

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JULY 7, 2021

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 10:00 a.m. EDT, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair  
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
TERRI D. STROUD, General Counsel  
CECILY COLLIER-MONTGOMERY, Office of  
Campaign Finance  
WILLIAM SANFORD, General Counsel, Office  
of Campaign Finance  
LINDA JOHNSON, Assistant to the Executive  
Director

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

2 (10:05 a.m.)

3 CHAIRMAN BENNETT: Good morning. My  
4 name's Michael Bennett, chair of the D.C. Board  
5 of Elections and I'd like to open the July  
6 meeting at 10:07 I think it is. We started at  
7 10:05, started a little bit early. But first I  
8 want to make sure we have a quorum. Mr. Gill  
9 will be a little late, but we have I believe Ms.  
10 Greenfield here. Can I get your aye, Ms.  
11 Greenfield, for present?

12 MEMBER GREENFIELD: Yes, aye. I'm  
13 here.

14 CHAIRMAN BENNETT: Great, okay, so Ms.  
15 Greenfield is here. All we need is two so we  
16 have a quorum. With that I'd like to open the  
17 meeting and get a motion from you, Ms.  
18 Greenfield, to accept the agenda and also the  
19 minutes from the last Board meeting, June 2,  
20 2021. Can I get a motion from you, Ms.  
21 Greenfield?

22 MEMBER GREENFIELD: Yes, I move that

1 we accept the agenda and the minutes from the  
2 June 2021 Board meeting.

3 CHAIRMAN BENNETT: It's been properly  
4 moved. I second. Voice vote, Ms. Greenfield,  
5 aye?

6 MEMBER GREENFIELD: Aye.

7 CHAIRMAN BENNETT: And aye from me as  
8 well. It's unanimous. The agenda for today and  
9 the minutes from last meeting are accepted.

10 Do you have any Board matters, Ms.  
11 Greenfield?

12 MEMBER GREENFIELD: No, I do not.

13 CHAIRMAN BENNETT: And I do not have  
14 any Board matters to put on the record today.  
15 Okay.

16 So next item on the agenda. We've  
17 switched the agenda around a little bit because I  
18 want to try and make sure that we get to the  
19 initiative that -- for proper subject matter  
20 hearing.

21 And what we'll do. I've got a script  
22 here, but just so we have a heads up, what we'll

1 do is we will go through and hear from the  
2 opponents and proponents of the initiative. And  
3 make sure, and the Board will ask questions. And  
4 then we'll make sure that we have all the data  
5 that we need, and we will move on in the agenda  
6 and move this to executive session, and then have  
7 a written -- we'll vote to go into executive  
8 session. Hopefully the vote will be yes. We'll  
9 discuss this matter and have a decision out  
10 hopefully, at least the expectation would be that  
11 we'll have a decision out before the August  
12 meeting. So that's how we will proceed on that.

13 So with that we'd like to move to Ms.  
14 Stroud, our general counsel, and go through the  
15 process on this initiative.

16 MS. STROUD: Good morning, everyone.  
17 First of all, I'd like to check that Mr. Charles  
18 Boston is present on the line.

19 MR. BOSTON: I'm here. I am.

20 MS. STROUD: Mr. Boston, how are you?

21 MR. BOSTON: Good morning. Yes, I'm  
22 having an unbelievable morning, but I'm here.

1 MS. STROUD: Okay, thank you. So at  
2 this meeting the Board will conduct a proper  
3 subject hearing to determine whether the proposed  
4 initiative measure (Audio interference.) by Mr.  
5 Boston titled the "Elizabeth Davis Education  
6 Equity (EDEE) Pathway Policy Act of 2022"  
7 presents a proper subject of initiative in the  
8 District of Columbia.

9 And as -- we posted the notice in the  
10 D.C. Register on May 14. And in that notice we  
11 indicated that the Board has a somewhat limited  
12 role with respect to the initiative process.  
13 Pursuant to our statute upon receipt of a  
14 proposed measure the Board has to refuse to  
15 accept the measure if it determines that the  
16 measure conflicts with or seeks to amend Title IV  
17 of the D.C. Home Rule Act, also known as the  
18 District charter, the measure conflicts with the  
19 U.S. Constitution, the measure has not been  
20 properly filed, the verified statement of  
21 contributions which consists of the measure  
22 committee statement of organization, and report

1 of receipts and expenditures was not timely  
2 filed, the measure would authorize discrimination  
3 in violation of the D.C. Human Rights Act, the  
4 measure would negate or limit a budgetary act of  
5 the D.C. Council, or the measure would  
6 impermissibly appropriate funds under applicable  
7 D.C. Court of Appeals rulings.

8 And so the Board in making the  
9 determination in this respect does not consider  
10 the merits or the cons if you will of the  
11 initiative measure. The Board is limited to  
12 considering whether or not the initiative measure  
13 can be accepted based on the criteria that I just  
14 went through. So that's the analysis that the  
15 Board uses, Mr. Chair, with respect to  
16 initiatives.

17 CHAIRMAN BENNETT: Okay. So, the next  
18 thing on the way we walk through this is (Audio  
19 interference.) asking the general counsel (Audio  
20 interference.) of the proposed measure has met  
21 statutory clerical requirements with respect to  
22 its filing.

1 MS. STROUD: Yes. The proposer  
2 submitted the initiative in the proper form. It  
3 was accompanied by or contained the proposer's  
4 name and information, including a statement that  
5 they were a registered qualified elector in the  
6 District. They submitted five typewritten copies  
7 of the full text of the measure, a summary  
8 statement, a short title, and they also submitted  
9 a copy of the verified statement of  
10 contributions. So it was properly filed.

11 CHAIRMAN BENNETT: Great, thank you.  
12 Next on the script list anyway is if there are  
13 any opponents that are present I need you to  
14 identify yourself now and be recognized to  
15 present. If there are any matters that you have  
16 that would indicate that this initiative is not a  
17 proper subject for an initiative.

18 MS. STROUD: Yes. So recently the  
19 counsel -- and this is by way of record --  
20 enacted legislation affecting the initiative  
21 process. And pursuant to this legislation the  
22 Board is required to solicit from the Office of

1 the Attorney General for the District of Columbia  
2 and from the Office of the General Counsel for  
3 the D.C. Council advisory opinions regarding the  
4 propriety of the initiative measure.

5 And so pursuant to the statute we  
6 requested the opinions and they were provided.  
7 And we received (Audio interference.) from the  
8 Office of the General Counsel for the Council  
9 which indicates that the measure proposed and  
10 appropriately appropriates funds.

11 And this opinion was also shared by  
12 the Office of the Attorney General. Both  
13 opinions which we will submit for the record and  
14 which we did provide to the opponent indicate  
15 that (Audio interference.) appropriates funds  
16 because it requires new expenditures on the new  
17 pathway program that it creates.

18 Both entities were under the opinion  
19 that there is language in the initiative that is  
20 mandatory as opposed to precatory language that  
21 requires certain actions which require  
22 expenditures such that it causes the initiative

1 to fail because of the appropriating funds  
2 criteria that the initiative measures must meet.  
3 So those were the only opinions that we received  
4 that were opposed to the initiative.

5 CHAIRMAN BENNETT: Okay. Did we  
6 receive any opinions that were supportive beyond  
7 the proponent?

8 MS. STROUD: No, we did not.

9 CHAIRMAN BENNETT: So, at this point  
10 what I will do is ask the proponent. In general  
11 we give three minutes. But anyway, before I do  
12 that, do we have any other opponents that are on  
13 the line that would like to make presentations?  
14 Okay.

15 At this point we'll ask --

16 MS. STROUD: And just for the record,  
17 Chairman Bennett, we asked in the notice where we  
18 published the initiative in May for individuals  
19 and organizations who had opinions one way or the  
20 other with respect to the initiative measure to  
21 submit them by this past Friday and none were  
22 received.

1                   CHAIRMAN BENNETT: Okay, great. So at  
2 this (Audio interference.) I'd like to allow the  
3 proponent to present whatever they'd like to do,  
4 so at this point in support of the initiative as  
5 presented.

6                   And in general we allow for three  
7 minutes. And I'm still going to ask you to stick  
8 to that, but since we don't have any others I'll  
9 be a little bit liberal if there are things you  
10 feel like you have to get out.

11                   So if you could keep your comments  
12 within a reasonable time frame we'd certainly  
13 appreciate it, but we want you to get a chance to  
14 have your full voice heard. If you could  
15 identify yourself with your name, address, and  
16 any other -- any identifying position with regard  
17 to this initiative.

18                   MR. BOSTON: All right. Okay, good  
19 morning. My name is Charles Boston. I'm a  
20 parent. I have a kid. Taxpayer in the District  
21 of Columbia.

22                   I want to start with a quote by one of

1 the students --

2 CHAIRMAN BENNETT: Could you give your  
3 address? Sir, I'm sorry, if you could give your  
4 address that would be great.

5 MR. BOSTON: I'm sorry. Can you hear  
6 me?

7 CHAIRMAN BENNETT: I can hear you, but  
8 I need your address as well for the record.

9 MR. BOSTON: Oh, okay. My address is  
10 2512 32nd Street SE Washington, D.C., 20020. And  
11 that's in Ward 7.

12 CHAIRMAN BENNETT: Great. Thank you.

13 MR. BOSTON: Thank you. Again, I want  
14 to start with a quote by Alex O'Sullivan. He is  
15 based in Washington, D.C. He's the co-chair of  
16 the Student Advisory Committee that's made up by  
17 the State Board of Education.

18 "Given a majority of students want to  
19 be well-informed citizens, and be able to  
20 maneuver through their early years of adulthood,  
21 the Student Advisory Committee finds it  
22 imperative that schools and OSSE reconsider the

1 standards required for graduation.

2 "If the whole goal of going to school  
3 is to develop our abilities to be active and  
4 successful individuals why is it that some  
5 students graduate having their thirst for  
6 tangible knowledge unquenched."

7 Again, that was listed in the 2019-  
8 2020 Student Advisory Committees' report that was  
9 submitted to the Council, the Deputy Mayor of  
10 Education, the Chancellor, as well as the Mayor.

11 As it pertains to the attorney general  
12 and the general counsel's case law it's  
13 irrelevant to our initiative for the following  
14 reasons.

15 Their reliance on Hennessey is  
16 mistaken because that case deals with creating a  
17 new trust fund, an explicit added allocation of  
18 money that does not have any implication on this  
19 initiative.

20 Hennessey in the counsel's argument  
21 and the attorney general's argument again  
22 reinforces this mistaken idea that uplifting

1 critical knowledge in the form of vocational  
2 training or blended learning, infrastructure  
3 development, or agriculture, allied health, other  
4 vocational trades is mutually exclusive from  
5 traditional credit, and thus necessarily detracts  
6 from the core curriculum.

7 So to use funds in accordance with  
8 this initiative rather than in the discretion of  
9 the Council to meet governmental needs.

10 Again, in relying on Jones the  
11 attorney general and the general counsel for the  
12 District of Columbia misunderstands the objective  
13 of this initiative.

14 In the case with Jones the court held  
15 that the initiative power could not be used to  
16 authorize an increase in the level of benefits.  
17 Again, this is explicitly about allocating  
18 increased or separated funds. That is nowhere in  
19 this initiative.

20 Let me start by saying some of the  
21 arguments that were also listed in some of the  
22 case law, D.C. used to have the requirement of

1 vocational training. So I don't know if the  
2 attorney general and the general counsel didn't  
3 really review the requirements for graduation,  
4 but it used to be a requirement.

5 And ideally -- students have been  
6 asking for this, parents have been asking for  
7 this, and to be honest the country needs this.  
8 Let me just give you some (Audio interference.)  
9 real quick about what's occurring with students  
10 in the District of Columbia.

11 Out of every 100 students who are in  
12 the ninth grade cohort, 31 of them will not  
13 complete high school in 4 years. Thirty will  
14 graduate high school in four years but not enroll  
15 in post-secondary education. Twenty-five will  
16 enroll in post-secondary education but not  
17 complete. Fourteen will complete. So my  
18 question is what happens to the 86.

19 We have an escalation of crime,  
20 violence, poverty. All of this has been created  
21 from policies that perpetuate those cycles. This  
22 initiative ideally blends and restores back the

1 dignity of learning. It doesn't require the  
2 schools to do anything that they don't currently  
3 do, it just requires them to do it a little bit  
4 differently, and it also allows taxpayers to have  
5 a little say or involvement there.

6 The schools already have college and  
7 career fairs, they just exclude professional  
8 trades. The District of Columbia has the Board  
9 of Industrial Trades. It shouldn't be any  
10 difficulty in obtaining welders, carpenters, HVAC  
11 technicians, plumbers, all of which this city  
12 rely on, all of which this world relies on to  
13 maintain its function of life, and yet they  
14 exclude those trades. They exclude those  
15 professions.

16 And again, all students are not going  
17 to college. So essentially this initiative looks  
18 to address the failures of vocational education.

19 Number one, they should have never  
20 been separated. Vocational education was  
21 actually used as a weapon many, many decades ago  
22 where a lot of Black and Brown students were

1 shifted to vocational education, and a lot of --  
2 most White students were -- their curriculum was  
3 strictly academic.

4 And so that's kind of why in the  
5 nineties you saw a fading away of the vocational  
6 education because often a lot of Black and Brown  
7 students were miseducated, or academically  
8 deprived.

9 And so once you had No Child Left  
10 Behind come up and you had these requirements for  
11 testing, they knew that a lot of the -- because  
12 of things that occur outside of the school, but  
13 they knew that because a lot of the Black and  
14 Brown students were under -- two or three grades  
15 under, that they would have issues meeting those  
16 testing requirements.

17 CHAIRMAN BENNETT: Pardon me for  
18 interrupting. We'll have a question for you.  
19 But we've kind of gone a little bit longer. If  
20 you could kind of wrap it up and focus on the  
21 things that you want.

22 And also too, if you have the comments

1 that you have written down it would be great for  
2 us to have a copy of those as well. I don't want  
3 to lose anything that's significant. So, and  
4 pardon me for interrupting you. And so continue.

5 MR. BOSTON: No problem, and I'll  
6 email them to you. Let me just say this. When I  
7 submitted this initiative my objective was very  
8 clear, and it was to help close the achievement  
9 gap, increase high school graduation rates, and  
10 change the trajectory for the lion's share of  
11 District students.

12 In 2021 it's unconscionable,  
13 unacceptable, and unnecessary that we have  
14 students dropping out of high school simply  
15 because the curriculum is not relevant, or that  
16 we even have students graduating, yet they're not  
17 prepared for independent life with or without  
18 college.

19 In the wake of COVID-19 crisis, racial  
20 injustice unrest, District students, parents,  
21 teachers, and taxpayers deserve pathways in  
22 preparing students for the 21st century.

1 Vocational training does that, and it  
2 can be blended with traditional academics. As  
3 there are many reasons why vocational and  
4 technical education programs are important to  
5 students' outcomes.

6 Two of the greatest are in the ability  
7 to reduce the school to prison pipeline, and  
8 students' learning skills that increase their  
9 ability to change their reality.

10 Giving voters this opportunity to  
11 restore quality vocational and technical programs  
12 to all students, all students, will provide  
13 experiences far more important than those  
14 typically associated with general academics.

15 Courses like carpentry where students  
16 use their hands to build confidence, strength in  
17 character, and problem-solving capabilities,  
18 useful in all careers and in every educational  
19 experience.

20 Furthermore, working with various  
21 materials in a creative manner assists students  
22 in connecting the relevance of their subject

1 material with their daily lives.

2 This Elizabeth Davis Education Equity  
3 Pathway Policy Act of 2022 will assist students  
4 in communicating and understanding ideas non-  
5 verbally through sketches and technical drawings,  
6 will enhance the skills of spatial visualization  
7 required for geometry, trigonometry, and algebra,  
8 thereby helping students to prepare for careers  
9 in engineering, science, architecture, and  
10 healthcare.

11 It will provide students with take-  
12 home physical evidence of the mastery of their  
13 skills. It will instill a pride of  
14 accomplishment and self-esteem. It will give  
15 students the opportunity to execute precise work,  
16 and produce useful product, and become self-  
17 assessors using measuring tools and squares, et  
18 cetera, then to sit there and assessing the  
19 quality of their work.

20 It trains the eye and the hand to see  
21 accurately, and to feel the sense of beauty and  
22 things that they form. It encapsulates the

1 habits of attention, perseverance, and patience.  
2 It offers opportunity for students to go where  
3 their heart demands by selecting designs and  
4 projects and passions that motivate them, not  
5 only as tradesmen but also as people.

6 It provides the opportunity for  
7 students to overcome setbacks that occur when  
8 working with real objects or dealing with the  
9 stressors of life.

10 It will provide relevancy of other  
11 subject matter in their lives. We know the  
12 trauma that most students in the District of  
13 Columbia deal with. Thereby it's proven that  
14 vocational education has actually prepared  
15 students for better college outcomes and  
16 preparing them for a lifetime of learning.

17 It provides non-academic and blended  
18 academic areas for the demonstration of skills in  
19 the pursuit of excellence. It provides non-  
20 contrived opportunities for engagement in  
21 multiple intelligences.

22 It provides an opportunity to engage

1 physically and actively in learning experiences.  
2 It provides an opportunity for engagement and  
3 success even for those disinclined for academic  
4 involvement.

5 It helps students gain confidence as  
6 real world problem solvers. It helps students  
7 gain confidence in tool use, learning safety  
8 considerations required for career, lifetime and  
9 general home maintenance and lifelong hobbies.

10 It will offer an appreciation for the  
11 value inherent in physical labor. Isn't that one  
12 of the issues we have, students not wanting to  
13 work? It will instill the ability to work and  
14 contribute with others.

15 It connects students to thousands of  
16 years of human creativity, creative endeavor. It  
17 provides a much-needed break from the oppressive  
18 classroom routine. It helps students to better  
19 understand the sources and processes of  
20 technological change.

21 (Simultaneous speaking)

22 MR. BOSTON: And lastly, and lastly,

1 it affords students classes they would enjoy  
2 because they would be doing by learning, and that  
3 is what this initiative seeks to accomplish.

4 It will not cost the District or the  
5 school one cent because it doesn't require them  
6 to do anything outside of what they currently do.  
7 It requires them to do things differently.

8 CHAIRMAN BENNETT: Thank you, Mr.  
9 Boston. One, let me acknowledge your passion,  
10 and I applaud you for your interest and your  
11 commitment to the young people in our city. I  
12 have children that were raised here, and attended  
13 public school here, and I have grandchildren, at  
14 least one in this process so thank you for your  
15 care and concern.

16 I also want to -- before I ask for  
17 questions I also want to just make sure it's real  
18 clear for the record that while the substance of  
19 the initiative is really important, our decision  
20 is not on the substance but on the -- whether the  
21 initiative meets the criteria to be on the  
22 ballot. And so we'll have to make our decision

1       accordingly.

2                       We also want to make sure that there's  
3       dialogue with our general counsel's office to  
4       support being real clear that the proponent  
5       understands what those criteria are.

6                       With that I'll ask Ms. Greenfield if  
7       she has any questions for Mr. Boston.

8                       MEMBER GREENFIELD:  No, I don't have  
9       any questions.

10                      CHAIRMAN BENNETT:  Okay.  I have a  
11       couple.

12                      MR. BOSTON:  Thank you.  It will be a  
13       lot of questions.  Go ahead, I'm sorry.

14                      CHAIRMAN BENNETT:  Any questions?  I  
15       think Mike Gill just came on.  Mr. Gill?  Board  
16       Member Gill?  We're trying to find here.  Okay.  
17       Anyway, while we're trying to find Mike Gill I  
18       have a couple of questions.

19                      Mr. Boston, are all of your stats  
20       relative to student success or in making it  
21       through, are all of those based on DCPS students,  
22       or were the non-public schools included in your

1 stats? And does it include the charter schools  
2 as well?

3 MR. BOSTON: It does not include the  
4 non-public schools which obviously are students  
5 that have disabilities and so forth and so on.  
6 But yes, it does include the charter schools.  
7 And that's what's alarming. It does include the  
8 numbers as it pertains to graduation from high  
9 school as well as completing college, and they  
10 are very alarming.

11 CHAIRMAN BENNETT: Okay. Mr. Gill,  
12 did we find you? I don't see. Okay. I think,  
13 Ms. Stroud, we're over to you with your  
14 recommendation, recommendations to the Board.

15 MS. STROUD: For the record, although  
16 the general counsel for the Council and the  
17 Office of the Attorney General are required to  
18 provide us with advisory opinions they are just  
19 that and we are not bound to adhere to their  
20 opinions.

21 We do conduct our own independent  
22 analysis of the initiative, and we do agree, the

1 Office of the General Counsel does agree that  
2 there is language in the proposed initiative that  
3 would require expenditures of funds, specifically  
4 funds for creating and implementing the new  
5 pathway for education to graduation.

6 That language which happens to have  
7 been highlighted by both of the advisory opinions  
8 is that the proposed initiative would require  
9 each principal or his or her faculty designee to  
10 do certain things which would require an  
11 expenditure.

12 Specifically there would have to be a  
13 process established or processes established for  
14 various things. One for a parent to request  
15 student evaluation and participation in the  
16 pathway, establish a process to verify the  
17 student's progress and completion of the  
18 alternative options, and to meet with parent of  
19 students who has a GPA that falls below a certain  
20 point.

21 And the one that was the most  
22 indicative of an appropriation of funds would be

1 the requirement to establish mandatory middle  
2 school alternative option introductory classes  
3 and learning experiences for grades 6 through 8.  
4 So that's the language that our office identified  
5 as well that would indicate that there would be  
6 the requirement of an expenditure of funds in  
7 violation of the law governing initiatives.

8 So, based on our analysis it would be  
9 our recommendation, or the Office of the General  
10 Counsel's recommendation that the proposed  
11 measure does not present a proper subject of  
12 initiative.

13 CHAIRMAN BENNETT: How long has Mr.  
14 Boston had -- hold on, Mr. Boston.

15 MR. BOSTON: Yes, sir.

16 MS. STROUD: He received them  
17 yesterday, all three.

18 CHAIRMAN BENNETT: Yesterday.

19 MS. STROUD: Yes.

20 CHAIRMAN BENNETT: Okay. Well, what  
21 I think we'd like to do is to give Mr. Boston an  
22 opportunity to address those opinions. And so

1 what I'd like to do is to leave the record open  
2 for some period of time to allow Mr. Boston, so  
3 that you don't have to try and address those on  
4 the fly today.

5 We'll leave the record open for  
6 another 30 days.

7 MS. STROUD: Sure.

8 CHAIRMAN BENNETT: Is that sufficient,  
9 Mr. Boston, to give you an opportunity to address  
10 those opinions in writing?

11 MR. BOSTON: Yes, sir. Yes, sir, that  
12 would be sufficient.

13 CHAIRMAN BENNETT: So, let me -- I  
14 don't think I need a vote, but I'll ask for a  
15 vote from the other Board members if we can agree  
16 to leave the record open for another 30 days to  
17 give Mr. Boston an opportunity to respond and  
18 address the matters noted by the two legal  
19 opinions that we have and also the opinion of our  
20 general. Ms. Greenfield, can I get a motion?

21 MEMBER GREENFIELD: Yes. Oh, you want  
22 me to move? I move that we leave the record open

1 an additional 30 days to give Mr. Boston time to  
2 respond to the opinions.

3 CHAIRMAN BENNETT: And Mr. Gill?

4 Okay, it's been properly moved. I second. Ms.  
5 Greenfield, can I get a vote from you?

6 MEMBER GREENFIELD: Aye.

7 CHAIRMAN BENNETT: It's aye as well so  
8 it's unanimous. Mr. Boston, you have 30 days  
9 from today. We'll leave the record open to  
10 provide any additional information to address  
11 those opinions.

12 I also encourage you to open up some  
13 dialogue with our general counsel and her office  
14 relative to that over the next 30 days if indeed  
15 there is any issue regarding clarity of those  
16 opinions. And so with that I will -- it will be  
17 due Friday, August 6, Mr. Boston. The record  
18 will be open until Friday, August 6.

19 And then what we'll do after that,  
20 once we receive your additional information  
21 addressing those matters that the legal opinions  
22 have addressed we will bring the matter back up.

1                   So, what we'll do is we will bring the  
2 matter up at our next meeting, or address it  
3 anyway after your -- the time frame has closed  
4 for the record to remain open, and then we'll  
5 move forward accordingly.

6                   But again, I encourage you to enter  
7 into dialogue with our general counsel's office  
8 if you have any questions with regards to  
9 clarity. Okay?

10                   MR. BOSTON: Okay. I will.

11                   CHAIRMAN BENNETT: Okay, great.

12 Thanks, Mr. Boston. I think that covers that  
13 matter. Ms. Stroud, do you have any other  
14 matters?

15                   MS. STROUD: I have no other items on  
16 my agenda.

17                   CHAIRMAN BENNETT: Okay, thank you.  
18 We'll move to the next item on the agenda, and  
19 that is the Office of Campaign Finance. Ms.  
20 Montgomery. Good morning.

21                   MS. COLLIER-MONTGOMERY: The OCF line  
22 staff will return to the office full-time for

1 their scheduled weekly tour of duty on July 12,  
2 2021.

3 Also, on June 17, 2021 the Office of  
4 Campaign Finance presented testimony on the  
5 proposed OCF Fiscal Year 2022 budget. The budget  
6 proposes the total sum of \$19,964,671 and  
7 basically \$3,999,000 of that is for the personal  
8 services budget, and for the 38 full-time  
9 equivalents who are the positions which are  
10 assigned to the Office of Campaign Finance, and  
11 \$15,966,000 is for the non-personal services  
12 budget. And that includes the approximately \$15  
13 million I believe it's four hundred and some  
14 thousand which is allocated for the Fair  
15 Elections Fund for the 2022 cycle, specifically  
16 the Fiscal Year '21 activity that -- '22 activity  
17 that we anticipate.

18 With respect to our outreach program  
19 there were no events which were scheduled during  
20 the month of June. However, the office does  
21 remain available to appear on the agenda of the  
22 Advisory Neighborhood Commission member meetings

1 that are held throughout the city.

2 In the Fair Elections Program Division  
3 during the month of June as of this day. Again,  
4 the Office of Campaign Finance has authorized for  
5 distribution during the 2020 election cycle, and  
6 also the 2020 special election cycle, the total  
7 sum of \$4,016,797.64 to the 36 candidates who  
8 were certified in the program to participate in  
9 the elections which were conducted during the  
10 2020 election cycle, including both the general  
11 election on November 3 and the primary election  
12 as well as the June 16, 2020 special election.

13 The 2020 election cycle closed on  
14 November 3, 2020, and the 2020 special election  
15 cycle closed on June 16, 2020.

16 During the month of June 2021 there  
17 were no disbursements which were authorized from  
18 the Fair Elections Fund for candidates who have  
19 registered seeking to participate in the Fair  
20 Elections Program during the 2022 election cycle.

21 With respect to desk reviews and other  
22 activities in the Fair Election Program, the Fair

1 Election Program conducted four desk reviews of  
2 termination and amended reports of receipts and  
3 expenditures which were filed, and also issued  
4 four requests for additional information  
5 pertaining to the content of those reports.

6 As of June 30, 2021 total funds of  
7 \$136,996.85 have been remitted for deposit in the  
8 Fair Elections Fund again from the campaign  
9 operations of those candidates who participated  
10 in elections during the 2020 election cycle as  
11 well as in the special election.

12 With respect to ongoing post-election  
13 full-field audits there are currently 34 audits  
14 being conducted by the Fair Elections Program of  
15 the campaign operations of the candidates who  
16 participated in the Fair Elections Program during  
17 the 2020 election cycle, and also during the  
18 special election as well.

19 During the month of June the Fair  
20 Elections Program issued seven preliminary  
21 statements of findings in seven of the ongoing  
22 audits. The status of all of the audits is

1 reported in our stats, and our stats will be  
2 available on our website at the close of business  
3 today.

4 In our Public Information and Records  
5 Management Division during the month of June  
6 there was one report date, and that was for the  
7 filing of the 16th Report of Receipts and  
8 Expenditures by Legal Defense Committee, and that  
9 report was due on June 1, 2021. The recorder  
10 filed a timely file and electronically filed the  
11 report.

12 During the month of June we also had  
13 new candidates and committees who registered with  
14 the agency. I would also indicate that with the  
15 list of new candidates and committees that this  
16 will be a running list for the 2022 election  
17 cycle of the registrations, and the 2021  
18 registrations in June are highlighted.

19 So, during the month of June in the  
20 traditional program we currently have five  
21 candidates, and we did have one candidate who  
22 registered on June 24, 2011, and that was James

1 Butler, Butler for Mayor 2022. In the Fair  
2 Elections Program we currently have two  
3 candidates, and one candidate registered on June  
4 17, 2021, and that's Mary Cheh, Cheh 2022,  
5 Council for Ward 3.

6 With respect to our initiative  
7 committees we currently have two new initiative  
8 committees that have registered, and the latest  
9 one registered on June 21, 2021, and that was the  
10 D.C. Committee to Build a Better Restaurant  
11 Industry.

12 We also have candidates and treasurers  
13 who completed the mandatory entrance conference  
14 presentation during June 2021. The first was  
15 Phil Mendelson, Candidate, Mendelson for  
16 Chairman. Claude Daley, Treasurer, Karl Racine  
17 2022. Charles Boston, Treasurer, Elizabeth Davis  
18 Education Equity Pathway Policy Act of 2022  
19 Initiative Committee. Cynthia Harris, Treasurer,  
20 Credit Union PAC of Washington, D.C.

21 Then our Reports Analysis and Audit  
22 Division, and that is our traditional audit

1 program. During the month of June the audit  
2 branch conducted one desk review. The audit  
3 branch also issued two audits which are published  
4 at our website during the month of June.

5 The first was the Committee to Elect  
6 Alex Padro, and that was issued on June 15, 2021.  
7 The second was Phil's Fund for Citizen Service  
8 and that was issued on June 11, 2021. And both  
9 of those audits are compliance audits.

10 In the audit branch there are  
11 currently -- with respect to ongoing audits there  
12 are two full-field audits which are pending of  
13 newly elected officials as a result of the 2021  
14 election.

15 The first one is Brooke Pinto for Ward  
16 2, and at this time the audit field work is in  
17 progress. With Jacques for D.C. At-Large, State  
18 Board of Education. With respect to this one the  
19 audit field work is pending the submission of  
20 additional documents by the committee.

21 For our PACs and continuing committees  
22 from the 2020 election with respect to the

1 January 31, 2021 report there were two ongoing  
2 (Audio interference.)

3 The first is Oye for U.S.  
4 Representative. The preliminary statement  
5 findings which was issued resulting in the audit  
6 branch basically issuing a second preliminary  
7 draft statement of finding. And that was issued  
8 on June 17, '21. And so at this point they're  
9 awaiting a response from the committee to that  
10 second statement of finding.

11 Again, the Committee to Elect Alex  
12 Padro, that audit was completed and the audit  
13 report was issued on June 15, 2021.

14 With our constituent service program  
15 the periodic random audits were conducted of the  
16 April 1, 2021 report. Again, the Phil's Fund for  
17 Citizen report, that audit was complete and the  
18 audit report was issued on June 11, 2021.

19 With Evans Constituent Services Fund,  
20 with respect to that audit the documentation that  
21 the audit branch needed was received on June 24,  
22 2021, and is under review. And that completes my

1 report, but I would ask that the general counsel  
2 William SanFord provide the report for the Office  
3 of the General Counsel for the Office of Campaign  
4 Finance.

5 CHAIRMAN BENNETT: Thank you, Ms.  
6 Montgomery. Mr. SanFord?

7 MR. SANFORD: Good morning, Mr.  
8 Chairman, and Distinguished Board Member  
9 Greenfield. This is William SanFord, general  
10 counsel for the Office of the Campaign Finance.

11 During the month of June 2021 the  
12 Office of the General Counsel did not receive any  
13 referral. The office, however, did issue three  
14 orders in response to motions for  
15 reconsideration.

16 Two of the motions were denied, and  
17 the remaining motion was partially granted,  
18 resulting in a reduction in the original fine of  
19 \$1,150 to a fine of \$575.

20 During the month of June 2021 the  
21 Office of the General Counsel imposed fines that  
22 totaled \$2,075 which included the following. A

1 fine of \$500 was affirmed against the Dorothy  
2 Douglas, At-Large, State Board of Education  
3 Principal Campaign Committee when the motion for  
4 reconsideration was denied.

5 A fine of \$1,000 was affirmed against  
6 the Patrick Kennedy for Ward 2 Special Election  
7 Principal Campaign Committee when the motion for  
8 reconsideration was denied.

9 And a fine of \$1,150 was reduced to  
10 \$575 against the Committee to Elect Chris Edu  
11 when the motion was partially granted.

12 During the month of June 2021 the  
13 Office of the General Counsel did not collect any  
14 payments for fines. During the month of June  
15 2021 there were no requests for alternative  
16 opinions, there were no open investigations, and  
17 no show cause proceedings were conducted. And  
18 that should conclude my report.

19 CHAIRMAN BENNETT: Thank you, Mr.  
20 SanFord. Ms. Montgomery, is there anything else?

21 MS. COLLIER-MONTGOMERY: No, I had no  
22 further.

1                   CHAIRMAN BENNETT: Okay. Any  
2 questions from the Board? Ms. Greenfield?

3                   MEMBER GREENFIELD: No, no. Good  
4 report.

5                   CHAIRMAN BENNETT: Mr. Gill, if you're  
6 there, any questions? Okay. Must not be there  
7 yet. I do have just one question, Ms.  
8 Montgomery, and that's with regards to the Fair  
9 Elections Program.

10                   It seems like we're starting to pick  
11 up and get at least a few people that are  
12 interested. What's the time frame when we should  
13 expect to see the bulk of the applications come  
14 in for that program? Assuming that there is more  
15 interest which it seems like that there probably  
16 will be.

17                   Are we looking at -- I'm just trying  
18 to remember the time frame for the statute. Is  
19 that winter? Anyway, I'll let you answer.

20                   MS. COLLIER-MONTGOMERY: Okay. So  
21 with the Fair Elections Program the candidates  
22 who wanted to sit, who could sit, have to meet

1 the threshold requirements. And basically, they  
2 have to be submitted during what is referred to  
3 under the statute as the qualifying period. And  
4 the qualifying period begins the first day of the  
5 election cycle.

6 And for the 2022 election cycle the  
7 first day was actually the day after the last  
8 election for these particular offices. I believe  
9 that would have been in November of 2018. And  
10 the qualifying period ends on the last day that  
11 the candidates who participate in the primary  
12 election file, the deadline for them to file  
13 their nominating petition. I believe that's  
14 sometime in March of 2022.

15 And then for the candidates who are  
16 interested in participating in the November 2022  
17 election the last day of the qualifying period is  
18 the last day for them to file nominating  
19 petitions to qualify for that election, and I  
20 believe that is sometime in -- is it August of  
21 2022.

22 So basically those are the qualifying

1 periods. And so candidates who are interested in  
2 this program must file their threshold  
3 requirements before the deadline for each of the  
4 qualifying periods.

5 CHAIRMAN BENNETT: Okay. So they  
6 actually could file now --

7 MS. COLLIER-MONTGOMERY: Yes.

8 CHAIRMAN BENNETT: -- which some have,  
9 actually. But we would expect to see -- I'm  
10 just, this is all new. So my guess is we would  
11 expect to see the closer we get to the end of the  
12 first of 2022 is probably the activity is going  
13 to start picking up in that area.

14 MS. COLLIER-MONTGOMERY: Yes.

15 CHAIRMAN BENNETT: Okay.

16 MS. COLLIER-MONTGOMERY: Yes, based on  
17 our experience with the 2020 election cycle, you  
18 know, there was a lot of activity which had been  
19 generated at this point with that particular  
20 election. But I think that had a lot to do with  
21 what was going on in Ward 2.

22 CHAIRMAN BENNETT: Yes. Okay. All

1 right. Great. Thanks. Appreciate that. I'm  
2 just anticipating this being a really active  
3 program going forward, so put our strap on and  
4 hold on. Okay. If there are no questions, no  
5 additional questions, thank you, Ms. Montgomery.

6 We'll move to item 7 which is the  
7 executive director's report, Ms. Alice Miller.

8 MS. MILLER: Good morning. Thank you,  
9 Mr. Chairman. As you know the Board presented  
10 its FY2022 budget testimony at the oversight  
11 hearing on June 17 before the Committee on the  
12 Judiciary and Public Safety.

13 On Wednesday, June 30, the committee  
14 held a hearing on the budget and issued the FY  
15 budget report that included the recommendations  
16 on BOE's budget. The highlights of that  
17 represent the following.

18 At that hearing the committee  
19 discussed and voted on the following. That  
20 budget supports 60 full-time employees. The  
21 Board currently has 50 full-time employees that  
22 are supported by the current 2021 budget. The

1 increase in staff represents employees that would  
2 support the Council's enactment of Restore the  
3 Vote Act for incarcerated citizens, and creates  
4 automatic voter registration at the Department of  
5 Corrections for incarcerated District residents,  
6 which funding is provided by the Council's FY2022  
7 budget report.

8 And the temporary employees are  
9 currently in place in the voter registration --  
10 Voter Education and Outreach Division, our Voter  
11 Registration Division, as well as staff that is  
12 in place in our logistical operation.

13 The Council's budget report further  
14 supports IT infrastructure upgrades at BOE by  
15 providing the agency with \$203,000 in one-time  
16 funding and approves \$1.3 million for a new  
17 mobile app for voters. The total budget that  
18 they discussed on June 30 represents an increase  
19 of 27.5 percent from 9.551 in 2021 to 12 -- this  
20 is \$12.184 million. So hopefully that will go  
21 through with the full Council voting whenever  
22 they take that on.

1                   During June the Voter Education  
2                   Outreach Division participated in five events, a  
3                   Beat the Street event on June 16 in Ward 8, So  
4                   Others May Eat on June 17 in Ward 5, a Beat the  
5                   Street event June 23 in Ward 7, high school voter  
6                   registration event, June 26, Ward 7, Beat the  
7                   Street event, June 30 in Ward 8. And these are  
8                   voter representation and election worker  
9                   recruitment events.

10                   As I spoke on last month the agency  
11                   did conduct the ANC 7 special election to fill  
12                   the vacancy in the ANC. The election was  
13                   conducted within the Department of Corrections.  
14                   And that election was supported by the Board  
15                   although the Board did not actually do the  
16                   election. The staff within the Department of  
17                   Corrections did that election.

18                   The Board supported the election by  
19                   providing the ballots and the voting materials  
20                   needed to successfully conduct the elections for  
21                   the registered voters within DOC. Staff was not  
22                   allowed inside DOC, but the ballots were hand

1 delivered and picked up by Board staff at the end  
2 of the election. Ballots were also tabulated by  
3 the Board staff on the date of the election which  
4 was June 15.

5 There were a total of 140 voters that  
6 cast ballots at the Department of Corrections,  
7 and there was also an election that the Board did  
8 operate within the ANC outside of DOC at Park  
9 Kennedy Residential. I think they're  
10 condominiums.

11 Every candidate on that ballot was an  
12 incarcerated resident of Department of  
13 Corrections which was significant and did receive  
14 a bit of media coverage. For each location the  
15 election was held from 3:30 to 7:30. There was a  
16 total of 141 ballots cast, so 140 of those came  
17 from DOC and 1 came from Park Kennedy.

18 The winner was Joel Caston. Mr.  
19 Caston is currently serving out his sentence at  
20 DOC. He was sworn in by Judge Milton Lee.  
21 Council Members Charles Allen and Vince Gray were  
22 in attendance and provided congratulatory

1 speeches at the swearing-in ceremony which also  
2 got a bit of media coverage and a bit different  
3 as well. But anyway. Yes, we'll move on.

4 I did want to put on the record that  
5 the Board received an award from the Election  
6 Assistance Commission for best practices in  
7 election administration for most creative and  
8 original I Voted sticker for the image that we  
9 have for the superimposed image of Frederick  
10 Douglass which we passed out for 2020, for voters  
11 when they voted. And that concludes my report.

12 CHAIRMAN BENNETT: Okay. Ms.  
13 Greenfield has had to log off. Oh, she was still  
14 there for a second. I see her moving to log off.  
15 Do you have any questions, Ms. Greenfield?

16 MEMBER GREENFIELD: No, I don't, and  
17 yes, I have got to go. Thank you.

18 CHAIRMAN BENNETT: Thanks. And I  
19 don't have any questions either. Thank you, Ms.  
20 Miller. And if Mr. Gill is on the line I'll ask  
21 him. Okay.

22 So with that we will move to the

1 second to last item on the agenda and that's  
2 public matters. Do we have any public matters?  
3 If you would either raise your hand. I think  
4 everybody is unmuted, so all you have to do is  
5 unmute yourself. I believe. Is that correct,  
6 Randy? Yes. Raise your hand or unmute yourself.

7 I don't see any hands raised on the  
8 Board and I don't have anybody unmute themselves  
9 so that is it. I am going to take a unanimous  
10 vote, one person to adjourn the meeting. And we  
11 will end the meeting as hereby adjourned. Thank  
12 you so much.

13 (Whereupon, the above-entitled matter  
14 went off the record at 10:59 a.m.)  
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Before: DC BOE

Date: 07-07-21

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