GOVERNMENT
OF
THE DISTRICT OF COLUMBIA
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BOARD OF ELECTIONS
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REGULAR BOARD MEETING
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WEDNESDAY
JANUARY 9, 2019
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The District of Columbia Board of Elections convened a Regular Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

D. MICHAEL BENNETT, Chair
MICHAEL D. GILL, Member
DIONNA M. LEWIS, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KENNETH MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
WILLIAM SANFORD, General Counsel,
Office of Campaign Finance
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P-R-O-C-E-D-I-N-G-S
(10:50 a.m.)

CHAIRMAN BENNETT: Good morning. Today
is January 9, 2019. Happy New Year to everybody
and thanks for participating. I want to call the
meeting to order. The first thing is the adoption
of the agenda. Could I get a motion to adopt the
agenda?

Well, let me stop and introduce who's
here. To my far left is Alice Miller, Executive
Director of Board of Elections. To my far right,
Ms. Cecily Montgomery, Director of Office of
Campaign Finance. To her left, Mr. Michael Gill,
Board member, to my right, Mr. Ken McGhie,
General Counsel, Ms. Dionna Lewis is on her way,
Board member, will be sitting to my left and I am
Michael Bennett, Chair of the Board.

To get started, the meeting is
officially open with the adoption of the agenda.
Can I get a motion from Mr. Gill to adopt the
agenda for today?

MEMBER GILL: Motion to adopt the
agenda.

CHAIRMAN BENNETT: Seconded, and we both concur the agenda should be adopted, so it's officially adopted. Adopt the minutes from the regular board meeting that was held on Friday, December 14, 2018, we've had an opportunity to review that before. Can I get a motion, Mr. Gill?

MEMBER GILL: I motion to adopt the minutes from December 14.

CHAIRMAN BENNETT: And I second. It's properly moved and seconded, unanimous, to adopt the minutes from December 14, 2018. Any Board matters, Mr. Gill?

MEMBER GILL: None from me.

CHAIRMAN BENNETT: And none from me, so we'll move on to the Item No. 4, which is the Campaign Financial Report from Ms. Montgomery.

MS. COLLIER-MONTGOMERY: Yes, good morning. The first thing I would like to report to the public is that in the Office of Campaign Finance the selection has been made for Fair Elections Manager of the Fair Elections Program.
Division. The person who was selected is Erick L. Jackson, and Erick L. Jackson has served as a senior auditor in the Office of Campaign Finance as well as a supervisory auditor, since 2014.

Prior to that he served 27 years in the Superior Court of the District of Columbia in the Probate Division and in other divisions, in leadership positions including an audit manager as well as an account executive. He also has significant community service in the District of Columbia as well.

As far as the activity in the Office of Campaign Finance is concerned for the month of December, 2018, in the Public Information and Records Management Division there was one report date. It was the December 10 report of receipts and expenditures, which was filed by principal campaign committees and PACs independent expenditure committees, as well as our inaugural committees.

With our principal campaign committees and PACs, the total number of required filers was
113. There were 101 timely filers. There were two
who requested extensions. There were 12 failures
to file --

CHAIRMAN BENNETT: Ms. Montgomery, can
you speak into the mike a little bit? I don't
think ---

MS. COLLIER-MONTGOMERY: Yes. There
were 101 of the committee who electronically
filed. Of course that represents the total number
of timely filers. With respect to the failures to
file, again there were 12 and those 12 were
referred to the Office of the General Counsel for
the initiation of the enforcement proceedings.

With the Independent Expenditure
Committee, there were five required filers who
were timely filed. There was on failure to file,
and that failure to file was referred to the
Office of General Counsel for the initiation of
the enforcement process. There were four
electronic filings, and they all certified their
filings as well.

With respect to the Inaugural
Committee, there was one required filer. The required filer late-filed, that matter has been referred to the Office of the General Counsel for initiation on the enforcement proceedings. The filer electronically filed and certified their filing as well.

So again, the referrals to the Office of the General Counsel for the failure to timely file, the December 10 report of receipts and expenditures include the following. With respect to the principal campaign committees, Malik for At-Large, Melik Amir Abdul, treasurer; Dustin "DC" Canter for DC Mayor, Tabethea Zimmerman, treasurer; Friends of Traci Hugher, Traci Hughes, treasurer; Justin Green At-Large, Justin Green, treasurer; Committee to Elect James Butler for Mayor 2018, Terrance Jordon, treasurer; Committee to Elect Professor Alpha Bah, Esq., Committee to Elect Professor Alpha Bah Esq., MBA, Alpha Bah, treasurer; Holmes for DC, Jonas Singer, treasurer; Nate Brown. Mr. Ward 6, Christina Brown, treasurer; Allen for DC, Kimberly Alfonso,
treasurer; George Jackson for DC Mayor, George Jackson, treasurer; Committee to Elect James Butler for Mayor, Terrance Jordan, treasurer.

The Inaugural committee was DC Proud 2019, Jodi Ovca, treasurer; the Independent Expenditure committee which was referred was DC Choice, Zach Weinstein, treasurer; Holland & Knight DC Political Action Committee, Dennis Horn, treasurer.

We had one new candidate committee that registered during the month of December, 2018, and that was Protecting Restaurant Workers Committee (Referendum). They registered with us on December 3, 2018.

We held one entrance conference during December, and that was on December 18, 2018, with Trupti J. Patel, treasurer, Save Our Voices No DC Council Repeal of Initiative 77, again, the referendum committee.

In the report's analysis an audit division during the month of December the Audit Committee conducted 119 depth reviews of
political action committees, principal campaign committees and also of the initiative and referendum committees and of the attorney general.

With our full field audits, our ongoing audits with the full field audits, there is one full field audit which is presently in progress, and that is of newly elected officials. That would be, I'm sorry, that is an error in my report. There is a full field audit which is ongoing and that is on a candidate. That is with respect to the campaign operations of Sheika Reid 4 Ward 1, which was initiated August 29, 2018.

We have periodic random audits which are ongoing. The first one of the Constituent Service Programs of the October 1, 2018, filing, that is of Mayor Bowser's Constituent Service Fund. That was initiated in November of 2018 with our continuing committees for the 2018 elections, and this is in respect to the June 10, 2018 filing. That would be of Anita Bonds 2018, which was initiated on September 11, 2018.
With respect to audit issues, we issued one audit and that was with respect to Kenyan McDuffie 2018. That was issued on December 7, 2018, and that is available at our website for review by members of the public. I would ask Mr. Sanford to give the report of the Office of the General Counsel.

MR. SANFORD: Good morning, Mr. Chair and distinguished Board members. My name is William Sanford, General Counsel for the Office of Campaign Finance. During the month of December, 2018, the Public Information Records Management Division made 14 referrals to the Office of the General Counsel.

The Reports Analysis and Work Division made five referrals during the month of December, 2018. During the month of December, 2018, the Office of General Counsel completed 11 hearings and issued 11 orders, which included the following:

Eight orders were issued for failure to timely file reports in which no fines were
imposed, and three orders were issued for failure
to timely file reports in which fines that
totaled $6,150.00 were imposed.

Fines were imposed against the
following respondents: A fine of $2050.00 was
imposed against the candidate and committee
Justin Green At-Large; a fine of $2050.00 was
imposed against the candidate and committee
Holmes for D.C.; a fine of $2050.00 was imposed
against the candidate and the committee of Melik
for At-Large. All of these candidates were
candidates in 2018 elections.

During the month of December 2018, the
Office of the General Counsel collected $1,500.00
in fines from Jeffrey Thompson in accordance with
the agreement between the Office of the General
Counsel and Mr. Thompson, a settlement agreement.

During the month of 2018, the Office
of the General Counsel opened one full
investigation. The investigation docket number is
LCF FY2018-002 and the complainant is Emily
Naden. That complaint was received on December 4,
2018. The respondent is Council Member Brandon Todd and the alleged infraction is the inappropriate use of government sources. That investigation is pending.

During the month of December 2018 there were no Show Cause proceedings conducted and no Requests for Interpretive Opinions. That should conclude my report.

MS. COLLIER-MONTGOMERY: And that concludes my report.

CHAIRMAN BENNETT: Any questions, Mr. Gill?

MEMBER GILL: No questions from me.

CHAIRMAN BENNETT: Ms. Lewis?

MEMBER LEWIS: No questions.

CHAIRMAN BENNETT: Okay, none for me.

Thank you Mr. Sanford, thank you Ms. Montgomery.

MS. COLLIER-MONTGOMERY: Thank you.

CHAIRMAN BENNETT: The next item is Executive Director's report. Ms. Miller:

MS. MILLER: Thank you, Mr. Chairman.

I'm just going to begin by saying in each odd-
number year the Board shall confirm the address
of the registered voters through our canvass
process, and we will begin our canvass shortly by
sending to registered voters, those individuals
who are enrolled but did not vote or file a
change of address at the polls at the general
election.

A first-class, non-forwardable post
card was sent out to the address that we have on
our records. The post office returns the notice
and provides new address of the registrant in the
District of Columbia. The Board then changes the
address on its records and mails to both the old
and new address of the registrant a formal
notification that the address has been changed to
reflect the information that came from the post
office.

It's a process that's ongoing, it
takes us approximately six months to finish this
process. During this year we have about 300,000
voters who will be subject to the canvass. Those
are individuals that did not vote or change their
address at the polls on election day.

    We're also in the process of pulling
together information for After Action report. The
After Action report is the information that
basically provides registration information,
performance information, as it relates to the
November 6 election, things such as the
percentage of voters that voted during the
election, number of special ballots, absentee
ballots, UOCAVA ballots, voters who were
registered 21 days prior to the election, those
who registered during early voting and poll
worker performance, things based on how the poll
workers performed on election day, if they opened
the polls on time, if they noted the results and
things like that. This report should be finished
no later than the second week in February.

    And I'm also happy to report that
after about two and a half years, the Office of
Contracting and Procurement is finally ready to
award a contract for our voter registration
system. We're doing final details now to get it
awarded. We believe that should happen prior to
the end of this month if not sooner. I believe
we're almost there.

This is something that we had needed
for a long time that will bring us up to date in
terms of technology. As you know, we're working
on a passbook system so this kind of gets us
where we need to be in terms of 2019. We'll be
working to transition all the data over from our
old registration system to the new registration
system. This system will have a lot of bells and
whistles that we need to keep our information
current and to allow things to work as they
should in 2019.

CHAIRMAN BENNETT: Have they performed
the successful awarding as of yet?

MS. MILLER: I'm not sure. I was not on
the panel. I couldn't be, I'm just getting this
information secondhand. But let me see if I can
get ---

CHAIRMAN BENNETT: No, no, I can get,
after the meeting if you can give me a brief on
who it is and some details about it would be great.

MS. MILLER: Okay.

CHAIRMAN BENNETT: Thank you. I don't want to violate the procurement of ---

MS. MILLER: We didn't either.

(Simultaneous talking.)

CHAIRMAN BENNETT: I don't want to have a public conversation about it just in case they haven't ---

MS. MILLER: We're excited about it, that's for sure. It needs to happen. It's been a long time.

CHAIRMAN BENNETT: Who's leading that? Is that Terry?

MS. MILLER: We have a panel of four people that are on the staff to technical, and Terry is leading the staff.

CHAIRMAN BENNETT: You can give us a quick five-minute after the meeting would be great.

MS. MILLER: Sure. Also, our 2020
election calendars are in draft form, about to be placed on the website. I will just state that the 2020 elections for the primary will be June 16, the primary for the -- party primary, those candidates will be the presidential nominee, delegate to the U.S. House of Representatives, At-Large members of the council, ward members of the councils for 2, 4, 7 and 8, U.S. Senator, U.S. Representative and the non-party committee person if the parties request and the local committee member if the parties request. That's set for June 16.

Primary in the November 2020 election will be November 3, I think, yes, November 3, and that will obviously be the candidate for president, president-electors, rather, delegate to the House of Representatives At-Large members of the Council, they are 2-C. Ward members to the councils Wards 4, 7 and 8, U.S. Senator, Representative At-Large members of State Board of Education, Ward members of State Board for 2, 4, 7 and 8, and our ANCs.
And just on one final note, and this is at the request of staff, they asked me to put on the record the fact that they thought the holiday party was a success and they wanted to reach out to everyone who participate. From my perspective, I think anyone who had anything to do with it helped make it a great success.

Location was good, food was good, party was good. It was guests, staff were able to bring their guests, it was a little different event from what we've done in the past and so for everyone who did participate, especially for Board members and contributed more than they should have, I want to personally thank you and maybe we can figure out how to do something like this again.

I think being held outside of the office in a little different environment really showed the camaraderie of the office. They worked hard this year with three elections, and they were ready to do something fun. They thought it was fun and they asked me to put that on the
record, so that's why it's mentioned.

CHAIRMAN BENNETT: Well, I'll comment on that. One, I hope it was just the first annual, because it was a great opportunity I think for people to connect outside the office and have some fun, and it was just the perfect venue, perfect location. The talent was just amazing, with our own Board member singing and executive director and others performing, it really was a unique and a very positive way event. I encourage us to make that an annual affair and do it again next year. It really was awesome. Good stuff.

MS. MILLER: One thing. You can sign other Board members up for the talent contest.

CHAIRMAN BENNETT: There you go.

(Simultaneous speaking.)

Great. Anything, any questions for Ms. Miller?

MEMBER LEWIS: No.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: No.
CHAIRMAN BENNETT: Okay, great. Next, General Counsel, Mr. McGhie, would you provide your report, please, sir?

MR. MCGHIE: Yes. First thing I have on my agenda is Proposed Rulemaking to amend Title 3, DCMR Chapter 10, "Initiatives and Referendums." These amendments clarify the various filing requirements at multiple stages of the Initiative and Referendum process. They specify the bulletin notice requirements for a proper subject matter review hearing on both initiatives and referendums and expand the types of documents that non-resident circulators may submit as valid proof of residence when registering with the Board, and clarify the rules concerning signature defects on initiative or referendum petitions.

This rulemaking is necessary to ensure the fair, efficient processing of initiative and referendum measures. I'd say that the most significant portion of this rulemaking is the change in the notice requirement for when the
Board reviews proper subject matter hearings for initiatives and referendums. We'll be correcting the old regulation which says that notice is given to DC Register for both initiatives and referendums. The requirement of notice for DC Register will stand for initiatives, but will change for referendums because of the need to handle that on an expedited basis to notice being posted on the Board's website at least 48 hours in advance.

With that said, I'm looking for the Board to entertain a motion to adopt this as proposed rulemaking, so that the proposed rulemaking can be published in the DC Register for a 30-day comment period.

CHAIRMAN BENNETT: Any questions? Ms. Lewis?

MEMBER LEWIS: No.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: No questions.

CHAIRMAN BENNETT: Can I get a motion?

MEMBER LEWIS: So moved.
MEMBER GILL: Second.

CHAIRMAN BENNETT: It's been properly moved and seconded and we'll have a vote. Ms. Lewis?

MEMBER LEWIS: Aye.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: Aye.

CHAIRMAN BENNETT: It is unanimous.

Okay, so please provide it accordingly.

MR. MCGHIE: Anybody that would like copies of the proposed rulemaking, we'll be posting that on the website as well.

CHAIRMAN BENNETT: Okay, great.

MR. MCGHIE: The next matter is Litigation Status Update, it's Graham v. D.C. Board of Elections, a case which the Board has become familiar with. On December 3, 2018, Valerie Graham and Jeffery Shapiro filed a complaint in Superior Court challenging basically three things: The Board's formulation of the summary statement of the referendum 008, the proper subject matter determination for the
referendum and the notice provided to the public of the meeting at which the formulation was adopted.

On December 4 the Court entered in a letter modifying a summary statement of referendum 008. On December 12 the Court entered an order permanently enjoining the Court from taking any action on the referendum. On December 13 the interveners filed a notice of appeal to the Court of Appeals seeing permanent injunction that was entered by the Court on December 12 and on December 17 the Board also filed its notice of appeal seeking review of the permanent injunction.

The Superior Court matters, there is still a matter still pending in Superior Court which is in reference to Count 2, which is the proper subject matter determination which the Court did not rule on. That matter is currently scheduled for a status hearing on Friday, January 18 at 10:00 a.m. for Judge Fern Saddler. That would conclude my litigation status update.
CHAIRMAN BENNETT: Okay. Can we get, the next meeting is not until February, so if you could provide the Board a summary at some point after that hearing on the 18th, that would be great.

MR. MCGHIE: Sure, will do.

CHAIRMAN BENNETT: Any questions? Ms. Lewis?

MEMBER LEWIS: Not at this time, thank you.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: No.

CHAIRMAN BENNETT: Okay, great. We'll move to the next item, which is Public Affairs. Any matters from the public? I know Mr. Sindram is on the line and I'm not sure if you want me or not, Mr. Sindram, but if you have any comments, now is the time.

MR. SINDRAM: I do. Good morning, Mr. Chair and all. My name is Michael Sindram, Disabled Veterans ---

CHAIRMAN BENNETT: Mr. Sindram, could
you hold it a second? I want to ask the reporter
if he can hear you okay.

    COURT REPORTER: Yes.

    CHAIRMAN BENNETT: He can hear you
fine. Please go ahead, Mr. Sindram.

    MR. SINDRAM: Can you hear me? You made
mention that the February meeting is on or it's
off or will there be one?

    CHAIRMAN BENNETT: Oh, no, no, no. I
was just saying that we would not, that there
will be a status put forth in the litigation
prior to the February meeting and I wanted to get
information about that prior to the February
meeting. The February meeting is still on as
scheduled, sir.

    MR. SINDRAM: And that litigation
involving Initiative 77?

    CHAIRMAN BENNETT: No, well, yes and
no. Mr. McGhie?

    MR. MCGHIE: Initiative 77 is the
underlying matter, but it's Referendum 008 which
deals with the repeal of Initiative 77.
MR. SINDRAM: What is the status of that currently?

MR. MCGHIE: The interveners and the Board filed a notice of appeal in the Court of Appeals, and nothing has been done by the Court of Appeals yet so we're still waiting on the briefing schedule from the Court of Appeals.

MR. SINDRAM: Thank you for speaking.

There was mention made about Brandon Todd, inappropriate use of resources. To preface, the special election of Ward 4, State Board of Education went well and I applaud you guys sending out that postcard additionally following the election to alert us. Hopefully that bolstered the turnout.

But all to say that it's clearly extremely unfair when you have everybody following the rules except for one, who gets the nod of the incumbent councilmen. That ought not be, and I would dare say that's happening because the enforcement at you all's end is not being enforced, or vigorously enough. Because if there
are consequences that are going to make a dent, folks will think twice about sharing their resources, filing the Hatch Act and so on, and I think in this instance the nose was thumbed and as in the past, go along, get along. There's not really anything that's going to be done, so business as usual.

CHAIRMAN BENNETT: Mr. Sindram, let me just, I'm sorry to interrupt you but I just want to make sure that you understand the facts. Right now, there's an investigation that's happening, generally with regard to that matter by the Office of Campaign Finance and also by the Board of Ethics and Government Affairs, is what I think, well, yeah, Accountability.

Once that investigation is complete, both with I'm sure BEGA and ourselves then there will be a determination if there is additional action to be taken. But there is an investigation going on, so it hasn't been thrown away. I want to make sure that you heard that.

MR. SINDRAM: Appreciate that
clarification. I don't have much faith in BEGA
and I hope, trust and pray there's not going to
be a playoff between BEGA and you all and then it
dies.

CHAIRMAN BENNETT: Well, we're doing an
investigation and I'm sure that once that's
concluded that I have faith that our executives
will recommend the proper order.

MR. SINDRAM: Gotcha. What's happening
with Jack Evans? There was a number of
allegations and I haven't heard. What's the
status?

CHAIRMAN BENNETT: I'm not aware ---

MEMBER GILL: Michael, I think that's a
matter that didn't involve a campaign and didn't
involve elections that the Council was looking
at, so it's not in our jurisdiction.

MR. SINDRAM: All right. And you made
mention, Mr. Chair, about the celebration. I
would have liked to have known about it, maybe
even if I anticipate that it was a Christmas
celebration?
CHAIRMAN BENNETT: It was a holiday celebration. No, it was just for the staff.

MR. SINDRAM: Okay. All right. I wanted to give hats off to Ms. Jennings. She does a yeoman's job. Actually, she deserves a raise. You know, good help is hard to find, contented cows give better milk.

CHAIRMAN BENNETT: The minutes will reflect.

MR. SINDRAM: And you know, Mr. Chair, I don't give compliments lightly.

CHAIRMAN BENNETT: I know, and we appreciate that.

MR. SINDRAM: So keep up the good work, fighting the good fight, and the good fight is the one you win. Any questions, I'd be delighted to field them at this time.

CHAIRMAN BENNETT: No questions from me, any board members?

MEMBER LEWIS: No.

CHAIRMAN BENNETT: All right. Thank you, Mr. Sindram. Any other public matters? Okay,
with that, this meeting ---

MS. MILLER: I have one thing I forgot, I'm sorry.

CHAIRMAN BENNETT: Go ahead, Ms. Miller.

MS. MILLER: I mentioned to you all individually that the Joint Elected Officials Committee for the Election Center Conference is being held this week, and is comprised of state and local officials from across the nation. They will be visiting the Board's office for a tour on Friday, so I just wanted to put that on the record because it's significant that we'll have so many people from out of town that are election officials coming to look and observe our offices on Friday beginning at 2:00. Thank you.

MR. SINDRAM: I would be remiss, too, Mr. Chair, if I didn't wish any and everyone within the sound of my voice a happy new year.

CHAIRMAN BENNETT: Thank you so much.

MR. SINDRAM: I hope the new one will be a bit better than the one that passed. That
was a tough year.

CHAIRMAN BENNETT: Yes, absolutely.

Thank you. Meeting is adjourned. Thank you.

(Whereupon the above-entitled matter went off the record at 11:20 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DCBOE

Date: 01-09-19

Place: Washington, DC

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

__________________
Court Reporter