GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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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.)

CHAIR BENNETT:  Good morning.  This is
the December and November meeting of the D.C.
Board of Elections. This is Michael Bennett,
Chair of the Board. I want to call the meeting to
order.

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

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

I'd like to get a motion to approve
the agenda as amended and also, the minutes from
the last meeting. I'll note, though, before we
get that motion, that Karyn Greenfield is online and on -- in visual online for those who are there, and Michael Gill and myself are here at board headquarters. 

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

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

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

MEMBER GREENFIELD: I second.

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

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: And aye as well, so
it's unanimously approved, the agenda as amended
and the minutes from last meeting. As I said
earlier, we shifted -- we're going to shift Board
matters to right before public matters and so the
next thing on the agenda is the executive
director's report.

MS. MILLER: Thank you, Mr. Chair.

Good morning, everyone. I just see the first
matter on my agenda is certification of the
election results. Just briefly, by way of
context, as you know, we conducted the
presidential general election on November 3rd.

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

Ballots were overwhelmingly cast by
both return mail through the postal service and
by the use of 55 mail ballot drop boxes located
through the District of Columbia. Between
October 27th and November 2nd, BOE opened 32
early vote centers and on November 3rd, we had 95
of those centers that were in operation.

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

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

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

The super vote centers allowed voters
to take advantage of large venues with more
voting equipment and election workers to service
them. Voters were processed at a quicker rate
and had their access to other attractions, such
as, as you know, the Nat Stadium had on display,
the World Series trophy, which a lot of folks
thought was an attraction to go there to vote.

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

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

Okay. The Board conducted the
mandated manual audit of one randomly selected
precinct per Ward, two Ward-based contests, one
citywide contest on November 23rd and 24th. The
results of the audit were made available to the public on the Web site by way of -- and by way of press release, so Monday, November 30th.

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

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

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

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

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

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

The next contest would be the United States Senator, winner being Paul Strauss,
251,991, United States Representative, Oye Owolewa, 240,553, Jacque Patterson for at-large member of the State Board of Education -- I'm sorry, United States Representative was Democrat Oye Owolewa.

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

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

Write-in winners, Jason W. Clark, 1A12, Yannik Omictin, 2A01, Donna Barbisch, 2A04, Evelyn Hudson, 2A05, Adam Friend, 2A07, Hannah
Untereiner, 2D02, Matias Burdman, 2E08, Peter
Gosselin, 3G06, Eric Smith, 4D05, Edward Ryder,
6B07, Pranav Nanda, 6C04, Andrew Bossi, 6D01,
Jared Weiss, 6D02, Wendall Felder, 7D07, Whitney
Weston (phonetic), 7F03, Shirley Thompson-Wright,
7F06, Khadijah Watson, 8B01, Paul Trantham, 8B02,
Rhonda Edwards-Hines, 8C06, Ellen Armstead, 8D05.

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

And we will then certify the winner.

CHAIR BENNETT: The winner is?

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

CHAIR BENNETT: Thank you.

Congratulations.

MS. MILLER: So I want to now request
that Board certify the winners of the November
3rd general election as the individuals receiving
the highest vote, specific contests for which
they were candidates, as reflected on the pre-
certification documents, which are posted on our
Web site, so we will need a motion to certify
those candidates as having received the highest
number of votes.

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

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

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

MEMBER GILL: Second.

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

MEMBER GREENFIELD: Aye.
CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

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

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

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

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

MS. BARDONILLE: Bardonille.
CHAIR BENNETT: Bardonille. Okay.

I'm sorry. So if I could get you to state -- and
I will now stand, because if I do, I will not be
able to -- and somebody is actually not on mute
and lots of things happening.

If everybody, except Ms. Bardonille,
could you please mute, it would be most

Okay. Ms. Bardonille, would you state your full
name and address for the record, please?

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

CHAIR BENNETT: There's lots of
static. It's yours, I think, Ms. Bardonille.

We're getting lots of feedback, Ms. Bardonille.

MS. BARDONILLE: Is that better now?

CHAIR BENNETT: Yes.

MS. BARDONILLE: I have nothing on.

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

MS. BARDONILLE: Meedie Bardonille,
1226 Quincy Street, NE, Washington, D.C.
CHAIR BENNETT: Okay. You're still a little bit -- the background's still a little bit rough, but we'll continue.

MS. BARDONILLE: I apologize.

CHAIR BENNETT: That's okay.

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

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

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

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

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

CHAIR BENNETT: Do solemnly affirm.

MS. BARDONILLE: Do solemnly affirm.

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

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

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

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

CHAIR BENNETT: Thank you very much.

MS. BARDONILLE: Thank you.

CHAIR BENNETT: You are now sworn in.

All right. Ms. Barbara Helmick. You can take
yourself off mute or we'll take you off mute.

Try again, Ms. Helmick.

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

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

MS. HELMICK: Yes.

CHAIR BENNETT: Okay.

MS. HELMICK: Barbara Helmick.

CHAIR BENNETT: And your address,
ma'am?

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

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

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

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

MS. HELMICK: I, Barbara Helmick.

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

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

CHAIR BENNETT: Do solemnly affirm.

MS. HELMICK: Do solemnly affirm.

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

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

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

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

CHAIR BENNETT: Thank you very much.

MS. HELMICK: Thank you very much.

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

Okay. Try to unmute yourself, Ms. Echavarria. We've unmuted everyone. It looks like she's still muted, at least Jaqueline's muted, Randy. Okay. Looks like you need to unmute, Ms. Echavarria. Something's going on, so
if you can call in, a number to call is (202) 860-2110 and the access code is 474816726.

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

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

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

That will be up to the Mayor and Kimberly Bassett, the Secretary of the District of Columbia. Any registered voter, and of
course, any candidate to a contest who would like to file for a recount of the results has seven days from today to do so, and they file with the registrar of voters.

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

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

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

According to our allocation list, we trained about 1553 more workers than we estimated that we needed, that were trained as site coordinators, registration clerks, ballot clerks,
voter assistance clerks, and we also had our area reps that were also trained.

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

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

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

There was also an interactive map that
allowed voters to locate both the closest drop
boxes and the vote centers for them to vote based
on their address or wherever they were trying to
vote from.

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

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

Ballot tracks showed if the ballot was
both received and accepted. Update, with respect
to our outreach activities, the voter education
and outreach division was responsible for our
senior residential ballot collection program and
they collected from 57 senior buildings and
facilities that participated in that program.

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

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

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

With respect to media outreach for this election, we had over 200 media inquiries and interviews with D.C. BOE Chair and staff. Those outlets included the Washington Post and
all local T.V. stations multiple times. We advertised two 30-second ads produced for television in 2700 airings on local T.V. stations and cable.

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

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

Four different robocall messages were recorded, targeting approximately 400,000 registered voters. We had text messages that also went out, reached 200,000 District residents on their cellphones, 11 print ads, including weekly e-blasts to the Washington Business Journal, the city paper, Washington Informer, Afro-American, I'm sorry, Washington Informer and
Afro-American, Georgetowner, El Tempo, Washington Play, HillRag, East of the River, and the Met City D.C.

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

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

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

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

MEMBER GILL: No questions.

CHAIR BENNETT: Ms. Greenfield, any
questions for Ms. Miller?

MEMBER GREENFIELD: No questions.

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

MEMBER GREENFIELD: No questions.

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

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

CHAIR BENNETT: Yes, we can.

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

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

MS. COLLIER-MONTGOMERY: Okay. Is
that better?

CHAIR BENNETT: Yes, it is.

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

CHAIR BENNETT: Ms. Montgomery?

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

(Audio interference.)

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

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

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

CHAIR BENNETT: Okay. All right. Ms. Montgomery, this is really a bit sloppy today,
however, we're going to stop with the Office of
Campaign Finance. Try to make sure that the
voice issues are addressed and we're going to go
with the swearing in, since she's here, Ms.
Echavarria?

MS. ECHAVARRIA: Yes. I'm here.

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

MS. ECHAVARRIA: Echavarria.

CHAIR BENNETT: Echavarria.

MS. ECHAVARRIA: That's fine.

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

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

MS. ECHAVARRIA: Jacqueline W.
Thompson-Echavarria.

CHAIR BENNETT: Okay. Thank you. And
so repeat after me, please, I, and please state your full name.


    CHAIR BENNETT:  Having been duly elected as an elector.

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

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

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

    CHAIR BENNETT:  Do solemnly affirm.

    MS. ECHAVARRIA:  Do solemnly affirm.

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

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

    CHAIR BENNETT:  For the candidates of the party which I represent.
MS. ECHAVARRIA: For the candidates of the party to which I represent.

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

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

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

MS. ECHAVARRIA: Okay. Will do.

Thank you so much.

CHAIR BENNETT: All right. Thank you.

MS. ECHAVARRIA: Have a great day.

CHAIR BENNETT: You too.

MS. ECHAVARRIA: Bye-bye.

CHAIR BENNETT: Okay. So we're going to switch back to the Office of the -- the Director of Office of Campaign Finance's report.

And so can we get Ms. Montgomery in? Okay. I
think you're on mute, Ms. Montgomery, so let's try this again. Okay. I think you're in, Ms. Montgomery. You can unmute yourself, Ms. Montgomery.

MS. COLLIER-MONTGOMERY: Okay.

CHAIR BENNETT: Okay. There we go.

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

CHAIR BENNETT: Yes.

MS. COLLIER-MONTGOMERY: Okay. All right.

CHAIR BENNETT: Thank you so much.

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

On November the 23rd, 2020, the Office of Campaign Finance attended the virtual introductory meeting of the D.C. Auditor, who will be conducting a financial audit of the Fair
Elections Program, as required by the Fair Elections Act.

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

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

There were 20 candidates who were certified as participating candidates in the program for the November general elections, 12 candidates certified as participating candidates in the June 2nd primary election, and 4 candidates certified as participating candidates
in the June 16, 2020 special election.

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

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

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

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

The division also issued five status reports which denied matching payments to
certified participating candidates who had reached the maximum allowable cap on the distributions for matching payments.

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

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

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

During the month of November, the Fair Elections Program Division, as of November the
30th, again, the total sum of $3,939,524 has been
disbursed in base amount and matching payments.
And during the month of November, the amount
increased due to the authorization for the total
sum of $7461, which was distributed in matching
payments to three candidates participating in the
program.

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

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

   The first one is Christina D.
Henderson, at-large member of the council,
Janeese Lewis George, Ward 4 member of the
council, Trayon White, Ward 8 member of the
council, Allister Chang, Ward 2 member of the
State Board of Education, Eboni-Rose Thompson,
Ward 7 member of the State Board of Education,
Carlene D. Reid, Ward 8 member of the State Board of Education.

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

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

Again, those were audits that are ongoing of ten candidates who participated in the June primary elections and also post-election audits of the four candidates who participated in the special election.
In our Public Information and Records Management Division, there were three filing deadlines as follows in October, which occurred on October the 1st, and the first one was the Constituent Service Program. The October the 1st report of receipts and expenditures, there were nine required filers, all nine timely filed.

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

There were three required filers and all three timely filed, and all three successfully electronically filed their reports. With the Legal Defense Committees, the tenth report of receipts and expenditures was due on October 1st. There was one required filer, the filer timely filed, and also, electronically filed the report.
There also were two reports which were
due -- I'm sorry, three reports which were due on
October the 10th. The first was by our principle
campaign committees and political action
committee. There were 74 required filers, 72
timely filed, 1 late file, there were 3
extensions requested and granted.

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

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

And all of the 36 timely filers also
electronically filed their reports. October the
10th was also the filing deadline for the report of independent expenditure committees. There were four required filers, three timely filed, one late filed, and that committee was referred to the Office of the General Counsel for enforcement.

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

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

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

And all 57 of the filers who did, in fact, file, electronically filed their reports.

With our Fair Elections Program principle
campaign committees, again, October the 26th was
the filing also for their eight-day pre-general
elections report of receipts and expenditures.

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

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

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

We had one committee to register
during the month of October 2020, and this is a
traditional campaign finance committee, the
Citizens to Elect Bill Lewis 2020 registered on
October the 28th, 2020.

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

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

During the month of November 2020,
this is the report for our audit division and our
audit division that is responsible for the
reports that are filed in our traditional program.

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

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

The last report which I'll give is for
the Reports Analysis and Audit Division, and
this, basically, is the division of the Office of
Campaign Finance which is responsible for the
monitoring and the review of the financial
reports filed by our traditional committee.

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

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

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

The first was Friends of Robert White,
under review, Veda for Ward 7, again, the
preliminary draft statement of findings was under
review, and the third is Committee to Elect
Rogers for Council.

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

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

With our periodic random audits of
constituent service programs and this periodic
random audit was conducted of the October the
1st, 2020 filing. The first was the Citizens
Outreach Fund. The audit report was issued on
October the 30th.

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

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

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

Again, there are five ongoing audits
currently in the audit branch, periodic random audits of the candidates in the 2020 election, again, of the January 31st filing. Friends of Robert White, the preliminary draft statement of findings was issued on November the 5th, 2020, and the audit report is under review.

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

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

We also have a periodic random audit of constituent service programs, and that is of the October the 1st, 2020 filing. The Do Something Constituents Fund, the preliminary draft statement of findings was issued on
November the 11th.

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

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

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

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

MR. SANFORD: Good morning, Mr. Chairman.
CHAIR BENNETT: Good morning, Mr. Sanford.

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

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

During the month of October 2020, the Office of the General Counsel also transmitted 16 petitions for enforcement to the Office of the General Counsel for the Board of Elections.

During the month of October 2020, the Office of the General Counsel for the Office of Campaign Finance imposed fines against the following respondents.

A fine of $2050 was imposed against
the Urban Red PAC, a fine of $2050 was imposed
against the Money Supply Initiative, a fine of
$2050 was imposed against the D.C. Republic
Recovery Act Initiative, a fine of $2050 was
imposed against the U.S. Citizens Recovery
Initiative, and a fine of $300 was imposed
against the Dump Trump Initiative.

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

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

The second investigation was OCF 2020,
Investigation Number 009, the complainant was
Chuck Thies, the complaint was received on the
28th of May 2020, the respondent was Anthony Lorenzo Green, the allegation was inappropriate use of government resources, and the investigation was completed, and an order was pending during the month of October.

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

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

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

During the month of November 2020, the Office of the General Counsel also transmitted three petitions for enforcement to the Office of the General Counsel for the Board of Elections.
During the month of November 2020, the Office of the General Counsel imposed fines against the following respondents. A fine of $500 was imposed against Committee to Elect Stewart Anderson. A fine of $300 was imposed against the Committee to Elect Stewart Anderson. A fine of $1800 was imposed against Callie for State Board of Education. A fine of $1800 was imposed against Toliver for Ward 4. A fine of $300 was imposed against Reid for Ward 1 2018. A fine of $250 was imposed against Vote Fria Moore 2020. A fine of $1800 was imposed against the Committee to Elect Alpha Bah. A fine of $1850 was imposed against D.C. Choice. A fine of $1400 was imposed against Ivan Cloyd for U.S. Representative. A fine of $400 was imposed against Trayon White for Ward 8. A fine of $1400 was imposed against Edwards for Ward 4. And a fine of $1800 was imposed against Ivan Cloyd, U.S. Representative.

During the month of November 2020,
there was one open investigation. That was
Investigation Number OCF 2020-009. Complainant
was Chuck Thies. The complaint was received on
May 28, 2020. The respondent was Anthony Lorenzo
Green. The allegation was inappropriate use of
government resources.

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

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

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

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

MS. COLLIER-MONTGOMERY: Thank you.

CHAIR BENNETT: If you want to do
that, we'll do that at a board matter, okay?

MS. COLLIER-MONTGOMERY: All right.

Thank you.

CHAIR BENNETT: Thank you. Ms. Stroud, General Counsel's report.

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

And one of my concerns was, the money, you know, to be spent on disseminating policy views so that you can differentiate yourself, and I was worried that money was going to be spent on more of the bureaucratic side, signature gathering and things like that, so I am, sort of, curious, now that we've been through a cycle, and maybe this is something we could report on or we can do offline and then report at a future
But I am sort of curious now, we tracked what the expenses were, we tracked where the money went, what the percentage was, how many potential candidates applied that never got on the ballot, for whatever reason, it would just be nice to track all these things so we have -- we're starting from zero, we can only -- we've don't it one time, but I'd like to start a process of keeping track of that type of information going forward.

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

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

MEMBER GILL: No, that's it.

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

MEMBER GREENFIELD: No, I do not.

CHAIR BENNETT: Okay. Great. Thanks,
Ms. Montgomery. We'll --

MS. COLLIER-MONTGOMERY: All right.

Thank you.

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

MS. STROUD: Good afternoon, everyone.

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

A notice of emergency and proposed rulemaking with respect to this action was published in the D.C. Register in September 11th. No written comments on the proposed rules were received during the public comment period and no
substantive changes have been made to the regulations as proposed.

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

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

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

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

MEMBER GREENFIELD: I second.

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

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

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

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

CHAIR BENNETT: Okay.

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

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

And as a result of the Board not
counting the write-in votes, Mr. Hunt sued. The Board filed a motion to dismiss in April 2019. The motion was granted on March 10th of 2020. Mr. Hunt appealed to the D.C. Court of Appeals in April of 2020 and Mr. Hunt's appeal was dismissed as untimely on September 29th of this year.

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

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

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

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

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

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

   And that concludes my litigation
status report.

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

   MS. STROUD: Board matters.

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

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

   CHAIR BENNETT: Okay. Mr. Gill?
MEMBER GILL: No, thank you.

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

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

CHAIR BENNETT: Okay.

MS. COLLIER-MONTGOMERY: Okay. Thank you.

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

And in that business, that's a good
thing. The processes worked almost flawlessly, they got things done, I rarely received any comments from any candidates about anything happening at the Office of Campaign Finance, and so that, in and of itself, is high praise and compliments for the men and women of the agency, and certainly, the leadership.

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

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

It's not just hard work to make things
happen, it's also competence, and so they just
performed under extreme circumstances and
incredibly well.

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

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

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

I also received an incredible
compliment from the former deputy Postmaster
General, Mr. Ron Stroman, about the process and
how impressed he was with how the mail process
balloting worked for us, and particularly, it was
the very first time.

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

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

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

This is not a one-person or one group
of persons show, it was a combination of all the
persons that were involved and a part of the
agency, and especially the Board Members that helped make all this stuff happen.

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

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

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

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

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

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

MEMBER GILL: Thank you, Chairman. So
I want to associate myself with the remarks from
the distinguished gentleman from Duke when it
comes to thanking all the staff and volunteers of
the Board of Elections for pulling off a great
election process, not just the day of the
election, but the process with the mail-in voting and the early voting centers, and then the actual day of.

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

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

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

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

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

We ended up being required to have 80, and my only concern about that is, that, the reason I didn't think we should have 144 is the pandemic. It just wasn't the right thing to do to ask churches, and halls, and other private
entities that normally serve this role to take on that liability, and to, sort of, get people congregated, in a lot of cases, very, very small spaces.

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

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

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

I also want to do a particular thank
you to our Chairman, who protected the
independence of this Board, in my mind, over the
course of this process. We are an independent
agency and when elected officials request certain
precincts to be opened, when elected officials
asked for non-public information on voting
totals, when elected officials request, you know,
information that is not public, but it should be,
somehow, given to them, whether it be which
senior citizen centers we're going to be going to
and when we're going to be going to them, all of
which, I am convinced, were done in the absolute
generosity and spirit of trying to help, but the
fact is that this Board is independent because
elected officials, whether they're on the ballot
or not, are perceived of having an interest in
just that type of information.

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

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

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

Thank you, Mr. Chairman.

CHAIR BENNETT: Thank you.

MEMBER GILL: That concludes my remarks.

CHAIR BENNETT: Thank you. Ms. Greenfield, do you have any remarks under Board matters?
MEMBER GREENFIELD: Yes. First I'm going to reiterate, repeat, everybody's things and praise whatever towards, you know, the Board of Elections, volunteers, poll workers, you know, staff and everything they did in terms of this election.

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

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

And I went to a number of the sites and got a lot of kudos for the Board for the training, because we had a lot of new poll
workers, and that also can become a challenge
upon itself, and I got kudos from a lot of the
veterans and a lot of the site people of how well
trained they were, and knew what to do, and
whatever.

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

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

And I think everybody, everyone who
voted, should thank all of them. They made it a
much, much better, easier, experience in terms of
doing that, so I just want my thanks for that.

CHAIR BENNETT: Thank you. All right.

So we're going to wrap-up with the last part of
the meeting and it will be public matters.

MS. BRIZILL: Mr. Bennett?

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

sorry, I need to issue the Board orders before we
go to public matters. My apologies. Ms. Stroud?

MS. STROUD: Hello, so I -- the Board

is prepared to issue two orders and I just wanted
to provide some background as to the matters that
the orders will be issued on.

So the first is Aaron Landry and
Daniel Warwick, Petitioners, v the Office of
Campaign Finance, as the Respondent. This is a
request for a hearing de novo. This matter came
before the Board pursuant to Title III DCMR
3709.11, in August, and it was a request for a
hearing de novo with respect to the Office of
Campaign Finance's decision and OCF order 2019-
001, wherein OCF found that advisory neighborhood
commission Commissioners Warwick and Landry, and
several other members of the ANC commission,
violated D.C. Official Code 1-1163.36A and 3 DCMR 3301.1A, by allowing the ANC to be, Twitter page, used for campaign-related activity.

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

And so in the record in this case, there were several filings that had been filed...
with the Office of Campaign Finance, which culminated in the proceeding before the Board, and the Board had the opportunity to deliberate, in executive session, upon this matter, and they are now prepared to issue their ruling on the question that was before the Board, which is whether or not there was a violation of the relevant statutes and regulations when ANC 2B allowed the re-tweet to be posted from that private account.

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

CHAIR BENNETT: Okay. Well, I'll get a motion from Ms. Greenfield to come out of executive session with regard to both the orders that we're in the process of issuing, that Ms.
Stroud noted. Ms. Greenfield, can I get a motion to come out of executive session to vote on these orders?

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

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

MEMBER GILL: Second.

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

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: Mr. Gill?

MEMBER GILL: Aye.

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

CHAIR BENNETT: Ms. Greenfield, your vote --

MEMBER GREENFIELD: Aye.

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

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

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

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

MEMBER GILL: Just because we'll have a little discussion, I want to read the actual order that we -- that Karyn and I agreed to, order that the order is upheld and that the fines
imposed therein are reduced to $50 each for
Commissioners Landry and Ward, pursuant to 3 DCMR
Section 3711.6.

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

Be that as it may, it's a slippery
slope, and where I came down on this was, I
thought the original fine was going to be
excessive, but the fact of the matter is, one of
the things that came up during the discussion of
this was, if we think this is illegal, then
there's a whole host of things all over the city
that these, you know, ANC Web sites and other
things that are supported with public funds, you
know, they do this type of thing.
And my answer to that is, well, if they do, then they're wrong. And the law doesn't take into consideration if it's inadvertent, or it's just small, or, oh, he didn't mean it, it did allow for campaign information to be projected over a public site.

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

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

So, you know, we reduced the fine to which is a, sort of, you know, not consequential amount, because I do think that there was, you know, not bad intent on folks here, but be that as it may, the violation occurred, in my mind,
and that's why I voted aye on this. Karyn?

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

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

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

CHAIR BENNETT: Okay.

MEMBER GREENFIELD: Yes.

CHAIR BENNETT: Well, my comment, I think the order speaks for -- my dissent speaks for itself and I will pass on any public comment accordingly. So -- okay. Do you want me to read it? Okay. I'll just read my dissent and said, "I write separately to say that I respectfully disagree with the conclusion reached by my fellow
Board Members. I agree with Mr. Landry's assertion that an end user would be required to engage in a series of ongoing intentional actions to access campaign content, which is completely unrelated and not directly connected to the ANC 2B Twitter account."

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

Okay. Ms. Stroud?

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

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

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

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

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

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

The Board also heard a summary of the
OAG opinion as well as the recommendation from
the Office of the General Counsel that the
initiative be rejected on the ground that it does
not present a proper subject because it amounts
to a law appropriating funds.

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

It has to be a proper subject under
the terms of the District's charter, which is
Title IV of the District of Columbia Home Rule
Act or -- and it must also be found to have been
accompanied by a verified statement of
contributions, it must be submitted in the proper
form, it must not authorize or have the effect of
authorizing discrimination prohibited under the
Human Rights Act, and it must not negate or limit
an act of the council of the District of
Columbia, so it must not limit a budgetary act of
the council.
And by definition, the term initiative means the process by which the electors of the District of Columbia may propose laws, except laws appropriating funds and present such laws directly to the voters of the District of Columbia for their approval or disapproval.

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

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

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

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: I second.
CHAIR BENNETT: It's been properly moved and seconded, so let's get a voice vote, Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

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

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

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

MS. STROUD: Within the week.

MEMBER GILL: Okay.

MS. STROUD: Before Friday.

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

MS. BRIZILL: Yes, I'm here.

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

MS. BRIZILL: Dorothy Brizill, B-R-I-Z-I-L-L, 1327 Girard Street, NW, Washington, D.C.

I'd like to raise a matter with the Board and get a sense of where the Board is on a matter that I believe is going to have a longer shelf life beyond the November election.

And that has to do with the BOE staff, and I assume the Board, denying citizens or observers the access to important matters ongoing. Let me clarify that. As you know, the Board conducted, over the past two weeks, an audit of the election returns, and that audit was conducted on November 23rd and 24th.
I had credentials as an observer, but I was told by your present public information officer that citizens would not be allowed access to the audit meeting because of the public health emergency.

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

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

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

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

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

And indeed, he denied me access to view the tabulations. Now, if this is the road that the Board is going to go down, then I and
other people would like to know it.

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

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

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

So we will -- again, I'm not personally familiar with, and I don't think any
of the other Board Members are personally familiar with, the exact circumstances that you described, but we will take those and try to make sure that, in the future, the law is followed with regard to our ability to -- or the public's ability to review those things.

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

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

The point I'm trying to make is, this has happened three times, three times, in the past two to three months. Once over at the warehouse, when you specifically sent emails
inviting people to watch the preparation and
inspection of the voting machines.

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

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

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

If you believe there is, I look
forward to seeing that in court. I believe this
exact situation has been raised in the national
election, on whether or not proper observers were
allowed, and in my view, we did exactly what the
law allowed. We allowed observation through the
cameras because of the extraordinary incident of
the pandemic.

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

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

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

    MEMBER GILL: I appreciate your
opinion.
CHAIR BENNETT: Okay.

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

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

CHAIR BENNETT: Is there any other public matters?

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

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

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

MS. BRIZILL: Great leadership, Mr. Bennett. Great leadership.
CHAIR BENNETT: Thank you, Ms. Brizill. I really appreciate that.

MS. BRIZILL: I hope you understand sarcasm.

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

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

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

And the last thing that I just wanted
to note for the record too is that I wanted to
follow through with your comments and indicate
that the agency is extremely proud of the success
of the Fair Elections Program, because as you
know, this was the first -- the 2020 election
cycle was the first election cycle which was --
under which the program was conducted.

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

But most importantly, I would also
like to thank the members of the Office of the
Chief Financial Officer because they made sure
that we were able to make payments on time to
candidates and specifically, that would be
Mohamed Awan and also Than Hughes, who really
guaranteed the success of the program, so again,
thank you.

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

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

CHAIR BENNETT: Okay.

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

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

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

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

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

MS. GAAL: And what's the SMD?

MS. MILLER: 7B040.

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

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

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

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

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


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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.

[Signature]
Court Reporter