GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

OCTOBER 7, 2020

+ + + + +

The District of Columbia Board of Elections convened via Teleconference, pursuant to notice at 10:32 a.m. EDT, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD, General Counsel
WILLIAM SANFORD, General Counsel of the Office of Campaign Finance
CECILY COLLIER-MONTGOMERY, Director of the Office of Campaign Finance
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MEMBER GREENFIELD: We're going to go ahead and call meeting to order. First I want to make sure we have a quorum. The chairman is not here. I am here, Karyn Greenfield. Mike Gill, you're here?

MEMBER GILL: I'm here, Karyn.

MEMBER GREENFIELD: Okay.

MEMBER GILL: Can you hear me?

MEMBER GREENFIELD: Yes, I sure can, Thank you.

MEMBER GILL: All right.

MEMBER GREENFIELD: So we do have a quorum. We'll move on to a motion of the approval of the minutes. We'll first move to approve the minutes. Can I get a motion to move -- approve the minutes from the last Board meeting?

MEMBER GILL: Yes, I make a motion to -- can I approve the agenda at the same time?

I'd like to make a motion to approve the agenda
and approve the minutes from the September Board meeting.

MEMBER GREENFIELD: We have an amendment to the agenda, so I'm going to do the minutes and then we'll go back to the agenda.

MEMBER GILL: All right.

MEMBER GREENFIELD: Okay.

MEMBER GILL: All right, so a motion to approve the minutes from the last Board meeting.

MEMBER GREENFIELD: Okay, I second.

All in favor?

(Chorus of ayes.)

MEMBER GREENFIELD: Okay. The minutes have been approved and passed. Now to the adoption of the agenda. I want to amend it to include final rulemaking on this agenda, so we'll address that. Can I have a motion to approve the agenda as amended?

MEMBER GILL: I make a motion to approve the agenda as amended.

MEMBER GREENFIELD: I second the motion. All in favor?
(Chorus of ayes.)

MEMBER GREENFIELD: Okay. That has
been moved and properly passed.

Okay, we will now move into Board
Matters. Mr. Gill, do you have anything for
Board Matters?

MEMBER GILL: Just quickly -- and Alice
maybe I'll just think about it now, and I'll ask
the question during your report, but I'm just
curious where we are now with and who, you know,
hired employees for the actual election date, and
then volunteers for the election date. I'm
curious on those.

Also, Alice, I want to ask the
question on your report regarding -- I know we've
called -- we started the process a couple years
ago in terms of, you know, voters who have passed
away and things like that, and as that process is
ongoing. We also have a process that if you
don't vote for a number of elections you get
brought off the rolls, but none of that took into
account that suddenly we would be doing mail in
1 ballots, which we've decided that -- as a Board
2 that that's the right thing to do because of
3 health concerns, sending everyone a ballot.
4 Invariably there's going to be people who have
5 passed away who are getting ballots, and I want
6 to just ask about addressing that and giving
7 people comfort that that's not a surprise that's
8 part of the calling of the system that's been
9 ongoing, but there's going to be that issue. It
10 is fraud to take one of those ballots and turn it
11 in. In the past, before we had the pandemic, the
12 way we handled this is that dead people have a
13 strong preponderance not to show up at the polls,
14 and so it's something we deal with, but it's not
15 something that has been a fraud problem in
16 previous elections. Just the heads up that I
17 also want to talk about those things.
18
19    MS. MILLER: Sure.
20
21    (Simultaneous speaking.)
22
23    MEMBER GILL: I don't have any
24
25    questions right now.
26
27    MS. MILLER: Some of that is actually
covered in my prepared report.

MEMBER GILL: I can barely hear you, Alice. I don't know if others are having trouble.

MS. MILLER: I said some of that is actually covered in my prepared report.

MEMBER GILL: Oh, good. Well see I'm ahead of things.

(Laughter.)

MS. MILLER: Yes, you are, as always.

MEMBER GREENFIELD: Okay. The only thing I would like to say is just thank the team for everything they've done so far getting ready for this election, and thank you in advance for all the hard work that's coming and that's going forward to get us to November 3rd.

We'll now move on to the Campaign Finance Report. Cecily, will you report.

(No audible response.)

MEMBER GREENFIELD: We can't hear you Cecily. Hold on.

(Whereupon, the above-entitled matter
went off the record at 10:36 a.m. and
resumed at 10:40 a.m.)

MS. COLLIER-MONTGOMERY: The first
thing I will report is that the Agency continues
to operate under a modified status. All of our
services continue to be provided remotely via
email and also by telephone. We can be reached
at 202-671-0547.

I would report that on September the
29th and the 30th, 2020, the office of Campaign
Finance hosted the virtual 2020 DC debates for
the November the 3rd, 2020 general election
contest for at-large member of the State Board of
Education and at large member of the Council of
the District of Columbia.

The debates were the normal debates
under the Fair Elections Program, and were live
streamed at 2020dcdebates.com. All candidates
certified in the Fair Elections Program were
required to participate in the debate, and all
candidates who achieved ballot access in the
traditional Campaign Finance Program were invited
to participate.

On September the 29th the At Large Member of the State Board of Education Candidate Debate was moderated by Perry Stein, the Washington Post Reporter for Education, and a total of six candidates participated. The September the 29th and 30th debates for At Large Member of the council were moderated by the Washington Post reporter, Fenit Nirappil, and a total of 18 candidates participated. Debate one, which again was the Board of Education debate, was held on September the 29th from 4:30 to 6:00 p.m. There were six participants.

The first debate for the at large member of the council was held on September the 29th from 7:30 to 9:00 p.m. There were five participants. The second debate for the At Large Member of the Council was held on September the 30th, again, from 5:00 to 6:30 p.m. There were seven participants, and the last debate for the at large member of the council was held again on September the 30th from 8:00 to 9:30 p.m., and
there was six participants.

Advertisements for the debates were placed on bus exteriors on various routes throughout the District of Columbia area, and on 15 area radio stations, and digital ads were placed on the Internet. Press release and information on the debates was also published on the website at 2020dcdebates.com. There were 14 partners affiliated with the 2020 DC debates.

The videos of the debates are available at OCF's 2020 DC Debates' website. Again, www.2020dcdebates.com for continuous viewing, and will remain online through the November 3rd general election.

In the Fair Elections Program during the month of September I would report that the total sum of $72,752.00 was authorized for distribution in base and matching payments to the following FEC participating candidates, on nine — on September the 10th a payment of $600.00, a matching payment, was authorized to James for Ward 2, State Board of Education.
On September the 10th a matching payment of $400.00 was authorized for Lex Reed (phonetic) 2020. On September the 11th a matching payment of $21,877.00 was authorized for the Committee to Elect Mysiki Valentine. On 9/11 a base amount payment of $10,000.00 was authorized for the Committee to Elect Mysiki Valentine.

On 9/11 a matching payment in the amount of $1,375.00 was authorized for Franklin Garcia for DC 2020, as well as a matching payment for the amount of $1,150.00. On September the 16th a matching payment of $15,650.00 was authorized for Randy Downs, Ward 2.

On September the 28th a matching payment of $20,100.00 was authorized for the Friends of Christina Henderson, and on September the 29th a matching payment of $600.00 was authorized for the Committee to Elect Dontrell Smith.

As of September the 30th, the total sum of $3,612,451.00 has been disbursed in base
amount and matching payments to the 35 candidates who have been certified in the Fair Elections Program to participate in the elections which were held during this calendar year, the June 2nd, 2020 primary election, the June 16, 2020 special elections, and the November the 3rd general election.

There are currently, again, 20 candidates certified as participating candidates in the program for the November the 3rd general election. Eleven candidates were certified in the June 2nd, 2020 primary elections. Ten of these candidates were defeated and, again, will not continue to participate in the general election. The four candidates who were certified as participating candidates in the June 15th special election were defeated.

During the month of September we also certified three new candidates into the Fair Elections Program for them to participate in the November the 3rd, 2020 general election. The first is the Committee to Elect Mysiki Valentine.
The Committee and the candidate were certified on September the 11th, Ebony Rose Thompson for DC State Board of Education Ward 7 were certified on September the 11th, 2020. The Committee to Elect Friends of Allister Chang were certified on September the 11th, 2020.

Also the Fair Elections Program conducted 29 desk reviews, and basically those were of the optional August 31st to September 30th, and amended reports of receipts and expenditures as a result of the desk request for additional information.

Ongoing audits. In the Fair Elections Program for the 2020 primary election the Fair Elections Program is in the process of conducting post-election audits. Notice of full field audits were issued on June the 19th, 2020.

The status of the full field audits is as follows, Kelvin Brown for DC Council, Ward 7. The audit documentation has not been received as of September the 4th. The matter was referred to the Office of the General Counsel. A hearing on
the failure to file documents is scheduled for October the 8th. Green for Ward 7, the audit documentation was received on August the 6th, 2020. The audit is in progress. Evans 2020, the audit documentation was received on July 31st. The audit is in progress. Yilin for Ward 2, audit documentation was received on August the 29th. The audit is in progress. Patrick Kennedy for Ward 2, an extension was approved until October the 12th for a commission of the documents. Mike for Ward 8, audit documentation was received on August the 14th. The audit is in progress. Kishan for DC 2020, the audit documentation was received on August the 6th. The audit is in progress. Jordan Grossman for Ward 2, the audit documentation was received on August the 5th, and the audit is in progress. John Fanning for Ward 2, an extension was approved until October the 12th for submission of the documents. Elect Renee Bowser, audit documentation was received on August the 24th. The audit is in progress, and it was referred to
the General Counsel and the hearing is scheduled on the failure to timely file the documents, and that's scheduled for October the 8th.

Again, I would point out that these are the post-election audits that are being conducted at the campaign operations of those candidates who participated in the primary election, and who were certified in the Fair Elections Program and were defeated.

Also, we are conducting post-election audits of the candidates who participated in the special election. The notice of the full field audits was issued on July 6, 2020, and the candidates who are under audit are as follows: 1) Kishan Putta, Kishan Putta for Ward 2 special election 2020, an extension was approved until October the 12th for the submission of documents. John Fanning, John Fanning for Ward 2 special election, an extension was approved until October the 12th for the submission of documents. Jordan Grossman, Grossman for Ward 2 special elections, the audit documentation was filed on August the
14th, and the audit is in progress. Patrick Kennedy, Patrick Kennedy for Ward 2 special election, the extension was approved until October the 12th for the submission of documents.

In our Public Information and Records Management Division during the month of September 2020, there were three filing dates for the reports of receipts and expenditures. The first one was for the Legal Defense Committee. The ninth report of receipts and expenditures was due on September the 1st, 2020. There is one required filer. The filer timely filed and report was electronically filed with our Initiative Referendum Committee.

A second report of receipts and expenditures was due on September the 10th. There was one required filer, and the filer did timely file and electronically filed the report with our Fair Elections Program for our Principal Campaign Committee. September the 30th was an optional report date for the candidates who were certified in that program. We had ten who filed
the optional report, and all of the ten
committees electronically filed their report.

During the month of September we had
one candidate and committee that registered with
us, that is an exploratory committee, the Butler
Mayoral Exploratory Committee registered on
September the 21st, 2020. We also had two
candidates and treasurers who completed the
Entrance Conference presentation. The first was
Sarah Mehrotra, Candidate and Treasurer Committee
to Elect Sarah Shanti Mehrotra, Ward 2, State
Board of Education, Cathy Henderson, Candidate
and Treasurer Committee to Elect Cathy Henderson
for At Large City Council.

In our Reports Analysis and Audit
Division during the month of September 2020 the
audit branch conducted 36 reviews of reports of
receipts and expenditures that had been filed.
Again, I would just mention, or clarify for the
record, that this is the audit of the -- or desk
review of the reports that are filed in our
traditional campaign finance program.
The following are the ongoing audits in the audit branch, and the first are the periodic random audits, and these are of candidates in the upcoming 2020 election, and of the January 31st filing. The first is Friends of Robert White. Audit records were received in March 2020. The field work continues. Veda for Ward 7 was initiated on March the 2nd. The field work continues.

Committee to Elect Rogers for Council for initiated March 2nd. Again, the audit field work continued in that matter as well. We also are conducting periodic random audits of a filing by our Political Action Committee on January 31st. The first is Verizon Communications Inc., The Government Club Pact, which was initiated on March the 2nd. The audit work is ongoing, the field work. The DC Libertarian Party, which was initiated March 2nd, again, the audit field work continues. The Firefighters Committee on Political Activities, which was initiated on March 2nd, the audit field work continues.
We issued one audit during the month of September, and that was of the Ward 4 Continuant Service Program. The audit report was issued on September the 22nd, 2020. That was a compliance audit, and the audit is available at our website for review by members of the public.

That completes my report, but I would now ask the General Counsel for the Agency, William Sanford, to present his report.

MR. SANFORD: Hello, good morning.

(No audible response.)

MR. SANFORD: Hello, good morning.

(No audible response.)

MR. SANFORD: Hello, good morning.

MEMBER GREENFIELD: Hello, we can hear you.

MR. SANFORD: Okay. Good morning, Madam Chairman and distinguished Board Member Gill. My name is William Sanford, General Counsel for the Office of Campaign Finance. During the month of September the Office of the General Counsel received five referrals and
conducted six informal hearings, and issued six orders in which no fines were imposed and no fines were collected during that month. During the month of September 2020, the Office of the General Counsel maintained three open investigations. They include the following:

Complaint filed by Jennie Malloy against Karl Racine for Attorney General 2018. The allegation is inappropriate use of campaign funds.

The investigation in this matter is completed, however, we have been unable to issue the order, because there's one missing report that the Committee has been unable to provide because their accountant became gravely ill and expired during the process of this investigation, and so we have extended the time for them to provide that final document.

The second complaint is a complaint filed by Chuck Thies. The Respondent was Anthony Lorenzo Green. The allegation was inappropriate use of a government resource. The final draft of that order is under review and it will be issued
shortly.

The final investigation that was
opened in the month -- during the month of
September is a complaint that was filed by Lauren
Wolfe. The Respondent was candidate Brooke
Pinto, who is currently Council Member Brooke
Pinto. The allegation was failure to report
excessive contributions. The investigation was
completed. The Order was issued on the 25th of
September 2020, and the order dismissed the
complaint due to insufficient evidence to support
the allegations.

During the month of September there
were no requests for interpretative opinions, and
no show cause proceedings were conducted during
the month of September 2020. And that should
conclude my report.

MEMBER GREENFIELD: Okay. Thank you.

Thank you very much.

MR. SANFORD: Thank you.

(Simultaneous speaking.)

MEMBER GILL: No comments for -- no
questions for Bill or Cecily.

MEMBER GREENFIELD: Okay. Thank you.

We'll then now move forward to the Executive Director's Report, Alice Miller.

MS. MILLER: Thank you. Good morning, everyone. I want to begin by thanking all of District of Columbia residents who've answered our call, stepped up, signed up to be election workers for this election. We have not only met, but well exceeded our goal thanks to all of the DC residents who willingly volunteered. We have over 3,000 applications now that are still sitting in the queue to be contacted for training and placement at a vote center -- in one of the 95 vote centers citywide. We're fortunate and definitely appreciative of this.

The individuals who have answered our request represent a much younger workforce than the average older workers that we normally employ, in fact, many of these workers average between 25 and 40 years of age, and for that we're grateful. Of course, we continue to need
the support and appreciate the support of our
veteran workers who really know how to get the
job done, and they'll help guide the younger
workers and our new workers as we go through this
process; we will definitely rely on them.

With that said, as of yesterday
Election Worker Training and Recruitment Division
has trained 3,081 election workers. There are
655 election workers that are still scheduled to
attend an upcoming training class. According to
the allocation list, we estimated that we needed
a minimum of 2,159 workers, so at this point we
have trained 922 more, and with the 655 that are
scheduled to be trained that'll take us to about
1,500-plus over, which we will have on a reserve,
and use and have a few of them come down and meet
us in the warehouse to be available if we need to
deploy them out for election day for the 95
sites.

Our last and final training class has
been scheduled for Saturday, October 24th. All
of the workers have been trained and will be
trained in the following positions: as site coordinators, registration clerks, ballot clerks, voter assistance clerks. And since August 4th we have conducted 45 registration clerk classes. There are nine more classes that are scheduled to be conducted, 53 ballot clerk classes, nine more scheduled to be conducted, 47 voter assistant classes, seven more scheduled, three site coordinator classes, and there are nine more scheduled.

We also are scheduled to have six precinct technician classes, and we'll have 95 technicians scheduled to be at each of the 95 vote centers, as well as technicians scheduled for early vote centers as well.

The election day assignment letters were mailed out by USPS mail on Friday, October 2nd to 90 percent of the workers that have been assigned to one of the 95 election day vote centers. We're scheduling right now a few more registration clerks to fill vacancies in Ward 7 and 8. We have the people we're just -- I'm
scheduling them, so don't get upset we do have the people we're just trying -- need to schedule them for Ward 7 and 8, but the response from those wards was not quite as high as from the citywide, so we're looking to see how we can navigate some of the other individuals to go over to Ward 7 and 8.

Early voting assignment letters are now being finalized, and should be ready to be emailed prior to the end of this week, and our training on the processes will continue through October 24th. So that's with the training. I'll stop and see if Mr. Gill wants to ask questions on that, or you want me to continue?

MEMBER GILL: What was your question to me, Alice?

MS. MILLER: Do you want to question on the votes -- on the staffing, or you want me to continue with the report?

MEMBER GILL: Just finish the report.

I guess what I'm hearing though is that we're looking good. The queue -- is the queue because
we have way more applications than we thought, or
needed, or is the queue something we need to be
concerned about?

MS. MILLER: No, the queue is there
because at this point we really can't place
anymore people, and so we have those voter
records. We'll keep those, and we're telling
them that we will keep them, and if we need them
we'll call them, to have for upcoming elections.

MEMBER GILL: All right. That's a good
problem to have.

MS. MILLER: And just to move on as we
previously reported they'll be 32 early vote
sites, 95 election day sites, and we will now
have six super vote centers with the recent
addition of the Entertainment and Sports Arena in
Southeast. I will add that there will be no
curbside voting at any of the super vote centers,
but the remaining 89 will all have curbside
voting available.

As of yesterday, all 55 mail drop
boxes were available for voters to deposit their
ballots. They will be available 24 hours up through and including election day. The ballot drop boxes will close at 8:00 p.m. on November 3rd. There is an interactive map that will allow voters to locate both the closest drop box, and the vote centers based on their address -- based on the address that they put on the website to direct them to the closest vote center or drop box.

Ballot Trax is -- or let me do this first, we mailed 463,422 ballots to registered voters from our mail house in Washington State on September 25th. Those ballots were delivered to the USPS in DC on 9/27, and started delivering -- and USPS here started delivering our ballots on September 28th. Just a breakdown of that, 18,031 have been returned as undeliverable. The undeliverable are broken down into the following categories, 6,610 in the city have address changes or have moved, and that move has been since July or August which was when we did our last national change of address update in our
system, 8,422 are out of state movers, of which we have no information on, 2,461 have no forwarding address, 534 have a stamp that says temporary away, return to sender, and we have four that have come back as deceased, so our ballots will continue to be mailed out on a rolling basis to voters through the middle of October from the mail house, like to remind voters to check their mailboxes. If you receive a ballot at your home that does not belong to you or anyone in your household please mark it as you would with any mail that you receive at your home to return to sender, put it back in the mailbox, or in this case you can drop it in mail ballot drop box, one of ours, and we'll get it.

As of yesterday the United States Post Office -- Postal Service has returned 7,674 ballots to us, and our ballot boxes as of yesterday we had 7,861 ballots returned. Ballot Trax is operating for voters to track their ballots. The ballots deposited through the USPS, or the mail ballot drop box will be tracked, and
voters can follow the travel path of their ballot back to our offices through the website. Ballot Trax will show the ballot has been received and accepted to be counted. You can go to our website available through our splash page, type in your name and sign up for notifications as you deem necessary. That's it's for the ballots.

I'll talk a little bit about restore the vote. Restore the vote process, as you know, the city enacted the law to restore and to have voters who were incarcerated to have their rights restored. Back in August we mailed 2,400 registration applications to 107 federal prisons where we knew DC voters were incarcerated. We've been working with the Federal Bureau of Prisons to get those registration applications back. To date since we sent those out we've gotten -- 400 communications have been received back, but those are not necessarily applications, but communications, registration applications, request for information, and request for applications for DC residents within the federal
prison. Three hundred and fifty-two DC residents incarcerated within the federal prison have successfully completed the voter registration application, and approximately 85 applications are being returned to federal prison through BOP for correction for missing information. We're working closely with BOP re-entry affairs coordinators to complete this task, and hopefully we'll have all the information that we need by the October 13th deadline.

With respect to the DC jail, to date we have 42 ballots that have been returned from the DC Jail, and we have been working closely with them as well to make sure that these individuals are registered, and that their ballots will be sent to them in a timely fashion.

Outreach activities, there have been quite a few outreach activities, and we continue to do those through -- I will mention that we will have one -- last one scheduled for September -- October, I'm sorry, October 13th, which will be our last day for voter registration, and that
will be held at the Entertainment and Sports
Arena, and we're going to partner with the
Washington Football Team, with the teams at the
Capital Arena, and we're going to do an all out
splash to get voters one last time to register to
vote. We plan on it being a pretty hype event.
There'll be a lot of media, and going out to the
meeting and get them there. We'll have a disc
jockey there, and there's going to be an
opportunity for people to meet some of the alumni
players who will also be there, and just really
get that promoted as we move into next week as
well. That's going to be scheduled for Tuesday.
The time frame is from 10:00 to 2:00, and that's
at the Entertainment Sports Arena in Southeast.

I also want to indicate that we have
sent out a number of information and postcards
with flyers. I'm sure many of you, but not
everyone, has received at least two of the
postcards that we've sent out. Postcards went
out -- the first went out on September 16th to
all registered voters. The second one was mailed
out on September 25th to households. We sent e-flyers for distribution to all ANCs through -- Gottlieb Simon as you know is the ANC executive director, and he has helped us get the e-flyers out by using email addresses that he has for all the ANC officers, so the e-flyers have gone out to them. We will send additional e-flyers, I think, by the end of this week or next week we'll have that scheduled.

We have 500 yard signs that will be delivered to individual yards scheduled for, actually, tomorrow for October 8th. One hundred thousand door hangers will be delivered on October 9th, and another 100,000 on October 13th. The second e-flyers, I just mentioned, will go out on October 14th, and then another e-flyer for all of our registered voters with whom we have an email address will go out on October 15th, and additional yard signs will be delivered between the 19th and 20th with 400,000 door hangers -- additional door hangers to be delivered on October 25th.
I just want to talk a little bit about some of the events that the Board members and staff members have been participating in. A number of different webinars with local and national federal partners. I had the privilege of serving on a panel sponsored by Harvard with election officials and others in crisis management this week. I also participated earlier this week as a panelist with experts in elections and election fraud issues from the U.S. Attorney's Office, the FBI, the Public Corruption Civil Rights Section of the United States Attorney's Office of DC. That panel -- the topic of that was protecting our vote as well as a group that I participated in with the -- through the lawyers division of the DC Bar Association, I believe that was last month.

We will -- DC BOE and along with the U.S. Attorney's Office and the Black Prosecutors of the U.S. Attorney's Office and National Bar Association Young Lawyer's Section will host an event on October 20th titled Navigating the 2020
Election, What You Need to Know to Protect Your Vote. This will be -- panelist for this will include both our general counsel and myself, and what I wanted to indicate was all of this, all these webinars, all of these meetings, and all these things that we're doing is all about messaging and ensuring that voters have the right information that they need from trusted sources and who those trusted sources are that they should rely on when getting this information.

I think that concludes my report. Oh, I forgot to mention the voter guides have gone out, so people should have that as well.

MEMBER GREENFIELD: Okay. Board Member Gill, you have any questions?

MEMBER GILL: No questions for me. Thanks, Alice.

MEMBER GREENFIELD: Chairman Bennett is now here. Do you have any questions?

CHAIR BENNETT: No questions. Thank you.

MEMBER GREENFIELD: Go ahead.
(Simultaneous speaking.)

MEMBER GREENFIELD: We're going to the
General Counsel's report from Terri.

MS. STROUD: Thank you. Good morning,
everyone.

The first item on my agenda is
litigation status. The first case in the status
is William V. Hunt versus the Board. This matter
was a complaint regarding the counting of write-
in votes in the mayoral contest in the November
2018 general election. Mr. Hunt, who was a write
in candidate for mayor, filed a complaint to
request that the Board count the write in votes
cast in the mayoral contest, which the Board was
not required to do, because that amount was not
sufficient to elect a write in candidate. The
Board filed a motion to dismiss in April of 2019,
which were granted on March 10th of this year.
Mr. Hunt filed an appeal on April 16th of 2020,
which was beyond the 30-day period provided for
in the rules. The court gave Mr. Hunt until May
22nd to show cause why the case should not be
dismissed as untimely, and subsequently extended that deadline to July 1st. Mr. Hunt's re-file on June 25th did not address the question of why the appeal should not be dismissed as a matter of law. We're awaiting the court's decision in this matter.

The second two matters which are combined are Phillip Hammond v. the Board, and Robin Marlin v. the Board. These matters are appealed Board Orders 19-032 and 19-033, both of which upheld the resolutions of ANC 7B, which found no vacancies in single member district 7B04 and 7B05 respectively. These matters are at the DC Court of Appeals. The petitioners filed their briefs on December 16th of 2019 and their appendices on March 4th. We filed our response on April 5th of this year via electronic case filing, and we expect the court to decide the merits for both cases on the papers.

The last -- the next matter is Alliance Party v. The Board. This was a matter that was filed in the District's Federal District
Court, and is being handled by the District's Office of the Attorney General. It involved a complaint for declaratory and injunctive relief against the Board, and it seeks to preclude -- it sought to preclude the Board from enforcing the August 5th, 2020, ballot access filing deadline against independent and third-party candidates for the Office of U.S. President, because although the signature requirement for that office was lowered by the passage of the General Election Preparations Emergency Amendment Act of 2020, that did not occur until after the August 5th deadline had passed, thereby precluding independent and third-party candidates from being able to take advantage of the reduced signature requirement. Plaintiff sought to have the court order the Board to accept a petition with the requisite number of signatures filed by noon on Tuesday, September 8th. On September 3rd, the court held a hearing on the Plaintiff's request for a temporary restraining order, and in that hearing the court denied the Plaintiff's request
for the TRO. Plaintiffs are still litigating this case on the merits, and the Office of the Attorney General filed an answer and a motion to dismiss on September 23rd, and the matter is still pending.

The final case is Henderson v. the DC Board of Elections. That matter involved an appeal by Plaintiff Kathy Henderson from a Board order granting ballot access to Bernice Blacknell, a candidate in the office -- a candidate in the contest for ANC commissioner in Single Member District 5D04. The Board filed a Motion for Summary Affirmance in this matter in the DC Court of Appeals on September 9th, and it was granted on September 11th.

The next item on my agenda is Rulemaking, and I have final rulemaking and emergency and proposed rulemaking. The final rulemaking would amend Chapters 5 and 7 to replace those sections into -- those chapters into conformity with the General Elections Preparation Emergency Amendment Act of 2020. It
would clarify that cameras may be used in voting accounting locations as long as they do not disrupt or interfere with the election administration process, and it would establish that request for absentee ballots must be received by the 15 day before election day. This is with respect to ballots that have been misplaced, or have not been received, because we did mail ballots to all registered voters, so requests are not required, but in certain circumstances you can request a ballot by the 15th day before election day. That is the final rulemaking. A notice of proposed -- emergency proposed rulemaking with respect to this rulemaking was published in the DC Register on September 11th at 67 DCMR 010977. 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. The Board adopted these rules as -- well, I'm done with that. That's the final rulemaking for the consideration by the
Board.

The next item is Emergency and Proposed Rulemaking, and pursuant to this rulemaking Chapter 7 would be amended to place it into conformity with the Election Worker Residency Requirement Waiver Emergency Amendment Act of 2020, which provides that District government employees who are not district residents, or qualified electors may serve as polling place officials, and so I would ask the Board for a motion to adopt both the Final and Emergency and Proposed Rulemaking.

MEMBER GILL: I make a motion to the Board to adopt the Final and Proposed Rulemaking.

CHAIR BENNETT: I second your motion.

MEMBER GREENFIELD: Okay. All in favor.

(Chorus of ayes.)

MEMBER GREENFIELD: Okay, that has been moved and passed.

Is that all?

MS. STROUD: That's all on my agenda.
MEMBER GREENFIELD: Okay. We're done with that part of the agenda. What we have next is Public Matters. I don't know how we'll decide. We'll give each person 2 minutes.

MEMBER GILL: Hey, Karen, it's Mike Gill. I was just trying on my own phone to see where I would click the hand and I couldn't find it, so maybe Antoine could give us some help --

(Pause.)

MEMBER GREENFIELD: Currently I'm seeing -- not hearing from anyone, so I've got no public matters.

MEMBER SINDRAM: Hello.

MEMBER GREENFIELD: Yes.

MEMBER SINDRAM: Hello.

MEMBER GREENFIELD: Yes.

MEMBER SINDRAM: Madam Chair.

MEMBER GREENFIELD: Yes, I can hear you.

MEMBER SINDRAM: Yes, Michael Sindram.

Disabled veteran, served our country more than most. A question for you all regarding early
voting over here in Ward 4, and as you all know, we don't have an election, we just have the primary, which is the election, but in any event, there was early voting at Emory Rec, drive up, is that going to be the same -- same way it's going to be done, and what are the days, and is there going to be drive up as well? I'm crippled, and mobility is clearly a challenge, so if you could shed some light on that for me -- for us, that would be helpful.

MS. MILLER: Ward 4, let me see, I believe Emory Rec Center is a drive up curbside accessible vote location. Early voting will begin on October 27th, and the last day to vote is November 3rd.

MR. SINDRAM: And the times beginning October 27th.

MS. MILLER: From October 27th from 8:30 to 7:00, and on November 3rd from 7:00 a.m. to 8:00 p.m.

MR. SINDRAM: Great. You did a good job previously.
Mr. Gill, how are you, sir? We need an elephant in the room. Are you there?

(Laughter.)

MEMBER GILL: I'm here.

MR. SINDRAM: Wake up, wake up, wake up poll sleeper. Are you familiar, Mr. Gill, with Constance Owens?

(No audible response.)

MEMBER SINDRAM: I take that as meaning no with your wait time.

(Simultaneous speaking.)

MEMBER SINDRAM: I want you -- that's your homework assignment for next go around. I want you to connect -- there's a book she's written, it's called Black Out. Constance, C-O-N-S-T-A-N-C-E, Owens, O-W-E-N-S. She will support the effort of an elephant in the room. You must read it.

MEMBER GILL: I will add it to my reading list.

MEMBER SINDRAM: Very easy reading, very insightful, and the only regret you'll say
is, wow, why didn't I get this -- why didn't I
know about this sooner, so let's read it.

MEMBER GILL: Okay.

MEMBER SINDRAM: All right, sir?

MEMBER GREENFIELD: Thank you, Mr. Sindram:

MEMBER GILL: Thank you, Mr. Sindram.

MEMBER SINDRAM: Yes. All right, guys.

Keep up the good work, continue fighting the good
fight, and the good fight is the one you win.

MEMBER GREENFIELD: Okay. Thank you.

MEMBER SINDRAM: Yes, ma'am, thank you.

MEMBER GREENFIELD: That's it? Okay,
thank you everyone. Thanks for participating.

I'm going to make -- I'm going to ask for a
motion to adjourn the meeting.

CHAIR BENNETT: I move the meeting be
adjourned. This is Michael Bennett.

MEMBER GREENFIELD: Yes.

MEMBER GILL: Mike Gill, I second that.

MEMBER GREENFIELD: Okay, all in favor.

(Chorus of ayes.)
MEMBER GREENFIELD: The meeting has been adjourned. Thank you. Thanks everyone.

(Whereupon, the above-entitled matter went off the record at 11:24 a.m.)
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In the matter of: Board Meeting

Before: DC BOE

Date: 10-07-20

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