GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

THURSDAY
SEPTEMBER 5, 2019

The District of Columbia Board of Elections convened Regular Board Meeting in Suite 750, 1015 Half Street, SE, Washington, D.C., 20003, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD, General Counsel

CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance

ALICE P. MILLER, Executive Director
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P-R-O-C-E-E-D-I-N-G-S

(10:47 a.m.)

CHAIR BENNETT: Good morning. Good morning. Can you hear me okay, Court Reporter?

COURT REPORTER: Yes.

CHAIR BENNETT: Good morning. Let me do this. We are going to open up at 10:48. And so let me call the meeting to order.

My name is Michael Bennett, Chair of D.C. Board of Elections. To my far right is Ms. Cecily Montgomery. Oh, to my far left. She changed seats on me. Cecily got me confused. Far left, Cecily Montgomery, Director of Office of Campaign Finance. To my immediately left is Ms. Alice Miller, Executive Director, Board of Elections. To my immediate right is Terri Stroud, General Counsel, Board of Elections. And to her right is Mr. Michael Gill, Board Member.

So the meeting has been called to order. We do have a quorum. We unfortunately are short one member. The Board is normally three people. But in order to have a quorum to
conduct business, we have to have two. And so myself and Michael Gill will move forward and conduct business accordingly.

So then I need to adopt the agenda.

Can I get a -- why don't we adopt the agenda and the previous at the same time. Is that okay, Mr. Gill?

MEMBER GILL: So I move to adopt the agenda for September 5th and the meeting meetings from August 7th.

CHAIR BENNETT: Great. So that is properly moved and I second. So it is unanimous. And this is the meeting minutes from the August 7th meeting, and the transcript is available for you. Any Board matters, Mr. Gill?

MEMBER GILL: Well, I think we're going to reserve some time at the end of the meeting for some further Board matters. But I have none right now.

CHAIR BENNETT: Okay. I have none relative to the conduct at the current time. Yes, and we will reserve time at the end to cover
any particular Board matter.

I do have one thing, and I want to -- well, I know we're going to have a report from the Office of Campaign Finance. But I also want to request Mr. Gill and I to kind of walk through and ask questions as we need to relative to the report on the Fair Elections Program. It's relatively new and things are going incredibly well. So I want to make sure that we get as much information on that on the record to that program as we possibly can.

So anyway, pushing additional Board matters to a later point in the meeting. It's now time to identify any public matters. We're now going to -- if there are any public matters, we are now going to address those at this point. But we'd like to identify any of those public matters that we may be able to address through staff during the presentation of the other reports.

So with that, I think we have one person on the line, Mr. Sindram. Is that
correct?

MR. SINDRAM: Yes sir.

CHAIR BENNETT: Are there any matters that you want to identify at this point that you would like for us to address at a later point in the meeting?

MR. SINDRAM: Possibly, and that when you have a third member of the Board is absent, would that be a point to get a handle, an updated status if you will, on what's happening with that?

CHAIR BENNETT: Okay. We'll give you as much as we know on that. Any other members of the public have any --

MR. SINDRAM: Thank you, Mr. Chair.

CHAIR BENNETT: Okay. Thank you. Is there any other members of the public have anything they'd like to identify for us to address later on? Hearing none, I'll move on to the Office of Campaign Finance Report.

Ms. Montgomery?

DIRECTOR COLLIER-MONTGOMERY: Yes,
good morning. The first thing I would like to report is with respect to the community outreach efforts of the agency during the month of August.

During the month of August in our educational program on Saturday, August the 10th, 2019, the Office of Campaign Finance attended the National Capitol Collaborative Back to School festival which was held at John Burroughs Education Campus at 1820 Monroe Street, Northeast.

On Wednesday, August the 14th, 2019, the agency again participated in the Metropolitan Police Department's Beat the Street community outreach finale event which was held at Bellevue at 115 Atlantic Street, Southwest.

In the Fair Elections Program Division during the month of August, we had three new candidates and committees who registered thinking to participate in the program.

On Monday, August the 5th, 2019, the eighth candidate registered in the program, and that registration was with respect to the
committee to elect Janeese Lewis George.

On Tuesday, August the 13th, 2019, the
ninth candidate registered in the program, Kelvin

On Wednesday, August the 14th, 2019,
the tenth candidate registered, Rosenberg 2020.

July the 31st was the first filing
date for the candidates who were registered in
the Fair Elections Program. And we had two
requested extensions. Basically, the candidates
were Jordan Grossman who filed his report
electronically on July the 31st, 2019.

I would like to also mention as I
provide you with the names of the candidates who
registered to participate in the election in Ward
2 that the threshold requirement for those
candidates are that they must obtain 150
contributions from -- qualified small-dollar
contributions from District residents who are
individuals. And also the 150 contributions must
total in the aggregate 5,000 dollars or more.

So again, on July the 31st, Jordan
Grossman for Ward 2 submitted his report of receipts and expenditures which states or reported 427 qualified small-dollar contributions which total to $7,501.02.

Kishan for D.C. 2020 reported -- filed his report on July 31st, 2019. The report contained 270 contributions from District residents who are individuals. The contributions totaled 8,943 dollars.

Patrick Kennedy for Ward 2 filed on July 31st. He submitted the contributions or reported the contributions of 211 qualified small-dollar contributions from District residents who are individuals. And those contributions totaled 8,515 dollars.

John Fanning for Ward 2 submitted also on July 31st. His report contained a reported 155 contributions from District residents who are individuals. And they totaled 6,165 dollars.

Green for Ward 7 also filed on July the 31st. The report reported or stated the contribution -- the qualified small-dollar
contributions of 57 contributions from District
residents who are individuals. They totaled in
the aggregate 1,906 dollars.

Dale for D.C., and this is an at-large
candidate, and his report was also submitted on
July the 31st, 2019. The threshold requirements
for the at-large candidates differ from those of
the ward candidates. And the threshold
requirement is that he must obtain 250 qualified
small-dollar contributions from residents of the
District of Columbia who are individuals. And
those contributions must total a minimum of
12,000 dollars.

His report reported or stated that
contributions received from 26 residents of the
District of Columbia who are individuals and
those contributions totaled in the aggregate
1,400 dollars.

Once the reports are received in the
Office of Campaign Finance, the first step in the
process requires that the agency verify that the
contributions stated on the financial reports are
in fact contributions which were received from qualifying residents of the District of Columbia who are individuals that the amounts do not exceed the contribution limit. And also that the contributions are also accompanied by the signed affidavit of the contributor.

And so the verification process commenced on Thursday, August the 1st, 2019. And the process ended on Wednesday, August the 14th, 2019. As a result of the verification process, the Fair Elections Program Division determined on August the 14th, 2019 that three candidates did in fact meet the threshold requirements.

I also should point out that they submitted the required affidavit which was signed by the treasurer and the candidate, verifying that they would, in fact, continue to comply with the requirements of the Fair Elections Act. And those candidates who were certified by the Office of Campaign Finance as participating candidates into the Fair Elections Program were Jordan Grossman for Ward 2, Kishan for D.C. 2020, and
Patrick Kennedy for Ward 2.

As a result of the certification of the candidates into the Fair Elections Program, they candidates were determined to be entitled under the Fair Elections Act to the issuance of base payments as well as matching payments.

The base payment was authorized based on the fact that the three candidates are competing in a contested election. So they were entitled to half of the base payment amount which is, in total, 40,000 and the half is 20,000. And assuming that the candidates qualify for ballot access, at that time, they would be entitled to the other half of the base payment.

So with respect to the payments which were authorized or directed by the Office of Campaign Finance on August the 15th, the following payments were, in fact, issued by the Office of the Chief Financial Officer on August the 20th, 2019.

CHAIR BENNETT: Could I stop you for a second? My apology. Can you go back to the
base payment portion?

DIRECTOR COLLIER-MONTGOMERY: Yes.

CHAIR BENNETT: And so for instance, if someone ends up not -- or if this is part of valid access, if they end up collecting more, then the amount of base payment that they're due, does that increase? I guess, how does that work?

DIRECTOR COLLIER-MONTGOMERY: Okay. So with respect to the base payment, the base payment is only authorized by the statute where there is a contested election.

CHAIR BENNETT: Right.

DIRECTOR COLLIER-MONTGOMERY: All right. And the amount of the base payment varies depending on the covered office involved. So with the ward council members, the total amount of the base payment is 40,000, 20,000, the candidate would be entitled to add certification. The candidate would not be entitled to the remaining 20,000 or the other half of the base amount until the candidate qualifies for valid access.
CHAIR BENNETT: So the base payment is not going to go up or down based on the amount contributions that they have?

DIRECTOR COLLIER-MONTGOMERY: No.

CHAIR BENNETT: So the base payment is not a matching funds -- are not a part of that matching funds amount?

DIRECTOR COLLIER-MONTGOMERY: No, it's not.

CHAIR BENNETT: Okay. So if you get -- so once they get the base payment and then they have additional contributions that do qualify for matching funds, will they be able to get the base payment and the matching funds --

DIRECTOR COLLIER-MONTGOMERY: Yes.

CHAIR BENNETT: -- prior to valid access?

DIRECTOR COLLIER-MONTGOMERY: Yes.

CHAIR BENNETT: Okay.

DIRECTOR COLLIER-MONTGOMERY: Okay.

So once you're certified into the program, if you are competing in a contested election, you're
entitled to one-half of the base payment if you have not, at that time, qualified for valid access and you are also entitled to have the qualified small-dollar contributions that you have obtained from residents of the District of Columbia who are individuals matched for the payment of public funds. And those matching payments are paid five-to-one.

Okay. So with respect to Patrick Kennedy, Patrick Kennedy from Ward 2, the matching fund amount that the candidate was authorized to received and paid was 42,570 dollars. Also Patrick Kennedy was entitled to a payment of a base amount and that amount was 20,000 dollars.

Jordan Grossman, Jordan Grossman for Ward 2 was entitled to, again, the payment of matching funds. Payment was issued on August the 20th, 2019. The amount of the payment was $87,930.10. Jordan Grossman was also entitled to the payment of a base amount of 20,000. Again, this is a contested election.
With Kishan Putta, Kishan Putta for D.C. 2020, the matching payment fund that was authorized was 44,715 dollars. For Kishan Putta, because he is also a candidate in the Ward 2 race, he was entitled to a base amount payment of 20,000 dollars. And that again was authorized or paid out on August the 20th, 2019.

The total payout amount at this point is 235,215 dollars. And so it is clear, at this point, these candidates still can collect -- I'm sorry, can still continue to collect contributions from District residents who are individuals that would qualify for a match up to the cap for the particular election. So throughout --

CHAIR BENNETT: Up to the cap relative to the contribution, right? So if the cap -- so to give us an example. So if someone was running for office in Ward 1. And so what's the cap of the individual contribution that they can receive and still get small donors to qualify?

DIRECTOR COLLIER-MONTGOMERY: Okay.
The cap to the matching funds -- and I believe that the Fair Elections Program Division staff are here. But I believe it's a little over 200-and-some thousand is the cap for the candidates --

(Simultaneous speaking.)

CHAIR BENNETT: I don't know if you're talking about the -- I'm okay with staff answering. But I'm actually talking about the amount of the individual. So if I'm an individual in Ward 1 -- obviously I couldn't, but someone is an individual in Ward 1 and they want to give to a candidate who's using public funds in the Fair Elections Program, the max amount that individual can get it is -- is it 200 dollars?

DIRECTOR COLLIER-MONTGOMERY: Yes, cannot exceed. That is the contribution limit.

CHAIR BENNETT: Okay. That's what I was after. Okay, great. And then the match from the program is eight times that 200 dollars?

DIRECTOR COLLIER-MONTGOMERY: Five
times.

CHAIR BENNETT: Five times that 200 dollars? Okay. Thank you.

DIRECTOR COLLIER-MONTGOMERY: Okay.

All right. Also during the month of August with respect --

CHAIR BENNETT: I'm sorry. Hold on a second. Mr. --

MR. SANFORD: The amount -- the contribution amount --

CHAIR BENNETT: Let's identify Mr. Sanford. In fact, why don't you just state --

(Simultaneous speaking.)

MR. SANFORD: Good morning, William Sanford. The contribution amounts for --

CHAIR BENNETT: Can you put your mic on?

MR. SANFORD: -- candidates in a Board race under the Fair Elections Program is 50 dollars.

(Simultaneous speaking.)

CHAIR BENNETT: Yeah, I'm not trying
to -- just stay there, Mr. Sanford. I'm not trying to stump you nor is this a quiz. I'm just trying to get certain things on the record.

MEMBER GILL: Can I ask a few questions or do you want to wait until the end?

(Simultaneous speaking.)

CHAIR BENNETT: Yeah, if you don't mind.

(Simultaneous speaking.)

MEMBER GILL: I just want to make some observations. So I have a question on -- so you mentioned in your report. You haven't got to it yet, but somebody was deemed ineligible. So I'd be curious as to why. But just some observations. These are candidates, but they're not on the ballot yet.

MR. SANFORD: That's correct.

MEMBER GILL: So definitionally, they're candidates to be candidates, I guess. And I'm just observing. You don't have to answer, Bill or Cecily. The funds that have been allocated don't require them to get on the
ballot. They may not get on the ballot and they
don't have to give the funds back which then
leads to sort of what we seem to be doing is
subsidizing the get on the ballot process as
opposed to the policy dissemination part of a
campaign.

So I think when you think about trying
to bring access for candidates to the ballot, I
think what we can think about is we want to bring
ideas and contrasting ideas to the marketplace.
But the way it's set up -- and this is the way
it's set up and I'm not making -- I just want to
make sure folks are aware that what we seem to be
doing is subsidizing the signature process, which
I've always thought the signature process is very
problematic.

We are required to decipher for some
of these ANC races between one and two signatures
as to whether somebody does or does not qualify
for that. And I think we do a good job and we're
honest and certainly neutral arbitrators. But
none of us are signature experts, and it seems
strange that that's what ballot access comes down
to.

We've also had problems with third-
party vendors who are hired to go get signatures. There doesn't seem to be a -- there seems to be professionals who have businesses that they hang out shingles on us. But they don't seem to always be that good or that professional. We've had cases where entire sheets have been copied out of telephone books and things like that.

My view is that the signature bar that is currently on the statute is very high. And rather than subsidize signature gathering, why don't we lower the signature bar and subsidize policy summation? That's my observation of this.

And so you guys are implementing the statute and you're implementing the regulations. And so there's nothing that I think the campaign finance office is doing wrong. I think you're absolutely doing the correct thing. But I'm just sort of concerned that when people think about public access to the ballot and sort of helping
the underfunded candidates.

If it turns out that most of this money is spent on signature gathering, it seems like we should lower the bar on signatures if we want to get people access. And my fear is that we're going to create a cottage industry of signature gatherers. What's that get us? I'd rather lower the bar and get more candidates on the ballot and then we can spend the money with the competition of ideas.

So I keep looking Bill and he's just like, I just work here, right?

(Laughter.)

MEMBER GILL: So I just wanted to make those observations. And then a question, though. This, the funding here, the candidates qualify because it is a contested election.

MR. SANFORD: That's correct.

MEMBER GILL: And it's contested because there's more than one candidate who's applying.

MR. SANFORD: That's correct.
MEMBER GILL: So if two of these three can't get the signatures for whatever reason, then we have one person on the ballot at the end of the day. And if nobody else runs in that race, do they still get funds? What goes on there? Is it still a contested election if there's only one person on the ballot?

MR. SANFORD: No. The funds are only available as long as the election is a contested election. If it stands as a non-contested election, the funds will not be -- are not available. But if it likely becomes a contested election, the funds become available. It works the same way in reverse. If it's no longer contested, the funds are no longer available.

MEMBER GILL: So again, it should be going out of the gate, once you meet the ballot access, you may think, I want to start disseminating my policy ideas and for a budget for that. But you may not actually have money for that if the other candidates that were gathering signatures don't end up on the ballot.
CHAIR BENNETT: Well, essentially, the only way you know that is -- the only way that you could determine that it's not a contested election prior to ballot access is by the number of people who raise their hand and say that they want to run for office. But in fact, they may never get ballot access and you can end up with one person running for office. And anyway, it's interesting.

MEMBER GILL: Just observations.

CHAIR BENNETT: That's interesting.

DIRECTOR MILLER: Can I ask a question? I just have a question. What would happen in the event of a write-in candidate? Even though they wouldn't have ballot access, there could still be a write-in process where a candidate would still be going through the whole election by write-in and possibly win. We've had that happen before.

MR. SANFORD: The Fair Elections Program does not address write-in candidates exactly.
DIRECTOR MILLER: So would it still be considered a contested election is what I'm talking about.

MR. SANFORD: There's no access to the ballot except on election day where they are written in on election day as opposed to seeking access to the ballot prior to the date of the election.

MEMBER GILL: But somebody who decides to run a write-in campaign would have to file with the campaign office of their election activities or no?

DIRECTOR MILLER: No, not until after.

MS. STROUD: They could do it before, but the deadline with respect to the primary election is, I think, the day after. I think the general election, it's three days after. So at that point, you might not have to count those depending on whether or not the number of write-in votes would be enough to elect a candidate.

(Simultaneous speaking.)

MEMBER GILL: You could raise -- bust
through the rules in terms of your write-in political action committee. You wouldn't register. You just start spending money and raising money and advertising that you're a write-in candidate. You're successful and three days later you have to file everything you raised essentially. But you don't lose the seat if everything in the files that you did it wrong. I mean, you face fines. You face penalties, but you don't actually lose the seat.

I'm talking out loud, but I'm creating -- somebody reading the minutes is going to say, oh, there's my way to get through all of this. And so --

(Simultaneous speaking.)

MEMBER GILL: And just I'm concerned that we've had situations where people come with rather obscure situations. And we then are kind of left with there's no clear right or wrong answer. And then that's why the Board gets paid to do.

(Laughter.)
MEMBER GILL: Well, I'll leave you alone.

CHAIR BENNETT: But that's an interesting point, though. And I go back just to emphasize is that your premise that to get more ideas in the public domain with regard to more candidates could potentially be addressed by simply lowering the bar for ballot access versus paying people to be -- or paying to allow people to reach the bar and get ballot access. So that's a --

MEMBER GILL: Yeah, I've always thought this idea of hiring a third-party vendor to generate signatures blows through the entire purpose of signatures which is you're supposed to have a wellspring of support that you generate on your own through volunteers and good ideas and such like, and that's where the signatures come from.

And that's sort of showing the Board of Elections and the electorate that I have the support, I have these volunteers, I went out and
got all these signatures. And every one of these signatures is somebody who really supports me being on the ballot.

    But it is such a high bar that people, I think most of the candidates that are incumbents pay third party to get there and just how you solicit that. Like, what does that say other than incumbents have the ability to pay these third parties and others don't.

    Well, now others do through this program. But what do we get? Are we going to raise the bar again? I mean, I'd rather just see us lower it and the money spent on the election part of this rather than the access part of this.

    CHAIR BENNETT: As a private citizen, that's what you prefer?

    MEMBER GILL: As my private citizen views, implement the statute access to the limit.

    MEMBER GILL: Anyway, this is the discussion, Ms. Montgomery. You can now continue. My apologies.

    DIRECTOR COLLIER-MONTGOMERY: All
right. So if Bill would just stay there for a few seconds. I just want to again to just clarify on the record that the contribution limit for the ward is 50 dollars and that the -- again, that the minimum threshold requirements are that you obtain 150 qualified small-dollar contributions from District residents who are individuals and that that amount must total 5,000 dollars in the aggregate in order for you to be certified into the Fair Elections Program.

And the other thing that I would point out again would be that the candidates who compete in contested elections who are certified are entitled to the base amount payment as well as to the matching fund payment but that all candidates who participate in the Fair Elections Program are entitled to matching payments. So therefore, if you have a candidate who is not in a contested race, they are still entitled to matching fund payments.

And the last thing I would say is that under the Fair Elections Act, it does
specifically require that candidates must comply
with the Board's requirements with respect to the
nominating petition process as well as with
respect to the submission of the declaration of
candidacy form. So the program is not available
to write-in candidates. You have to go through
the nominating petition process.

Okay. And did you want to add
anything? Okay. All right. Next with respect
to the remaining candidates who filed reports on
July the 31st, 2019 under the program. On August
the 14th, 2019, following the verification
process, the Fair Elections Program Division sent
or issued a denial of certification decision and
notice of ineligibility for certification of
deficiencies to John Fanning for Ward 2.

John Fanning for Ward 2 was also
seeking with the July 31st, 2019 submission to
request certification into the program. But he
did not meet the threshold requirements and also
he did not submit an affidavit of the treasurer
and the candidate.
We also, the Fair Elections Program Division, issued status reports for candidates who filed the July 31, 2019 report. But they were not seeking certification at that time. So status reports were issued on August the 14th, 2019 to Daniel Hernandez for Ward 2 and to Green for Ward 7 and on August the 28th, 2019 to Dale for D.C.

And basically, the purpose of the status reports was to inform the candidates as to just where they stood with respect to compliance with the threshold requirements.

On Thursday, August the 29th, 2019, the Fair Elections Program Division met with the planning committee and that meeting was held at our offices.

And our Public Information and Records Management Division for the month of August, there were several financial reports which were filed. And even though the recorded dated was July the 31st and I believe at the last Board meeting, I indicated what those numbers were. At
that time, I was not able to report the number of referrals which were being made to the office of the General Counsel because those numbers had not be determined.

So July 31st was the filing deadline for the report of receipts and expenditures from our principle campaign committee and our political action committees. We had 132 required filers, 110 timely filers. We had one extension which was requested and granted. We had 22 failures to file and those failures to file were referred to the Office of the General Counsel for enforcement.

Again, with our Fair Elections Program, with our principal campaign committee, we had seven required filers and seven timely filed. There were no referrals to the Office of the General Counsel.

With our independent expenditure committees for the July 31st filing, we had four required filers, three timely filed, and we had one failure to file. And that failure to file
was referred to the Office of the General Counsel.

With our inaugural committee, the inaugural committee, we had one. And basically that was a timely filing. No referral to the Office of the General Counsel.

With the initiative referendum committees with respect to the July 31st report, there were seven required filers, three timely filed, and four referrals were made to the Office of the General Counsel.

With our recall committees with respect to the July 31st report, we had three required filers and three timely filed.

With new candidates and committees for the month of August 2019, we had Robert White, Friends of Robert White, city council at large registered on August the 1st, 2019.

Kelvin Brown, Kelvin Brown for D.C. Council, Ward 7, registered as a candidate in Fair Elections Program. And he registered on August the 2nd, 2019.
Janeese L. George, Committee to Elect

Janeese Lewis George, City Council, Ward 4. And
also Ms. George registered as a candidate in the
Fair Elections Program, and that registration
occurred on August the 5th.

Robert Lee (phonetic), Candidate for
Mayor, registered on August the 20th, 2019.

We held three entrance conferences
during the month of August. The first one was on
August the 5th, 2019 with one participant,
Barbara Celeste Summers, Candidate, Mayor.

August the 14th, 2019, there were
eight participants. Anthony Lorenzo Green,
Candidate, Green for Ward 7. Ajoke Williams,
Treasurer, Green for Ward 7. Mitchell Tropin,
Treasurer, SEIU, Local 500 PAC. Clayton
Rosenberg for Ward 7, Candidate, Rosenberg 2020.

Kelvin Earl Brown, Candidate,
Janeese Lewis George, Candidate, Committee to
Elect Janeese Lewis George. Latifa Lyles,
Treasurer, Committee to Elect Janeese Lewis

George.

And on August the 28th, 2019, there was one participant and that was Arrus Von Grill (phonetic), Treasurer, Friends of Robert White.

And in total, there were 27 referrals to the Office of the General Counsel with respect again to the failure to file the July 31st report of receipts and expenditures. And the names of those candidates and committees will be listed in our stats which will be posted at our website at the end of the day.

In our record -- I'm sorry. In our Audit Division during the month of August, the reports analysis in the Audit Division conducted 119 desk reviews of our political action committees as well as our constituent service, our principle campaign committee, the inaugural committee as well as an exploratory committee and independent expenditure committee.

We have ongoing audits in the Audit Branch. We have at this time two ongoing full
field audits. The first is Committee to Elect Zachary Parker 2018. That was initiated on March the 5th, 2019. And that audit is of a candidate who is newly elected to an office for the State Board of Education.

The second is Emily for Education which was initiated on March the 4th, 2019. And again, that is a candidate newly elected to an office of the State Board of Education.

We also have ongoing periodic random audits. The first is Reelect Brandon Todd 2020. That was initiated on September the 4th, 2019. That is a principle campaign committee, and it is specifically the July 31st, 2019 filing.

The second is Gertrude Stein, political action committee. The records are due on September the 12th, 2019. That is the political action committee and the random audit is being conducted of the July 31st, 2019 filing.

The third is the D.C. Democratic State Committee. The records again are due on September the 10th. This is a political action
committee and the audit is being conducted of the
July 31st, 2019 filing.

We issued three audits during the
month of August. The first was the D.C. Young
Democrats political action committee. It was
issued on August the 15th, 2019. That is again a
PAC. And the audit was conducted of the July
31st, 2019 filing. And that was a compliance
audit.

The second is the D.C. First Political
Action Committee. It was issued on August the
14th, 2019. Again, this is a PAC, and the audit
was conducted of the July 31st, 2019 filing. And
this was determined to be a compliance audit as
well.

The last is the D.C. Proud 2019
Inaugural Committee. It was issued on August the
30th, 2019. That was a full field audit of an
inaugural committee. And the committee was found
to be in compliance with the campaign finance
laws of the District of Columbia.

All three of the final audits are
available at our website for review by the public. And I would ask Mr. SanFord to give the report of the Office of the General Council.

CHAIR BENNETT: Thank you. Mr. SanFord?

MR. SANFORD: Good morning again, Mr. Chairman and distinguished Board Member Gill. William SanFord for the Office of Campaign Finance, Office of the General Counsel.

During the month of August 2019, the Office of the General Counsel received 27 referrals from the Public Information and Records Management Division and received two referrals from the Reports Analysis and Audit Division.

During the month of August 2019, the Office of the General Counsel conducted two informal hearings and issued seven orders which include the following. Three orders were issued for failure to timely file reports in which no fines were imposed.

Two orders were issued for failure to timely file ANC's summary financial reports in
which no fines were imposed. The previous three orders were issued for failure to timely file the 500 dollar exemption confirmations. And finally, two orders were issued granting motions or reconsiderations in which no fines were imposed.

During the month of August 2019, the Office of the General Counsel did not impose any fines. However, we collected 300 dollars in fines from the following respondents. A fine of 50 dollars was collected from the Economic Protection Party, and a fine of 250 dollars was collected from Ambrose Lane Jr., at-large candidate in the 2019 election.

During the month of August 2019, the Office of the General Counsel did not have any open investigations.

During the month of August 2019, we received one request for an interpretive opinion. The requestor was Jordan Grossman. The request was received on August 6th, 2019 and the issue in the request was clarification on the amount that immediate family members are permitted to donate
to candidates who are registered in the Fair Elections Program.

There had been some confusion as to whether or not immediate family members were permitted to donate 2,500 dollars each or 2,500 dollars in the aggregate. And after our review of the law, we issued an opinion explaining that the amount -- total amount that immediate family members may contribute to candidates who are certified in the Fair Elections Program is 2,500 dollars in the aggregate. That means all family members combined. And that opinion was issued on August 12th, 2019. It is available at the Office of Campaign Finance's website.

And finally, during the month of August 2019, there were no show-cause proceedings conducted by the Office of the General Counsel. And that should conclude my report.

CHAIR BENNETT: Thank you, Mr. SanFord. Ms. Montgomery, anything to add?

DIRECTOR COLLIER-MONTGOMERY: The only thing that I would add, I just would note again
that with the Fair Elections Program that one of
the things that is distinguished from the
traditional program is that in the Fair Elections
Programs, candidates can contribute no more than
5,000 dollars to their campaigns whereas in a
traditional program, candidates can give
unlimited amounts of money to their campaign.

And what I would note is that we
expect that the Campaign Finance Reform Act will
become effective. Certain provisions of it will
become effective at the end of this month. A
projected date is September the 24th, 2019.

And what will change with the
traditional program is that the traditional
program, once the law becomes effective,
candidates will no longer be able to -- if they
decide to loan their campaigns unlimited amounts
of money, they will only be able to reimburse
themselves up to 25,000 dollars when the campaign
has come to a close.

CHAIR BENNETT: Well, that's a big
change.
DIRECTOR COLLIER-MONTGOMERY: And that's one of many changes. But I just thought I would let that one out.

CHAIR BENNETT: With that particular -- with the -- it's campaign reform, right? That's the name of it, Campaign Reform Act?

DIRECTOR COLLIER-MONTGOMERY: Yes.

CHAIR BENNETT: Well, I'm assuming that we'll need to issue another set of regulations or modified regs to accommodate those new requirements?

DIRECTOR COLLIER-MONTGOMERY: Yes.

CHAIR BENNETT: Okay. So is that something we'll deal with in November or October you think?

DIRECTOR COLLIER-MONTGOMERY: Well, actually --

CHAIR BENNETT: I'm okay either way.

DIRECTOR COLLIER-MONTGOMERY: Yeah.

Again, the projected law date is September --

CHAIR BENNETT: September --

DIRECTOR COLLIER-MONTGOMERY: -- the
24th at this point. So I would hope that we
would be in a position to present proposed
rulemaking to the Board for the October meeting.

CHAIR BENNETT: Okay, okay. I'm just
trying to anticipate. Just to note, one, do you
have any question, Mr. Gill, any additional
comments?

MEMBER GILL: No additional comments.

CHAIR BENNETT: Okay. The report,
particularly around Fair Elections Program, was
extensive. And my guess, slash, desire would be
for us to be relatively detailed particularly
through the election, this election seasons since
it's a brand-new program and has really
significant impact on the election process and
cycle in the District of Columbia over the next
year. And certainly through this cycle, we ought
to be very detailed in the reporting around the
Fair Elections Program.

And since you have no questions, Mr.
Gill, I will go onto the next item. That's the
report of the Board of Elections. One more thing
about the Office of Campaign Finance.

One thing to note as well is the implementation -- if you didn't talk about it. I didn't hear it, the implementation of the electronic filing system for the Fair Elections Program. Did you talk about that at all?

DIRECTOR COLLIER-MONTGOMERY: No, I didn't.

CHAIR BENNETT: Okay. Can you just give another --

DIRECTOR COLLIER-MONTGOMERY: Yeah.

What I would indicate --

CHAIR BENNETT: Because that's a big deal. I mean, that's really -- a man gave lots of compliments to your office, to you, and to Mr. Jackson and the entire staff to get that on board. That's a really big deal. And I think we'll end up driving the efficiency and the ability to report properly on that program as much as anything, if not all. So if you can give just a short comment on the implementation of that system.
DIRECTOR COLLIER-MONTGOMERY: Yes. I think during my report, it did indicate that the first filing deadline for the candidates in the Fair Elections Program was July the 31st, 2019. And all other candidates were able to electronically file their reports on that day.

The completion of the electronic filing system for the Fair Elections Program occurred during the month of July. And prior to the filing deadline on July the 25th, the candidates were invited in for a demonstration of the electronic filing system. And the system officially launched for the public on July the 26th, 2019.

The development of the system also included administrative modules which have assisted the Fair Elections Program Division with respect to the verification of the reports of receipts and expenditures which were filed. And also the Fair Elections electronic filing system also provides for real-time images of the reports which are filed to be displayed at the OCF.
website for public view.

We are hoping that at the beginning of the fiscal year, we will pursue the development of search features for our Fair Elections Program as well as the website. But we were successful in terms of the launch of the electronic filing system which was extremely important to the success of this program.

CHAIR BENNETT: Thank you. Mr. Jackson, do you have anything to add? Other than that, I just thank you and Ms. Montgomery and really your entire staff with regarding getting that on board. It looks like your new IT person actually did live up to his billing coming in.

MR. JACKSON: Yes, I just want to give praise to all of my staff and --

CHAIR BENNETT: Can you hear him okay, court reporter? No, he can't hear. I don't mean to prolong this, but I think this is really important for us to --

DIRECTOR COLLIER-MONTGOMERY: As Mr. Jackson approaches, one thing I would like to
point out too is that the Audit Division of the Fair -- the Audit Branch or the audit component of the Fair Elections Program Division also successfully completed the verification of the reports which were filed within ten business days. And they also were able to -- even though they had five additional days, to direct the Office of the Chief Financial Officer to issue the payments. We were able to do that the day after the certification occurred. So I would also just like to --

CHAIR BENNETT: Yeah, thank you. You're right. Those are really tight timelines. We were able to get them extended a bit from the original legislation. But still incredibly tight and you're right. So --

DIRECTOR COLLIER-MONTGOMERY: Yeah.

CHAIR BENNETT: -- that particular program staff all over and particularly the audit staff, I agree. Just did a yeoman's job -- a yeoperson's job getting through all of that. So would you add anything, Mr. Jackson?
MR. JACKSON: Just to bring back on that email. It's just that my staff has really stepped up. They spent some long hours in trying to make sure that --

CHAIR BENNETT: Can you hear? Court reporter, can you hear him okay?

MR. JACKSON: They spent some long hours trying to make sure that everything was done in the proper amount of time and efficiently. So I cannot sit here and take the credit myself. I got to give it to my staff. They have stepped up and did everything that I've asked them to do.

We've had a lot of help from the management staff of the office. The director has always been there. The General Counsel has been an intricate part. And just even the HR person having us staffing up to this point that we can be 100 percent has been outstanding.

So I just got to give them the praise because they do everything that I ask them to do and they do it in a timely manner. And we would
not be successful without them.

CHAIR BENNETT: Thank you. And you
guys are making us look really good, so thank
you.

MR. JACKSON: Yeah, thank you.

CHAIR BENNETT: All right. I think --
and your report, Ms. Montgomery. Thank you, Mr.
Jackson. Ms. Miller, I promise not to stop you
again. Well, maybe, break that promise.

DIRECTOR MILLER: Good morning. Let
me just get started by saying that we are
continuing with our coworker -- continued
coworker training. And as you know, we started
doing this as a new initiative this year, an
election year.

So in June, trained captains and
special ballot clerks what I would say is in
phase one. We finished that through the month
June, did that through the month of June. We
gave them a break in July. We brought them back
through the month of August. And we are
finishing up training with them.
For this month, a lot of the same captains and the special ballot clerks, we wanted to give special attention to in terms of focusing on things that they can be focused on so that when we get ready for the election cycle next year, they've had a little bit of an introduction and some directed focus on things that were issues through the election last year.

But to date, we have trained 97 captains, 136 special ballot clerks. For the month of August, we have two additional classes which are scheduled for Saturday. That'll be one special ballot clerk class and a captain's class. There are 27 individuals scheduled for both classes.

So that will be the end of it this weekend. And hopefully that will give them a head's up and a little bit of more comfort level when we start the election year next year in which they will again go through the federal training again.

So after we finish with special ballot
clerks and the captains, we realize we have a
couple more months left in the year. So we're
going to bring in our check-in clerks which don't
have the same level of complexity which respect
to processing in the election precincts. But
we're going to target 500 clerk to bring them in
and start getting them initially trained this
year as well.

I want to talk a little bit about
outreach, and I want to commend our outreach team
which consists primarily of two full-time staff
members which is managed by Monica Evans. They
have coordinated and attended 26 events during
the month of August.

Obviously we've had to improve a lot
members of the staff additions which is also
commendable. But in saying that, we've had 26
events in 31 days. They've actually been -- to
the month. And they've actually been out
basically every day of the month.

On Saturday, August 24th, we've
staffed four different events at all different
locations. The general purposes of these events is to identify and register eligible voters, provide information to our returning citizens and incarcerated eligible voters and to reach out to high school students for voter registration.

At many of these events, we're able to have our voting equipment so they're able to use the equipment different mode and have an opportunity to see how it works.

So I do think that's commendable and I want to thank them for continuing to do that. And that's literally day, night, weekends, evenings, and everything combined with that.

For the website, as you know, we did a survey in the month of July. In response to that survey, we're following up with some of the suggestions that we go from those individuals who responded to the survey. Developing a new FAQ section for returning citizens, incarcerated folks, and students.

The section will appear under the voters tab. It will be the information for these
groups of District voters regarding their rights and eligibility for registration in the District of Columbia.

Also we're continuing to work with BEGA to ensure that our website is in compliance with the rules from the government. As I mentioned in the August 4th meeting, BEGA provided us with assurance that the website is in compliance as it exists. However, they did have a few suggestions to make it even better which was generally related to accessibility.

Those suggestions, we've incorporated and included things such as moving the text and buttons on the home page slide show to the area above the picture instead of on top of the picture making it more easily visible to those with visual challenges.

Also we further updated alternate texts describing photos of the site. And we're in the process of updating our future so as to maximize the accessibility of the website. And for that, I do want to point out and thank Rachel
Cole for working closely with BEGA's director on the Open Government Act to continue website compliance in all areas.

And one last thing. The General Counsel and I met with the director and senior staff for the Department of Motor Vehicles to make certain that all of our automatic registration records are being accurately processed by the implementation of our new voter registration system.

The director and his staff were happy to assure us that they'll work with us, and we will continue to migrate to the new voter registration system so that once it's fully implemented, all D.C. registered voters will be uploaded on the new system and the records will be automatically updated.

CHAIR BENNETT: So that was an area that folks that were kind of following this. They were concerned about it in terms of that. So that meeting addressed the concern in that area?
DIRECTOR MILLER: Yes.

CHAIR BENNETT: We probably need to have another session at some point --

DIRECTOR MILLER: We -- the staff --

CHAIR BENNETT: -- and walk through all the risk areas again.

DIRECTOR MILLER: With the consultants you mean?

CHAIR BENNETT: Yeah.

DIRECTOR MILLER: Yes, we will.

CHAIR BENNETT: Okay.

DIRECTOR MILLER: Absolutely.

CHAIR BENNETT: Probably near the end of September. Well, we can have it before the next board meeting.

DIRECTOR MILLER: Okay.

CHAIR BENNETT: Okay. Any questions, Mr. Gill?

MEMBER GILL: No questions.

CHAIR BENNETT: All move onto the next item on the agenda. Oh, let me go back. I'm sorry. Ms. Miller, I have a question for you and
that's with regards to the implementation of the
new system. Can you lay out the schedule again
real quick, just the schedule in terms of when
we're going to bring it online and all that? I
don't need exact dates.

DIRECTOR MILLER: As of now, they've
asked for a two-week extension. It was scheduled
for the middle of October. We're looking at the
end of October.

CHAIR BENNETT: Okay.

DIRECTOR MILLER: My concern is that
with a possibility of a recall election, some of
that might have to be pushed back as well. So
we're kind of working on time and it's kind of
day-to-day.

Honestly, we need to get it up as soon
as possible, but I would rather have it done
slowly and accurately and correctly as opposed to
sticking to a deadline that was written out that
may not give us all the testing that we need done
to make sure on that side of the fence, that it's
all accurate and it's well.
So we're proceeding with a timeline pushed two weeks back to the end of October. But it may go longer than that.

CHAIR BENNETT: But we still plan on running dual systems anyway?

DIRECTOR MILLER: That's what we want to do. And we had a conversation with DMV about that during our meeting. And it turns out that they had no problem. A lot of that is going to be on our side to be able to function and operate with both vendors. So we have to make sure we do that.

Let me just state one more thing. I did mention Rachel with respect to the accessibility. I also mentioned that Trey Jenkins (phonetic) also was very supportive of that process as well.

CHAIR BENNETT: Outstanding. Thanks to you both. I appreciate that. Anything else, Ms. Miller?

DIRECTOR MILLER: That's it.

CHAIR BENNETT: Do you have anything
on those, Mr. Gill?

MEMBER GILL: No, nothing more.

CHAIR BENNETT: Okay. General Counsel, Ms. Terri Shroud?

MS. STROUD: Good morning, everyone.

Before I move into the Office of the General Counsel's report, I wanted to welcome Ms. Victoria Gray to the Office of the General Counsel and the Board. Victoria Gray is here with us pursuant to an externship at the Georgetown University Law Center where she's a 3L, third-year law student. She did her undergraduate studies at Howard, and we are happy to have her. She'll be with us through the year.

CHAIR BENNETT: Oh, great. Welcome, and thank you for taking the time from your studies to be here and be a part of the organization. Hopefully, all the things that happen and that you are a part of supports your study process and that you'll consider us as you leave Georgetown and embark upon your professional life. So thank you and welcome. I
look forward to working with you. Okay.

MS. STROUD: Okay. So the first item on my agenda is litigation status. The first case is William V. Hunt v. the Board. This matter is a complaint that was filed in the U.S. District Court for D.C. in October of 2018 and it involves a request that the Board count the write-in votes casted in the mayoral contest that was held in the November 2018 general election.

The Board had a filed to dismiss back in April of this year. Mr. Hunt filed an opposition to the Board's motion to dismiss in August of this year after requesting several extensions. The Board filed a reply to that opposition on August 27 and we are waiting the court's decisions in that matter.

The second case is James Butler v. the Board. This is an action, a writ of mandamus in the D.C. Superior Court to compel the Board to accept the D.C. term limits campaign initiative as a proper subject. The Board received a scheduling order and dispositive motions, actual
motions for summary judgment will be filed on
November 21st by both parties.

The third case is Graham v. the Board,
and this matter involves the Board's appeal of a
permanent injunction that was entered by the D.C.
Superior Court on December 12th prohibiting the
Board from taking any action on Referendum 8.

There were some mishaps with respect
to the e-filing system in the D.C. Court of
Appeals. Due to that, the opposing party did not
receive filings that the Board and the intervener
had filed earlier. And they have requested a
motion for extension of time to file a reply to
the Board's joint brief. And we are now awaiting
their brief.

The next two matters are Philip
Hammond v. the Board and Robin Marlin v. the
Board. And these cases -- these matters share
procedural history. They were both filed with
the D.C. Court of Appeals on July 19th appealing
from the Board's orders upholding resolutions
issued by ANC 7B which found no vacancies in
Single Member District 7B04 and 7B05 on the basis that the Advisory Neighborhood Commissioners in those SMDs did not meet the residency qualifications necessary to serve as ANC commissioners and those respective SMDs.

On July 28th, in both matters, the D.C. Court of Appeals ordered the petitioners to show cause why their petition should not be dismissed for untimeliness. Both petitioners filed responses on August 13th, and OGC is preparing a response that will be filed this week.

And that concludes the litigation status portion of my report. The next item on the General Counsel's agenda is petitions for enforcement of Office of Campaign Finance orders. And I will ask a senior staff attorney, Rudolph McGann, to present these eight matters which all involve late or nonfilings of reports of receipts and expenditures that were due to be filed with the Office of Campaign Finance.

MR. MCGANN: Thank you. Good morning,
Board Members, Rudolph McGann. The first matter before you is Justin Green At-Large, Docket No. 17C-027. The amount of the fine is 1,650 dollars for failure to file receipts and expenditures that were due October 10th of 2017.

Mr. Green was notified of this hearing by mail on August 30th. He failed to appear at two scheduled Board hearings -- pre-hearing conferences, excuse me, scheduled for July 11th and August 9th of this year. And the respondent did not show today. As far as I know, Mr. Green is not present today. The second matter is again Mr. Green.

MS. STROUD: And you didn't receive any mail back?

MR. MCGANN: No, we didn't receive any mail back from Mr. Green.

The second matter is the Docket No. 18C-002. Again, it's Mr. Green, Green At-Large. And this fine is in the amount of 1,400 dollars and it's for failure to file receipts and expenditures that were due January 31st, 2018.
Again, Mr. Green was served with notice of this hearing on Friday, August 30th. He's not in attendance, and he did not attend the pre-hearing conferences scheduled on July 11th and August 9th.

The third matter is 18C-003, Toliver for Ward 4. Mr. Dwayne Toliver is the respondent. The amount of the fine is $2,150 dollars for failure to file receipts and expenditures report that was due February 16th, 2018. Mr. Toliver was notified of this hearing on -- excuse me, on August 30th of this year and he is not in attendance and the mail has not been returned from him.

The next matter is 18C-005, Committee to Elect Khalid Pitts. Mr. Khalid Pitts is the respondent. The fine amount is $2,150 dollars for failure to file a receipt and expenditures report on February 16, 2018. Mr. Pitts was informed of this hearing on August 30th and he is not in attendance today. And no mail has been returned from Mr. Pitts.
Next matter is 18C-007, Patterson for Ward 8. Mr. Jacque Patterson is the respondent. The amount of the fine 2,150 dollars for failure to file a receipts and expenditures report on February 16th, 2018. Mr. Patterson was also informed of this hearing on February -- excuse me, on August 30th, 2019. And he is not in attendance and no mail has been returned from Mr. Patterson.

The next matter is again Mr. Justin Green At-Large, Docket No. 18C-018. The failure -- the amount of the fine is 1,000 dollars for failure to file a receipts and expenditures report that was due on May 10th of 2018. Mr. Green was informed of this hearing on August 30th, 2019. He is not in attendance.

Next matter is Manley Collins for Treasurer, the MC Foundation, Docket No. 18C-021. Mr. Manley Collins is the respondent. Mr. Collins' fine is in the amount of 500 dollars for this matter for failure to timely file his receipt of -- his report of receipts and
expenditures.

Mr. Manley is now in compliance with respect to this matter. He did file, albeit late. He eventually filed on June 23rd, 2018. He did attend a pre-hearing conference held on July 11th and -- excuse me, on July 17th. And he noted for the record he didn't have the money to pay for the fine and he was apologetic. And we came up with a payment plan of about 5 dollars a month as an offer, but that wasn't accepted.

The next matter is again Mr. Manley Collins. His fine --

CHAIR BENNETT: So you're still, I guess, negotiating with him about the payment plan or --

MR. MCGANN: At the time, yes. During the pre-hearing conference and what's transpired since, we tried to come to an agreement. But the fine payment terms weren't acceptable to the Office of Campaign Finance. He has another fine also. So it would've been roughly 1,500 dollars paying 5 dollars a month.
CHAIR BENNETT: Yeah, that'd be a long time.

MR. MCGANN: A long time. So the next matter and the final matter is Docket No. 18P-001. Again, the MC Foundation and Collins is the respondent. He did -- the fine amount, excuse me, is 1,050 dollars for failure to timely file his January 31st report of receipts and expenditures. He did file on February 22nd, so he is within compliance. And at this point in time, he's not able to pay that fine.

And those are the eight items I have before the Board.

CHAIR BENNETT: If I may, those who just received notice of this hearing, they could appear and we just provided notice on August 30th. I appreciate the fact that there has been several days, but it's still less than a week.

If something comes up, I would encourage the Office of the General Counsel to be flexible relative to giving folks an opportunity to be heard if they so choose. So obviously
following the law and the regs in that regard.

But where they're expecting and it's been less
than a week's notice for this hearing, it'd be
great to be taking advantage of that flexibility.

MR. MCGANN: The Office of the General
Counsel being in the process of generating orders
for these matters and in that interim period, if
one of the respondents does respond, happy to
work with them in trying to reach a settlement.

MS. STROUD: And taking that into
account, we would like to have a motion to
proceed with these under D.C. Superior Court
barring the opportunity to work with individuals
who have notice of this hearing or those who
might not have found that to be timely enough.

These individuals also had the
opportunity, I would note for the record, to
attend two pre-hearing conferences. I noticed
one where that was not the case where they had
the opportunity for one and they attended that
pre-hearing conference. But for the most part,
these individuals were apprised of two pre-
hearing conferences and did not attend those and
were at that time given notice of this Board
meeting. So I think it was a little bit more
than a week's notice.

MR. MCGANN: Correct. In fact, Mr.
Manley Collins was the only one that attended
one. So he wasn't invited to a second pre-
hearing because he attended the first one. Every
other respondent was invited to two pre-hearing
conferences.

CHAIR BENNETT: Yeah. I mean, I
suspect that the notice was sufficient and nobody
is going to come and say, hey, I didn't get a
chance to try to work this out. But just in
case, and that's really the point. Can I get a
motion, Mr. Gill? Did you have any questions?

MEMBER GILL: No questions, but I
agree. I know that you can't have payment plans
that extend into years and such. But at the same
time, I think we should always try to put out
best efforts to help those pay. No questions,
and so motion to accept the report.
MS. STROUD: And to proceed it to the D.C. Superior Court for judgment for these matters to the extent that we cannot work with the individuals with respect to resolving these matters.

MEMBER GILL: Motion to proceed.

CHAIR BENNETT: Okay. So properly moved and I second. And so therefore it's unanimous. Thank you.

MS. STROUD: And that concludes my report.

CHAIR BENNETT: Okay, great. Any questions for Ms. Stroud, Mr. Gill, on the report?

MEMBER GILL: No questions.

CHAIR BENNETT: I think we have additional items from Ms. Miller.

DIRECTOR MILLER: Item, just one.

CHAIR BENNETT: Item, okay.

DIRECTOR MILLER: I saved the best for last. I neglected to recognize our new hire, and that would be Francine Dease. She's sitting in
the back behind Mr. McGann which part of our 
problem. I couldn't see her. She is our new HR 
specialist. She just started with us on Tuesday. 
She comes from the D.C. HR -- Human Resources 
Department upstairs. And we are so blessed and 
fortunate to have her.

She comes with all the tools needed to 
get all of our employees processed, things 
regarding HR matters done. And we will be ready 
to go as we move into this election year with her 
assistance. So I'm really excited as are the 
staff to have her on board.

I only neglected to mention her 
because I saved the best for last. And I tell my 
staff I can't see them when they sit in the back. 
And you noticed, Ms. Goldberg has been moved up 
front. They have a tendency to want to hide and 
I can't see who they are. So I suppose your 
staff who takes the front row.

(Laughter.)

CHAIR BENNETT: So next time, we'll 
have all front row seats.
DIRECTOR MILLER: Yes, only.

CHAIR BENNETT: Welcome and thank you for joining us. We are absolutely positive that you're going to have a great experience. And I'm also positive that the challenges and opportunities that are presented around here will certainly enrich your life professionally and otherwise. So thanks so much and welcome. I look forward to working with you going forward.

Mr. Gill, did you have anything you wanted -- I didn't give you a chance. I'm sorry. I forgot.

MEMBER GILL: Nothing further. Welcome to the team. I think you're going to enjoy it. Great team to join.

CHAIR BENNETT: Well, I think the next thing is public matters. And if there is any public matters, I'm not sure if Mr. Sindram is still on the line. If you are --

MR. SINDRAM: I'm still here.

CHAIR BENNETT: -- I appreciate your patience. Did you want to offer any public
matters? Of course, please introduce yourself so
the court reporter can get that on the record.

MR. SINDRAM: Michael Sindram,
disabled veteran, served our country more than
most. Item No. 1, for the --

(Simultaneous speaking.)

CHAIR BENNETT: Mr. Sindram, can you
give -- Mr. Sindram, can give your address, sir?

MR. SINDRAM: Absolutely. Michael
Sindram, disabled veteran, served our country
more than most, 6645 Georgia Avenue, Northwest,

CHAIR BENNETT: Thank you.

MR. SINDRAM: You're welcome. Item
No. 1, good to have an elephant in the room, Mr.
Gill. Competition is good. In your words, the
lower the signature bar. What exactly do you
mean by that?

MEMBER GILL: It was just an
observation. I have to be careful about not
putting a view out there. But it's just an
observation on the public funding that has gone
out so far and what it's going to accomplish.

MR. SINDRAM: I appreciate that. But what I'd like if you could expand and explain exactly what you mean lower the signature bar and talk to what that entails.

MEMBER GILL: You're going to get me in trouble because the signature bar is in the statute and I don't have an opinion if it's in the statute. So I don't have an opinion on the signature bar other than I expressed my viewpoint that the signature process is difficult for the Board of Elections in the current sort of digital era.

I don't think people's signature remains constant the way it used to when we were writing checks all the time and our signature was sort of our bond. It just seems like an antiquated identification piece. And I've said that I think that over time it's going to continue to cause problems for the Board and the staff.

And my view is that we have a very
high bar for the number of signatures that are
required to get on the ballot. And to the extent
that that bar was put in place to show
groundswell support for a candidate, then part of
the process should be going out and getting
groundswell support.

But it seems -- I was just observed
that many candidates hire third parties to go out
and gather signatures on their behalf. And that
seems to circumvent the sort of purpose for a
signature tally showing genuine support as
opposed to just who's got better organizational
capabilities to gather the signatures.

So I don't have a view. The
regulations are not set by us. I mean, the
statute is not set by us. We just implement the
statute to our regulations. So these are just
observations. That's nothing more.

MR. SINDRAM: Well, I appreciate that.
What I'm getting at is that you have some on
point suggestions. And I understand it's etched
in stone. But again, the law is not etched in
stone but in ink which is susceptible to change
as you know very well. So I was just thinking if
you had some ideas, suggestions, whatnot maybe to
improve. And maybe not speaking from an official
capacity but wearing your hat as a private
citizen.

CHAIR BENNETT: Mr. -- if I could step
in. Mr. Sindram, and I'm not trying to keep Mr.
Gill from speaking. But just maybe I can provide
a little more clarity. I think the primary
point, and we can certainly -- like, when the
council ask us to testify before them, like, on
these matters, we are certainly able to give them
our opinions and we have. And the statute has
been changed accordingly to make it more
operational.

But I think the primary point is that
with the statute, it is actually paying for
people to meet the relatively stringent
requirements or paying people to go out and maybe
pay people to meet the various stringent
requirements to get ballot access. And maybe an
alternative to spending money for that is to make ballot access less complex and less stringent which would also meet the intent, I think, of the Fair Elections Program to get more ideas out there in the public domain for people to vote.

So is that helpful, Mr. Sindram?

MR. SINDRAM: Yes, thank you for that clarification --

CHAIR BENNETT: Okay.

MR. SINDRAM: -- Mr. Chair. Item 2, the vacancy board. I brought this up initially. What's the latest on filling that position on the Board?

CHAIR BENNETT: Yeah, the last status that we have, Mr. Sindram, is the mayor nominated a person by the name of Karen Greenfield. Karen Greenfield went through a hearing. It was the committee that is chaired Councilman Allen. And we have not heard as to whether or not the committee voted to get Ms. Greenfield out of committee and to the council for a vote. So that is still in a pending status as far as we know.
MR. SINDRAM: If I understand correctly, there was a council hearing for the public.

CHAIR BENNETT: Yes, there was a council hearing. Gosh, that was in July, for a confirmation hearing that Councilman Allen's committee had for Ms. Karen Greenfield who was nominated by the mayor. But to our knowledge, at least to my knowledge anyway, and I think that's the case for everybody here today, there has not been a committee vote on Ms. Greenfield that will take her to the full council. Yeah, they're not in session now, so that's the current status of that. So we are one person short.

MR. SINDRAM: Yeah, I missed that hearing. We know full well summertime is very busy. Folks are scarce, vacation and whatnot. So maybe things will pick up. It'll be approved.

CHAIR BENNETT: And it'll go back on the 16th of September Ms. Miller just informed me. So that'd be great. If you want to call your councilman and see if they can get that on
the agenda, then we would certainly appreciate having a third person.

MR. SINDRAM: Okay, sure. Ms. Montgomery, the Fair Election Program. My question is, is there a gradient amount for various offices? So in other words, is it a set amount for, say, a ward councilmember versus an at-large councilmember versus the mayor? Or again is there gradients of amounts?

CHAIR BENNETT: Are there different amounts that are available under the Fair Election Program and pending on the office that the person is seeking? The answer is yes. But you may want to go further.

DIRECTOR COLLIER-MONTGOMERY: Okay.

Basically in terms of the --

MR. SINDRAM: I can't hear you, Ms. Montgomery.

DIRECTOR COLLIER-MONTGOMERY: Okay.

CHAIR BENNETT: I think your mic is not on.

DIRECTOR COLLIER-MONTGOMERY: Okay.
In terms of the amounts that are available for payout, okay, the amounts vary dependent upon the covered office which is sought. For example, with the base amount payments, those amounts vary again depending upon the office which is sought. For the base amount payment, for the ward councilmember, the amount is 40,000.

And then you have a cap on the amount of matching fund payments that can be made. And basically according to the Act, under the Act, the way that we figure out or compute the matching funds is based on 110 percent of the expenditures of the winning candidates from the past prior two election cycles for that office with respect to the ward candidates.

And so in this particular instance, for this particular election cycle, I believe that the cap for the matching funds for ward candidates is a little over 200-and-some thousand, if that helps.

MR. SINDRAM: Yes, thank you for that clarification. And then last but not least, Mr.
Chairman, looking at an article that appeared in the Washington Examiner on August 6th, it's a cybersecurity and voting machines run on old operating systems. Microsoft will stop supporting Windows 7 ten months before the next election.

As the presidential election nears, lawmakers and security experts are raising questions about the security of electronic voting machines used in many parts of the country. The latest concerns focus on devices running Windows 7 and other older operating systems.

The Associated Press reports that the vast majority of the nation's 10,000 election jurisdictions use Windows 7 or older operating systems to create ballots, program voting machines, tally votes, and report counts.

Microsoft plans to stop supporting Windows 7 on January 14th, ten months before the 2020 election. Senator Ron Wyden of Oregon sent a letter on July 12th to the U.S. Election Assistance Commission, asking if electronic
voting machines will be updated before November.

In addition to the widespread use of Windows 7, Wyden noted that during the 2018 election, voting machines in Georgia ran Windows 2000, which Microsoft stopped supporting in 2010. In addition, until 2015, Virginia used wifi-connected electronic voting machines that last received a security update in 2005 and used "abcde" as the administrator password.

Given ongoing attempts of Russian hackers to target U.S. elections, out-of-date software on voting machines as a serious concern, Wyden wrote. The use of old software, lays out the red carpet for foreign hackers, he claimed. Now more than ever, the American people expect that the government is taking the necessary steps to secure our elections from foreign attacks.

Election security legislation is stalled in the Senate, where Wyden is the sponsor of a bill that would give the Department of Homeland Security the authority to set mandatory security requirements for voting systems.
Election Systems and Software, a major electronic voting machine vendor, says it is in the process of updating the operating system on its devices. Its most recent release, scheduled to be available this fall, will incorporate Windows 10, a spokeswoman said. For systems that currently use Windows 7 and ES&S, Microsoft will provide ongoing support for that software until jurisdictions can upgrade to newer versions of Windows.

Please keep in mind none of these systems are connected to the internet, reducing potential security issues, she added.

Wyden's concerns are legitimate, said Tom DeSot, executive vice president and chief information officer at Digital Defense, a cybersecurity vendor. The senator's worries about old operating systems are, no different than an CIO would pose to potential software vendors for an enterprise.

Machines running on end-of-life operating systems are, especially vulnerable, he
added. In enterprise environments, additional
attention is applied to systems running
unsupported software, if no updated alternatives
are available in the form of increased access
control, segmentation, and monitoring to prevent
data compromise.

DeSot called on the Election
Assistance Commission to set minimum standards
for software developers to update their
applications to work on modern, supported
operating systems. Those who don't should face
significant fines, he proposed.

Meanwhile, some election security
experts say the use of old operating systems is
only one concern of many. Electronic voting
machines are vulnerable to security risks,
claimed Marian Schneider, president of Verified
Voting, a group pushing for paper audits of
electronic voting machines.

Software can present risks, she said.
This is a software issues.

Electronic voting machines should
undergo regular security audits, suggested Jamie Cambell, a security consultant and founder GoBestVPN, which is a site that reviews virtual private networks. Those security audits should be open-sourced so that multiple security experts can review them, he recommended.

There are many things that can make electronic voting machines insecure, Cambell added. It's not just the machines or operating systems. It can be the way that the machines store and transmit the data.

And again, a quote from Senator Ron Wyden of Oregon. Now more than ever, the American people expect that the government is taking the necessary steps to secure our elections from foreign attacks. Again, this article appears in the Washington Examiner, August 6, 2019, pages 30 to 31.

CHAIR BENNETT: Mr. Sindram, thank you. Are you done?

MR. SINDRAM: I hope I didn't put you to sleep.
CHAIR BENNETT: No, no. We're wide awake. First, let me thank you for that.
Second, we also received a request for some detail around what we're doing to secure the system from outside attacks from Councilmember Cheh. And we're in the process of writing a detailed response to that, and we will put that on our website.

And I won't try to give a detailed response to the questions that you raised from the article. But thank you for that. The first thing, though, is to note -- and I just checked with Ms. Miller and also one of our IT persons here. Our voting machines are not on Windows 7. So that's not the operating system that our voting machines are sitting on. I'm not sure what's happening in other parts of the country, but ours is not.

Our ballot itself is created by Windows 7, that operating system. But even that said, one of the things that's really challenging and you and I probably could have a very long
conversation about this since that's my prior life.

But one of the things that is really challenging. It's important that every institution and certainly the voting community of the elections institutions around the country have to do to make sure their operating systems are up to date. Because whatever security you put on top of those operating systems, if your operating systems are old and they're degradation issues, then those security measures will probably not work.

So one of the things we're doing here is to make sure that there is compatibility with the operating systems and the things that we're doing from a security perspective.

The other thing that I think is important to note is that as I've said to a lot of folks, these are all closed systems. So when you walk into a precinct to vote, that voting machine is not connected to the internet. So getting into that one machine is pretty
difficult. It's not sitting out there.

But all that said and it's a really a
short response to your comment to that article.
But we are doing a more detailed response to
Councilmember Cheh. And we will put that on the
website. And if, for some reason, you don't have
-- and I just got pointed out that all paper
ballots, there is an audit trail.

But once we get that done, I believe
Ms. Jennings probably has your address that we
could sent that to you. And if we haven't gotten
it to you before the next Board meeting, please
bring that to our attention.

So there is -- your concerns and your
comments on that article are very timely and
we've been focused on this for a while. So thank
you for that. And I apologize for not being able
to give you a more complete answer. But it
deserves the kind of research that we're doing to
answer Councilmember Cheh. So we'll make that
available to you, sir.

MR. SINDRAM: That's very helpful, Mr.
Chair. And I appreciate your indulgence. To save the best for last, as Ms. Miller would say, for your time. Again, she goes above and beyond the call of duty. We did a calling and it worked today. We got the number. We got the access code. Initially, it failed. But on the second go around was a charm. So it was all systems go which is good.

CHAIR BENNETT: Kudos. Thank you and I think we had one other Board matter. But we will delay that to October. We wanted to present to our former Board member, Dionna Lewis, a recognition for her service for three and a half years to this Board. But we will save that for the October meeting.

So with that, we will conclude for today. Ms. Gill, did you have anything you wanted to add?

MEMBER GILL: No, just going to make a motion to adjourn.

CHAIR BENNETT: Okay, thanks.

MR. SINDRAM: We need an elephant in
the room. We need an elephant in the room, Mr. Gill.

CHAIR BENNETT: So your motion is accepted and seconded and the meeting is adjourned. Thank you.

(Whereupon, the above-entitled matter went off the record at 12:23 p.m.)
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 09-05-19

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