's 95 years old, who  
18 commented that -- how incredibly easy it was for  
19 her to vote in the process.

20 I also received an incredible  
21 compliment from the former deputy Postmaster  
22 General, Mr. Ron Stroman, about the process and

1       how impressed he was with how the mail process  
2       balloting worked for us, and particularly, it was  
3       the very first time.

4               So lots and lots of kudos from around  
5       the city of support and compliments for the women  
6       and men of the agency.

7               Also, too, to note, I don't think Ms.  
8       Miller noted that the Brookings Institute did a  
9       study of the mail process for every jurisdiction  
10      in the United States, and they only gave out  
11      eight A's, two on the East Coast, and the two on  
12      the East Coast were the District of Columbia and  
13      New Jersey.

14              The other six were on the West Coast,  
15      so kudos to the agency for that. Also, I wanted  
16      to thank both my colleagues, my Board Members,  
17      Mr. Gill and Ms. Greenfield, for being incredibly  
18      engaged and supportive in the process over the  
19      course of the last six months.

20              This is not a one-person or one group  
21      of persons show, it was a combination of all the  
22      persons that were involved and a part of the



1 agency, and especially the Board Members that  
2 helped make all this stuff happen.

3 Co-workers, and also, too, oddly  
4 enough, somebody may find this odd that I would  
5 thank the media, the media has oftentimes been  
6 very combative with us. During this election  
7 process, I have to say that the media, in almost  
8 every instance, was incredibly supportive in  
9 trying to make sure that the mission of the  
10 agency was, in fact, met.

11 When I asked the media to focus on  
12 early voting, they did so. When I asked them to  
13 give us an opportunity to speak to people in ways  
14 that we hadn't done so before, they responded.  
15 And it was television, radio, and so many, many,  
16 many persons in the media should be thanked for  
17 the way they provided information to the public.

18 And lastly, the senior staff of the  
19 agency, I wanted to thank Ms. Miller, Ms. Stroud,  
20 who worked incredible hours, who also worked very  
21 short-staffed to make things happen, and they  
22 were always there and available, and focused, on

1 getting things done.

2 In particular, I had Ms. Stroud seem  
3 to lose attorneys almost by the day sometimes,  
4 and so -- but nothing was ever late, everything  
5 was done in an incredibly confident way, and most  
6 appreciated by the Board.

7 And nothing could ever be said enough  
8 for the leadership of Ms. Miller. She's all of  
9 our leaders, including the Board Members,  
10 especially mine, and so I really, really thank  
11 her for her excellence in terms of the way things  
12 moved through.

13 And since this is Board matters, you  
14 don't have an opportunity to respond. And so  
15 with that, I'll pass it over to Mr. Gill on the  
16 Board matters.

17 MEMBER GILL: Thank you, Chairman. So  
18 I want to associate myself with the remarks from  
19 the distinguished gentleman from Duke when it  
20 comes to thanking all the staff and volunteers of  
21 the Board of Elections for pulling off a great  
22 election process, not just the day of the

1 election, but the process with the mail-in voting  
2 and the early voting centers, and then the actual  
3 day of.

4 If you'll recall a number of months  
5 ago, one of my concerns was that we had decided  
6 to kind of do an all-of-the-above strategy.  
7 We're mailing ballots to folks, early voting, as  
8 well as, you know, many voting centers on  
9 Election Day.

10 And my concern was that we couldn't  
11 concentrate our resources and do all those well  
12 and should pick one, and my preference was,  
13 because of the pandemic, you know, we shouldn't  
14 be opening all these voting centers, and we  
15 should be focusing and concentrating on mail-in  
16 voting.

17 And what transpired if, we were able  
18 to, through a tremendous turnout in volunteers, a  
19 tremendous support of some of the outside  
20 organizations who made available, and I don't  
21 want to say all of them, because I'll forget some  
22 off the top of my head, but who made their super

1 centers available and who made the early voting  
2 available.

3 To the point where, you know, we put  
4 it out to the people of the District of Columbia,  
5 and we said, in this extraordinary circumstance,  
6 we've got these different options.

7 And the city responded, or the  
8 citizens responded, and said they will take  
9 advantage of the mail voting. They took  
10 advantage of the ballots, they took advantage of  
11 the ballot boxes, they trusted the postal  
12 service, they trusted the ballot boxes, and to  
13 the extent that, as it turns out, we didn't need  
14 the 40 voting centers, precincts, well, I guess  
15 we can't call them precincts, but the 40 voting  
16 centers we had scheduled for Election Day, we  
17 probably didn't need 40.

18 We ended up being required to have 80,  
19 and my only concern about that is, that, the  
20 reason I didn't think we should have 144 is the  
21 pandemic. It just wasn't the right thing to do  
22 to ask churches, and halls, and other private

1 entities that normally serve this role to take on  
2 that liability, and to, sort of, get people  
3 congregated, in a lot of cases, very, very small  
4 spaces.

5 By putting the ability to vote through  
6 the ballot boxes and through the postal service  
7 before the city, the citizens responded and said  
8 they will do it through the mail and we didn't  
9 need all that.

10 And so I just -- I find it ironic on  
11 the day -- the same week that we have the  
12 election, the District of Columbia schools didn't  
13 reopen, as they were supposed to, because of the  
14 pandemic, and for the same reasons that this  
15 staff had decided that 144 precincts was not a  
16 good idea.

17 So I want to just reference that and  
18 say that my concern about all the above was  
19 wrong, we were able to do all the above, thanks  
20 to the great work, and the volunteers, and the  
21 support we got.

22 I also want to do a particular thank

1 you to our Chairman, who protected the  
2 independence of this Board, in my mind, over the  
3 course of this process. We are an independent  
4 agency and when elected officials request certain  
5 precincts to be opened, when elected officials  
6 asked for non-public information on voting  
7 totals, when elected officials request, you know,  
8 information that is not public, but it should be,  
9 somehow, given to them, whether it be which  
10 senior citizen centers we're going to be going to  
11 and when we're going to be going to them, all of  
12 which, I am convinced, were done in the absolute  
13 generosity and spirit of trying to help, but the  
14 fact is that this Board is independent because  
15 elected officials, whether they're on the ballot  
16 or not, are perceived of having an interest in  
17 just that type of information.

18           And my role, the statutory reason that  
19 you have someone like me on the Board is to  
20 protect that independence of the agency when it  
21 comes to people that are members of party that  
22 are not the majority party and independent

1 voters.

2 And my concern through this process  
3 never reached a true level of -- I guess it's not  
4 -- I was never concerned because I know that the  
5 Chairman rebuffed numerous attempts to insert  
6 that kind of activity on to the agency and took a  
7 lot of grief on behalf of the staff and on behalf  
8 of Karyn and I, the other Board Members, to  
9 protect the independence of the agency.

10 And I think that the outcome of the  
11 election process vindicates the fact that you  
12 stuck up for this agency, you made sure that we  
13 were not infringed upon, even under the best of  
14 well-meaning circumstances, we should be  
15 independent, and you kept our independence.  
16 Thank you, Mr. Chairman.

17 CHAIR BENNETT: Thank you.

18 MEMBER GILL: That concludes my  
19 remarks.

20 CHAIR BENNETT: Thank you. Ms.  
21 Greenfield, do you have any remarks under Board  
22 matters?

1                   MEMBER GREENFIELD: Yes. First I'm  
2 going to reiterate, repeat, everybody's things  
3 and praise whatever towards, you know, the Board  
4 of Elections, volunteers, poll workers, you know,  
5 staff and everything they did in terms of this  
6 election.

7                   This was the first general election I  
8 got to see up close and as being on the Board.  
9 And we had a plan -- they had it planned early  
10 on, it got a little adjusted, but they had a  
11 plan, like, you know, Michael said, all of the  
12 above, and they implemented and they executed on  
13 it.

14                   And we knew at the time, all through  
15 that when we had the plan, you never know what's  
16 going to happen. We're in the middle of a  
17 pandemic, but they achieved what they intended to  
18 achieve, which is to ensure that the citizens of  
19 D.C. could vote, and could vote safely.

20                   And I went to a number of the sites  
21 and got a lot of kudos for the Board for the  
22 training, because we had a lot of new poll



1 workers, and that also can become a challenge  
2 upon itself, and I got kudos from a lot of the  
3 veterans and a lot of the site people of how well  
4 trained they were, and knew what to do, and  
5 whatever.

6 And so I want to thank them for all of  
7 that and I will back Michael on his comments  
8 about making sure this board is independent,  
9 because, yes, there are a lot of views on how we  
10 should have conducted it, and a decision was  
11 made, and we all backed and supported what the  
12 Board needed to do and to make sure that they  
13 could do it.

14 But I got to give -- you know, I saw  
15 -- this is the first time I saw the process up  
16 that close, and it just, there are a lot of  
17 things that had to get done to get there, and  
18 they were done, and so I want to thank all of  
19 them.

20 And I think everybody, everyone who  
21 voted, should thank all of them. They made it a  
22 much, much better, easier, experience in terms of

1 doing that, so I just want my thanks for that.

2 CHAIR BENNETT: Thank you. All right.  
3 So we're going to wrap-up with the last part of  
4 the meeting and it will be public matters.

5 MS. BRIZILL: Mr. Bennett?

6 CHAIR BENNETT: I'm sorry. Oh, I'm  
7 sorry, I need to issue the Board orders before we  
8 go to public matters. My apologies. Ms. Stroud?

9 MS. STROUD: Hello, so I -- the Board  
10 is prepared to issue two orders and I just wanted  
11 to provide some background as to the matters that  
12 the orders will be issued on.

13 So the first is Aaron Landry and  
14 Daniel Warwick, Petitioners, v the Office of  
15 Campaign Finance, as the Respondent. This is a  
16 request for a hearing de novo. This matter came  
17 before the Board pursuant to Title III DCMR  
18 3709.11, in August, and it was a request for a  
19 hearing de novo with respect to the Office of  
20 Campaign Finance's decision and OCF order 2019-  
21 001, wherein OCF found that advisory neighborhood  
22 commission Commissioners Warwick and Landry, and

1 several other members of the ANC commission,  
2 violated D.C. Official Code 1-1163.36A and 3 DCMR  
3 3301.1A, by allowing the ANC to be, Twitter page,  
4 used for campaign-related activity.

5 In September 2019, a complaint was  
6 filed by Edward Hanlon against the ANC 2B  
7 commissioners alleging that they misused the ANC  
8 2B Twitter account to promote the candidacy of  
9 Patrick Kennedy in violation of the  
10 aforementioned statutes when they allowed the  
11 Twitter account to re-tweet a tweet from  
12 Commissioner Landry's personal Twitter account  
13 that contained a statement that read, "I love the  
14 17th Street festival", and a photograph that  
15 showed activity taking place during the 17th  
16 Street festival, including Patrick Kennedy  
17 campaigning, and tagged Patrick Kennedy, such  
18 that the tag, if it were clicked, led to Patrick  
19 Kennedy's Twitter page, which indicated that he  
20 was running for Ward 2 ANC council in 2020.

21 And so in the record in this case,  
22 there were several filings that had been filed

1 with the Office of Campaign Finance, which  
2 culminated in the proceeding before the Board,  
3 and the Board had the opportunity to deliberate,  
4 in executive session, upon this matter, and they  
5 are now prepared to issue their ruling on the  
6 question that was before the Board, which is  
7 whether or not there was a violation of the  
8 relevant statutes and regulations when ANC 2B  
9 allowed the re-tweet to be posted from that  
10 private account.

11 So if the Board wants to discuss their  
12 ruling or issue their ruling. Again, they have  
13 exited from -- we could vote right now to come  
14 back from executive session with respect to this  
15 matter and the next one so that the Board can  
16 vote on the record, first, with respect to this  
17 one, and then with the next one that I'll discuss  
18 after we wrap-up this matter.

19 CHAIR BENNETT: Okay. Well, I'll get  
20 a motion from Ms. Greenfield to come out of  
21 executive session with regard to both the orders  
22 that we're in the process of issuing, that Ms.

1 Stroud noted. Ms. Greenfield, can I get a motion  
2 to come out of executive session to vote on these  
3 orders?

4 MEMBER GREENFIELD: Yes. I move that  
5 we come out of executive session to vote on these  
6 orders.

7 CHAIR BENNETT: Okay. Mr. Gill, can  
8 I get a second?

9 MEMBER GILL: Second.

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

13 MEMBER GREENFIELD: Aye.

14 CHAIR BENNETT: Mr. Gill?

15 MEMBER GILL: Aye.

16 CHAIR BENNETT: And aye as well, so  
17 it's unanimous, we are now out of executive  
18 session. With regard to the matter of Landry v  
19 the Office of Campaign Finance, the order that  
20 Ms. Stroud just noted, I'd like to get a vote. I  
21 believe we've discussed those in executive  
22 session. Mr. Gill, your vote?

1 MEMBER GILL: I vote aye.

2 CHAIR BENNETT: Ms. Greenfield, your  
3 vote --

4 MEMBER GREENFIELD: Aye.

5 CHAIR BENNETT: -- for Landry v Office  
6 of Campaign Finance.

7 MS. STROUD: And a vote of aye  
8 signifies that you vote that the findings that  
9 there was a violation.

10 MEMBER GILL: So we'll do the vote in  
11 just a few seconds.

12 CHAIR BENNETT: Okay. And so Ms.  
13 Greenfield votes aye, Mr. Gill votes aye in  
14 support of the Office of Campaign Finance, and as  
15 the Chair, I vote nay, and so the ayes have it.  
16 The order in support of the Office of Campaign  
17 Finance is issued. Mr. Gill, did you want to  
18 comment on that?

19 MEMBER GILL: Just because we'll have  
20 a little discussion, I want to read the actual  
21 order that we -- that Karyn and I agreed to,  
22 order that the order is upheld and that the fines

1 imposed therein are reduced to \$50 each for  
2 Commissioners Landry and Ward, pursuant to 3 DCMR  
3 Section 3711.6.

4 So, Michael, I know you want to talk  
5 a little bit about why voted separately, which I  
6 also, by the way, think it's a good thing if we  
7 don't always vote unanimous. From my own  
8 perspective, and, Karyn, you can speak on to this  
9 also, you know, this came down to whether it was  
10 or could easily be an inadvertent use, that it  
11 wasn't schemed, he used public resources to  
12 promote individual campaigns.

13 Be that as it may, it's a slippery  
14 slope, and where I came down on this was, I  
15 thought the original fine was going to be  
16 excessive, but the fact of the matter is, one of  
17 the things that came up during the discussion of  
18 this was, if we think this is illegal, then  
19 there's a whole host of things all over the city  
20 that these, you know, ANC Web sites and other  
21 things that are supported with public funds, you  
22 know, they do this type of thing.

1                   And my answer to that is, well, if  
2                   they do, then they're wrong. And the law doesn't  
3                   take into consideration if it's inadvertent, or  
4                   it's just small, or, oh, he didn't mean it, it  
5                   did allow for campaign information to be  
6                   projected over a public site.

7                   And I thought now is as good a time as  
8                   any before we let this get too far, to just  
9                   remind everyone of the rules, and if it means  
10                  that you can't promote things in your community  
11                  on the public site the way that you have been in  
12                  the past, then so be it.

13                  You know, that's a matter for the  
14                  council to change the rules, but until the rules  
15                  are changed, it does require some vigilance on  
16                  the part of those people that are responsible for  
17                  these sites.

18                  So, you know, we reduced the fine to  
19                  which is a, sort of, you know, not consequential  
20                  amount, because I do think that there was, you  
21                  know, not bad intent on folks here, but be that  
22                  as it may, the violation occurred, in my mind,



1 and that's why I voted aye on this. Karyn?

2 CHAIR BENNETT: Ms. Greenfield, do you  
3 have a comment?

4 MEMBER GREENFIELD: Well, yes, I'm in  
5 agreement with Mike, because I did believe that,  
6 yes, there needs to be some vigilance and I'm not  
7 sure where you then start drawing the line if you  
8 don't, and so I did feel that there was a  
9 violation.

10 I didn't think it was egregious  
11 enough, which is why the fine changed and was  
12 lowered, but I did believe that in this instance,  
13 that that's what had occurred. So I don't --

14 CHAIR BENNETT: Okay.

15 MEMBER GREENFIELD: Yes.

16 CHAIR BENNETT: Well, my comment, I  
17 think the order speaks for -- my dissent speaks  
18 for itself and I will pass on any public comment  
19 accordingly. So -- okay. Do you want me to read  
20 it? Okay. I'll just read my dissent and said,  
21 "I write separately to say that I respectfully  
22 disagree with the conclusion reached by my fellow

1 Board Members. I agree with Mr. Landry's  
2 assertion that an end user would be required to  
3 engage in a series of ongoing intentional actions  
4 to access campaign content, which is completely  
5 unrelated and not directly connected to the ANC  
6 2B Twitter account."

7 "Because of this, I do not view the  
8 ANC 2B Twitter account as having been used for  
9 campaign-related activity, and therefore, find no  
10 violation. I do, however, agree that the  
11 District would be well-served through Office of  
12 Campaign Finance provisional guidance concerning  
13 what constitutes campaign-related activity in the  
14 context of social media."

15 Okay. Ms. Stroud?

16 MS. STROUD: Okay. Thank you. So the  
17 written order, we'll issue before the end of the  
18 week and the next matter upon -- regarding which  
19 the Board will issue an order. First, order  
20 only, and then in a written fashion before the  
21 end of the week, is the in re the matter of the  
22 New Modern-Day Criminal Justice Cannabis Reform

1 Act of 2020.

2 On September 2nd, the Board held a  
3 proper subject matter hearing with respect to the  
4 initiative and they -- so we -- the initiative  
5 was submitted on July 14, 2020, it was submitted  
6 in the proper form, and was supported by a timely  
7 filed verified statement of contributions with  
8 the Office of Campaign Finance.

9 According to its summary statement,  
10 the initiative seeks to terminate all  
11 investigations and prosecutions regarding  
12 cannabis as it applies to recreational use, legal  
13 cultivation, sales and consumption, two, make  
14 unlawful search, seizure, arrest of person, or  
15 vehicle pertaining to cannabis, prohibit arrests,  
16 searches, seizures of citizen's property based on  
17 reasonable suspicion, probable cause indicating  
18 the presence of cannabis, three, retroactively  
19 apply to persons currently arrested, previously  
20 convicted for possession, sale, purchase of  
21 cannabis be expunged, and create an execution  
22 board that will propose these amendments in

1 existing law and rules for the execution of this  
2 initiative.

3 So the Board held a proper subject  
4 matter in response to a request -- matter hearing  
5 in response to a request from the Board, the  
6 Office of the Attorney General submitted a  
7 written opinion to the Board on the propriety of  
8 the initiative.

9 The OAG opinion concluded that the  
10 initiative does not present a proper subject for  
11 initiative because it is an impermissible law  
12 appropriating funds.

13 During the hearing, the Board convened  
14 a special board meeting during which it heard  
15 testimony from the proposer, Ms. Dawn Lee-Cary  
16 and numerous other witnesses, all of whom spoke  
17 in support of the initiative, but not to the  
18 question of whether it presents a proper subject.

19 The Board also hear a summary of the  
20 OAG opinion as well as the recommendation from  
21 the Office of the General Counsel that the  
22 initiative be rejected on the ground that it does

1 not present a proper subject because it amounts  
2 to a law appropriating funds.

3 Other than the OAG opinion, the Board  
4 did not receive any other oral or written  
5 testimony in opposition to the initiative. So  
6 the Board has deliberated on this matter and just  
7 for the record, I just want to inform the public  
8 that the Board is strictly required to only  
9 consider whether an initiative is a proper  
10 subject on the following grounds.

11 It has to be a proper subject under  
12 the terms of the District's charter, which is  
13 Title IV of the District of Columbia Home Rule  
14 Act or -- and it must also be found to have been  
15 accompanied by a verified statement of  
16 contributions, it must be submitted in the proper  
17 form, it must not authorize or have the effect of  
18 authorizing discrimination prohibited under the  
19 Human Rights Act, and it must not negate or limit  
20 an act of the council of the District of  
21 Columbia, so it must not limit a budgetary act of  
22 the council.

1                   And by definition, the term initiative  
2 means the process by which the electors of the  
3 District of Columbia may propose laws, except  
4 laws appropriating funds and present such laws  
5 directly to the voters of the District of  
6 Columbia for their approval or disapproval.

7                   So by its term, an initiative may not  
8 appropriate funds. And so the Board may vote at  
9 this time as to whether or not the initiative  
10 presents a proper subject.

11                   CHAIR BENNETT: Okay. I'd like to get  
12 a motion from Ms. Greenfield, since we're out of  
13 executive session, as to -- in fact, let me just  
14 have Mr. Gill, since he's physically here, as to  
15 whether or not this initiative is a proper  
16 subject for the ballot.

17                   MEMBER GILL: So I make a motion to  
18 agree with the General Counsel's opinion that the  
19 initiative is not a proper subject matter for the  
20 ballot.

21                   CHAIR BENNETT: Ms. Greenfield?

22                   MEMBER GREENFIELD: I second.

1 CHAIR BENNETT: It's been properly  
2 moved and seconded, so let's get a voice vote,  
3 Mr. Gill?

4 MEMBER GILL: Aye.

5 CHAIR BENNETT: Ms. Greenfield?

6 MEMBER GREENFIELD: Aye.

7 CHAIR BENNETT: And aye as well, so  
8 it's unanimous. The initiative is not a proper  
9 subject for ballot access. Thank you, Ms.  
10 Stroud.

11 MS. STROUD: Thank you. As a result  
12 of the Board's vote with respect to the  
13 initiative, the initiative, the New Modern-Day  
14 Criminal Justice Cannabis Reform Act of 2020 is  
15 received, but not accepted, pursuant to D.C.  
16 Official Code 1-1001.16B2.

17 MEMBER GILL: And the full opinion  
18 will be up on the Web site?

19 MS. STROUD: Within the week.

20 MEMBER GILL: Okay.

21 MS. STROUD: Before Friday.

22 MEMBER GILL: Okay.

1 CHAIR BENNETT: Ms. Stroud, does that  
2 conclude your, okay, orders? No? What I'd like  
3 to do now is to move to public matters. I think  
4 I heard Ms. Brizill call my name before we had to  
5 switch, so, Ms. Brizill, if you're still there.

6 MS. BRIZILL: Yes, I'm here.

7 CHAIR BENNETT: Okay. Please, can you  
8 state your name and address for the record, Ms.  
9 Brizill?

10 MS. BRIZILL: Dorothy Brizill, B-R-I-  
11 Z-I-L-L, 1327 Girard Street, NW, Washington, D.C.  
12 I'd like to raise a matter with the Board and get  
13 a sense of where the Board is on a matter that I  
14 believe is going to have a longer shelf life  
15 beyond the November election.

16 And that has to do with the BOE staff,  
17 and I assume the Board, denying citizens or  
18 observers the access to important matters  
19 ongoing. Let me clarify that. As you know, the  
20 Board conducted, over the past two weeks, an  
21 audit of the election returns, and that audit was  
22 conducted on November 23rd and 24th.



1           I had credentials as an observer, but  
2 I was told by your present public information  
3 officer that citizens would not be allowed access  
4 to the audit meeting because of the public health  
5 emergency.

6           Now, as you may know, there's specific  
7 provisions in D.C. Code saying that under D.C.  
8 law, the audit shall be conducted in public view  
9 so that members of the public are able to verify  
10 that votes are correctly classified and tallied.

11           D.C. Code Section 1001.09A, subsection  
12 F. In the response to my inquiry about attending  
13 the audit, I was told that that would not be  
14 allowed because of the public health emergency,  
15 and that I would have to view it online, and that  
16 it would be held two rooms of the Board's  
17 offices, both of which only had ceiling cameras,  
18 so you could not see in detail what was going on  
19 in the room and you could not see, in essence,  
20 what was going on on the tables in terms of the  
21 vote count and tabulation.

22           I mention this because this, to me, is

1 a violation of the law, and indeed, I do not  
2 believe that there were hordes of people seeking  
3 access to the audit meeting. So this is not the  
4 only time that this has happened and been done by  
5 the Board.

6 Indeed, the public and the press were  
7 invited to attend a September 14th process at the  
8 warehouse to view the calibration and preparation  
9 of the voting machines.

10 When you got there, you were told to  
11 stand behind a chain-link fence and you could not  
12 see the screens at all on the machine. And  
13 again, I think my most brazen concern concerns  
14 election night, November 3rd, when I repeatedly  
15 informed your public information officer, before  
16 November 3rd, as well as when I arrived at the  
17 Board offices the evening of November 3rd, that I  
18 wanted to see and observe the tabulation of the  
19 votes in the tabulation room.

20 And indeed, he denied me access to  
21 view the tabulations. Now, if this is the road  
22 that the Board is going to go down, then I and

1 other people would like to know it.

2 If this has been a misunderstanding or  
3 a lack of understanding of how the process has  
4 been done, not only in the past, but what the  
5 process is specified in D.C. Code, then I would  
6 like to know.

7 CHAIR BENNETT: Well, Ms. Brizill, I  
8 am sorry it seemed to go that way. I'm not  
9 familiar with all the details, but we will take a  
10 look at that. One of the things we have focused  
11 primarily on is to make sure that we have been in  
12 compliance with CDC recommendations relative to  
13 social distancing and other things when it comes  
14 to the pandemic.

15 That said, we are still required to  
16 follow the law, as you stated, and we should do  
17 that. So what we'll do, one, there is no intent  
18 in the future to do anything other than to have  
19 public observation of the audit and other  
20 processes that we're required to.

21 So we will -- again, I'm not  
22 personally familiar with, and I don't think any

1 of the other Board Members are personally  
2 familiar with, the exact circumstances that you  
3 described, but we will take those and try to make  
4 sure that, in the future, the law is followed  
5 with regard to our ability to -- or the public's  
6 ability to review those things.

7 And I'm not suggesting that the law  
8 was not followed, but we will certainly take a  
9 look at that and make sure that we do things  
10 going forward that supports the law.

11 MS. BRIZILL: Mr. Bennett, I  
12 appreciate your comment, however, I would note  
13 for the record that on every occasion, especially  
14 prior to the actual audit being conducted on  
15 November the 23rd, I sent emails to you, to Alice  
16 Miller, and so to say now that, oh, we didn't  
17 know, this is sort of after the fact, well, I  
18 accept your presumed apology.

19 The point I'm trying to make is, this  
20 has happened three times, three times, in the  
21 past two to three months. Once over at the  
22 warehouse, when you specifically sent emails

1 inviting people to watch the preparation and  
2 inspection of the voting machines.

3 It happened on election night,  
4 regarding the tabulation of the votes, and then  
5 it happened last week regarding the audit  
6 process.

7 One time, I can maybe assume that it  
8 was a staff error and no one knew, two times, uh-  
9 uh, three times, hell no.

10 MEMBER GILL: Ms. Brizill, this is  
11 Mike Gill, a Board Member, I just want to  
12 clarify, your original concern was over the audit  
13 process, and you said it was a violation of law,  
14 what was provided were cameras to those rooms,  
15 and so I do not believe there was a violation of  
16 law.

17 If you believe there is, I look  
18 forward to seeing that in court. I believe this  
19 exact situation has been raised in the national  
20 election, on whether or not proper observers were  
21 allowed, and in my view, we did exactly what the  
22 law allowed. We allowed observation through the

1 cameras because of the extraordinary incident of  
2 the pandemic.

3 On the other two instances, I'm not as  
4 familiar with those and so I will defer to the  
5 staff to get a better briefing on those, but I  
6 want to be clear, I do not believe what we did in  
7 this audit was a violation of law.

8 MS. BRIZILL: Mr. Gill, you are  
9 familiar with what was done during the audit. I  
10 don't even know if you people even viewed the  
11 online feed of the audit. You have a single  
12 camera in both the board room and in the training  
13 room, in the ceiling.

14 You could not see what was being done,  
15 you could not see ballots, there was no audio,  
16 you could not even hear what was on the table.  
17 So if you think that was in compliance with  
18 citizens being able to view the audit process, I  
19 don't think it is. I know it wasn't. I've  
20 attended past audits.

21 MEMBER GILL: I appreciate your  
22 opinion.

1 CHAIR BENNETT: Okay.

2 MS. BRIZILL: It's not a matter of  
3 opinion, it's the law that you violated.

4 MEMBER GILL: Well, then I appreciate  
5 reading that in the filing. Thank you.

6 CHAIR BENNETT: Is there any other  
7 public matters?

8 MS. BRIZILL: I would like to ask you,  
9 Mr. Bennett, are you going to direct the staff  
10 not to close the doors and violate the D.C. Code  
11 as regard to citizens being able to observe  
12 processes that are specified in the D.C. Code?

13 It's not that I'm making this up, it's  
14 specified in the D.C. Code that citizens should  
15 be allowed to observe the audit.

16 CHAIR BENNETT: Ms. Brizill, we will  
17 not violate the law. I'm not sure the law was  
18 violated in the circumstances that you are  
19 noting, but I do take those under advisement, so  
20 thank you.

21 MS. BRIZILL: Great leadership, Mr.  
22 Bennett. Great leadership.

1 CHAIR BENNETT: Thank you, Ms.  
2 Brizill. I really appreciate that.

3 MS. BRIZILL: I hope you understand  
4 sarcasm.

5 CHAIR BENNETT: Are there other public  
6 matters? Did someone just raise their hand? Did  
7 I hear Mr. Sindram on the line earlier?

8 Seeing and hearing none, going once,  
9 going twice. Thank you for an awesome 2020 and  
10 unless I see something else, that concludes the -  
11 - can I go back to, I'm sorry, Ms. Montgomery,  
12 did you have something else? Somebody's raised  
13 their hand? Who did we have?

14 MS. COLLIER-MONTGOMERY: I'm sorry.  
15 One thing that I wanted to add to my report was  
16 that, when I provided you with the list of  
17 successful candidates in the Fair Elections  
18 Program, I neglected to include Frazier L.  
19 O'Leary, Jr., who was the successful candidate  
20 for Ward 4 member of the State Board of  
21 Education.

22 And the last thing that I just wanted



1 to note for the record too is that I wanted to  
2 follow through with your comments and indicate  
3 that the agency is extremely proud of the success  
4 of the Fair Elections Program, because as you  
5 know, this was the first -- the 2020 election  
6 cycle was the first election cycle which was --  
7 under which the program was conducted.

8 And I would just point out too that  
9 also, you know, I am very thankful to Eric  
10 Jackson and to the members of the Fair Election  
11 Division, and I would also note that there are  
12 other members of the OCF team who also  
13 contributed to this project from the development  
14 of the electronic filing system to the training  
15 of the new candidates and the treasurers under  
16 this program.

17 But most importantly, I would also  
18 like to thank the members of the Office of the  
19 Chief Financial Officer because they made sure  
20 that we were able to make payments on time to  
21 candidates and specifically, that would be  
22 Mohamed Awan and also Than Hughes, who really

1 guaranteed the success of the program, so again,  
2 thank you.

3 CHAIR BENNETT: Thank you. And thanks  
4 so much for bringing those up, Ms. Montgomery.  
5 Gary Griffith, I think, is on the line for public  
6 matters?

7 MR. GRIFFITH: Yes, I just have a  
8 quick question to the ANC winners and could you  
9 read 2A01 again; 2A01?

10 CHAIR BENNETT: Okay.

11 MS. MILLER: Sure. 2A01 was (video  
12 interference), 2A01.

13 MR. GRIFFITH: Okay. That's probably  
14 why I didn't hear it. Thank you.

15 CHAIR BENNETT: Okay. Was there  
16 anything else? Any other public --

17 MS. GAAL: Can you read the minutes  
18 for the person who had the tie; who was elected  
19 with the tie?

20 MS. MILLER: Sure. The tie was  
21 between Lindsey Botts and Walter Peacock, the  
22 winner, by lot, determined by the Chairman, was

1 Lindsey Botts.

2 MS. GAAL: And what's the SMD?

3 MS. MILLER: 7B040.

4 MS. BRIZILL: Bennett agreed to look  
5 into the matter, claiming he didn't know anything  
6 about it.

7 CHAIR BENNETT: Okay. Is there any  
8 other public matter?

9 MS. BRIZILL: And Gill's reaction was,  
10 oh, we did everything in compliance with city  
11 regulation and D.C. Code.

12 CHAIR BENNETT: Okay. I don't hear  
13 any other public matters, so the December meeting  
14 is the last meeting of 2020. The D.C. Board of  
15 Elections is hereby adjourned. Thank you.

16 (Whereupon, the above-entitled matter  
17 was concluded at 1:07 p.m.)

18

19

20

21

22

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C E R T I F I C A T E

This is to certify that the foregoing transcript


In the matter of: Board Meeting

Before: DC BOE

Date: 12-02-20

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

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