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GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Elections

Regular Board Meeting

10:30 a.m. to 12:06 p.m.
Wednesday, October 5th, 2016

DC Board of Elections
Office of the General Counsel
One Judiciary Square
441 Fourth Street NW, Suite 280N
Washington, D.C. 20001

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Board Members:
CECILY COLLIER-MONTGOMERY
MICHAEL GILL, Board Member
KENNETH MCGHIE, General Counsel
MICHAEL BENNETT, Chairman
DIONNA LEWIS, Member
ALICE MILLER, Executive Director

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

2 CHAIRMAN BENNETT: Good morning. We are in
3 session. Let me introduce the persons here very
4 quickly. To my far right is Cecily Montgomery, the
5 Director of the Office of Campaign Finance.

6 MS. MONTGOMERY: Good morning.

7 CHAIRMAN BENNETT: To her left, Michael Gill,
8 Board member.

9 MR. GILL: Good morning.

10 CHAIRMAN BENNETT: To his left, my immediate
11 right, is Mr. Ken McGhie, Board of Elections General
12 Counsel. To my left Ms. Dionna Lewis, Board member
13 and to her left Alice Miller, Executive Director,
14 Board of Elections. And I'm Michael Bennett, Chair
15 of the Board.

16 First, let me start off, we have an amendment
17 to the agenda before I adopt it. Mr. McGhie?

18 MR. MCGHIE: Yes. We need to amend my
19 portion of the agenda to include an item D, which
20 would be emergency legislation to amend Title D, DCMR
21 Chapter 8.

22 CHAIRMAN BENNETT: Okay, thank you. Can I
23 have a motion to approve the agenda as adopted -- as
24 amended rather?

25 MS. LEWIS: I move to approve the agenda as

1 adopted.

2 CHAIRMAN BENNETT: As amended.

3 MS. LEWIS: As amended.

4 CHAIRMAN BENNETT: Thank you. All right.
5 All in favor. Ayes have it. Thank you. The agenda
6 has been adopted as amended. Can we adopt the
7 minutes from the last meeting, Board members have had
8 an opportunity to review those prior to this meeting,
9 in a motion?

10 MS. LEWIS: I'd like to move the adoption of
11 last Board meetings minutes from Wednesday, September
12 7th, 2016.

13 MR. MCGHIE: Second.

14 MS. BENNETT: All in favor. Ayes have it.
15 Great. Board matters. The only matter that I have
16 and I'll go to Mr. Gill and Ms. Lewis next is the
17 Board meeting for November will be moved to a later
18 date. We don't have the dates as of yet. We'll get
19 notice out as soon as possible, but the first
20 Wednesday of November is actually the day after the
21 election. And so from a practical perspective, it
22 doesn't make a lot of sense for us to try to have a
23 meeting then in that we'll still be in the throes of
24 completing the election.

25 MS. MILLER: Excuse me, Mr. Chairman, I

1 believe it's just before the elections.

2 CHAIRMAN BENNETT: Just before the election,
3 I'm sorry. Okay. And I will be preparing at that
4 time. So we will put out a notice as soon as
5 possible with the -- the date for the November
6 meeting. Okay, anything else from Board matters, Mr.
7 Gill?

8 MR. GILL: No.

9 MS. MILLER: No.

10 CHAIRMAN BENNETT: No, okay great. Let me
11 also explain too, the purpose of the public matters
12 in item 4 is for there to be any discussion or
13 questions for matters that are already been made.
14 When we go to item 8 and I'm trying to -- to make the
15 agenda as efficient as possible. When we go to item
16 8, item 8 is really just a place for questions on
17 matters that have been heard today. We won't be
18 trying to answer those questions. We will take those
19 questions on the record and respond accordingly
20 either through publication or at the next meeting.

21 We want to make sure that Board members, I'm
22 sorry, that staff, our executive staff have an
23 opportunity to -- to understand the question and to
24 properly answer without trying to answer off the
25 cuff. So that's the way we're going to move forward.

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1 Are there any public matters that we want to hear
2 today? Yes, ma'am.

3 MS. BRIZILL: Good morning.

4 CHAIRMAN BENNETT: Good morning.

5 MS. BRIZILL: My name is Dorothy Brizill, the
6 last name is B-R-I-Z-I-L-L. My legal residence is
7 1327 Girard Street.

8 Mr. Chairman, I'm not quite sure I understand
9 how you have divided public matters. Is it your
10 intention that if someone comes to the Board meeting
11 with an issue they want to raise, now would be the
12 appropriate time and that later in the agenda, if
13 questions or issues arise from people in the audience
14 as regards anything that has been raised or discussed
15 at the meeting, that would be the appropriate time to
16 do it?

17 CHAIRMAN BENNETT: Yes, ma'am. That's
18 correct.

19 MS. BRIZILL: I had not been able to attend
20 the last two meetings of the Board. One was regular
21 meeting, one was a special meeting, but I have a
22 couple of questions or issues I'd like to raise with
23 the Board.

24 One longstanding issue I've had for some time
25 and I thought that the new Board was going to address

1 it was for someone to sit down and actually read the
2 Board's websites and to update it and keep it
3 correct. I know you have staff who are supposed to
4 be doing that, but let me say that my major concerns
5 were because I had not been able to attend the last
6 two meetings of the Board I went on the website to
7 get educated, updated myself.

8 The organizational chart that is on the
9 Board's website is at least two years old. There is
10 no current staff listing on the website and moreover,
11 on the page that you land on that is the one with a
12 red banner at the top for the election, this one.

13 On the left-hand column, it talks about the
14 process of elect -- voting in the November 8th
15 election and you go down to the first session to a
16 section that talks about early voting. And it says
17 early voting, early or any early voting center. And
18 then the first one it list is Ward 2, 1 Judiciary
19 Square.

20 As you know, and as the staff knows, one -- 1
21 Judiciary Square has been the place where anyone can
22 come to vote citywide, throughout their early voting
23 process. But it's also the place you can come if you
24 want to vote a paper ballot. I think that rather
25 than say Ward 2, 1 Judiciary Square it should say

1 that 1 Judiciary Square is the place that anyone can
2 come and vote citywide as well as if you are one of
3 those individuals at DC and there are many who want
4 to vote a paper ballot.

5 The other things that I would raise is, as
6 you know, the counsel adopted emergency legislation
7 that changed the policy that you had in place for the
8 primary, which insisted that if someone had not
9 changed their address with the Board of Election that
10 they had to return to the previous polling site at
11 their previous address to vote. The two sentences on
12 the Board's landing page reflects that change but it
13 is not clear because many individuals were affected
14 in the primary election and had to if they wanted to
15 vote, go back to the old precinct or cast the special
16 ballot.

17 I just think that Mr. McGhie, perhaps and his
18 staff, needs to give greater clarity on that landing
19 page about who must vote and where you can vote and
20 that you can vote now at the polling place that
21 current -- that serves your current address as well
22 as I assume and I may be wrong because I didn't read
23 the emergency legislation that counsel adopted. You
24 can also vote at your previous address.

25 I just had three issues that I wanted to

1 raise and maybe I can get clarity. As I said, at the
2 --

3 CHAIRMAN BENNETT: Ms. Brizill, can I ask you
4 to go back. I think I understood your last point
5 because if you didn't as much as you look at the
6 thing if you had needed clarity it's probably really
7 important that we make sure everybody gets cleared.
8 Can you repeat your last point on that, on that party
9 website again?

10 MS. BRIZILL: Okay. On the --

11 CHAIRMAN BENNETT: Like with regard to the
12 voting and which polling place.

13 MS. BRIZILL: Okay. On this page, which is
14 the one that you comes up, when you put in the DCBOE
15 website which is one that you put up for election.
16 On the left-hand column, there is information about
17 the general election and early voting. You go down
18 to two sentences that really don't have a heading and
19 I will show to you.

20 CHAIRMAN BENNETT: Okay.

21 MS. BRIZILL: Everything else has a heading.
22 Go up. Everything else has a heading about early
23 voting --

24 CHAIRMAN BENNETT: Right.

25 MS. BRIZILL: Has a heading. Election day

1 has a heading. But then you come to this two
2 sentences that have been stuck in here and as you
3 know, at the primary an order to vote if you had
4 moved and not changed their address at the Board of
5 Elections you have to go back to your old --

6 CHAIRMAN BENNETT: Right.

7 MS. BRIZILL: -- polling site. Now, the
8 counsel through emergency legislation has said, okay,
9 but to me this is not clear. And especially since an
10 issue was --

11 CHAIRMAN BENNETT: It kind of stuck in there.

12 MS. BRIZILL: Yeah, was made and there's no
13 heading.

14 CHAIRMAN BENNETT: Right, got you.

15 MS. BRIZILL: Okay.

16 CHAIRMAN BENNETT: Thank you.

17 MS. BRIZILL: I just had -- and I don't mean
18 to belabor this. I just had three issues which, if I
19 can't get clarity I certainly can talk to the
20 Executive Director at the end of the meeting. I
21 understand that at the last meeting you had on
22 September 7th, there was -- you adopted a number of
23 relocations of precincts. And one of them, you want
24 to relocate and I think you will finally approved
25 today is Precinct 42. And you want to relocate the

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1 precinct which is a ward 1 electoral precinct, into
2 ward 4, that is highly unusual.

3 And I had not had an opportunity to check the
4 law, but in fact it maybe against DC law. I don't
5 understand why this is necessary. I understand that
6 the Mt. Rona Baptist Church is not ADA compliant and
7 certainly I -- I -- Mt. Rona had been a pre -- voting
8 precinct for very long time and I don't understand
9 why efforts had not been made to make it more ADA
10 compliant in all these years.

11 But to relocate a vote -- Ward 1 voting
12 precinct to ward 4 is not only disruptive but it
13 lends itself to mischief in terms of people getting
14 the wrong ballot especially for A & C.

15 The other thing -- issue I had after reading
16 the minutes was the fact that you shortened by one
17 day early voting. And there is no explanation in the
18 minutes why this occurred. On the other hand, you're
19 -- you're beginning early voting earlier. I don't
20 know why this change was made but I would only say
21 that for some time the calendar for this election
22 year has been out, I would almost say nearly a year.
23 And to then start changing dates when you're going to
24 have early voting when you're going to not have early
25 voting without a good reason, I just would like to

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1 know the reason for the change in the date.

2 And I think I already know the reason for
3 closing it on Friday so you have that period to shut
4 down and prepare for the election the following week,
5 but this is not a change that should be made lightly
6 and I just would like to know if there's an
7 explanation for it.

8 CHAIRMAN BENNETT: Yes, ma'am. Alice, do you
9 want to explain?

10 MS. MILLER: Sure. Thank you, Ms. Brizill.
11 At the September meeting we did that formally. We
12 talked about it at the August meeting to, and you are
13 right, to give time for the logistical and the myriad
14 activities that take place prior to the opening of
15 the general election day and the election day
16 precincts down at 43 Precincts.

17 So it was a decision that was made we will
18 close one day early, to extend it by two days on the
19 front end. The information is on the website. We're
20 sending out voter guide which will have that
21 information on it. We will also send out a singular
22 post card which will have that information on it. So
23 notice will be provided but it was a means to allow
24 everything that needs to be done to get done timely
25 with respect to uploading all the data on the poll

1 books, over the time that's necessary to do that and
2 get the information out to -- I mean, get the staff
3 prepared to load up and get set for Sunday when we
4 make the -- before we make our Monday delivery to the
5 precincts.

6 MS. BRIZILL: To the Board, I'll only say
7 this. I -- I -- I sort of figured out that that was
8 probably the reason. But in the times we find
9 ourselves in with these great poll books that the
10 Board has acquired I don't understand why you need an
11 extra day to update the information on the poll
12 books, that's to be something almost instantaneous.

13 Moreover, there was a time when we had early
14 voting in which we did not have poll books, which the
15 books that were sent out to the precinct had to be
16 printed and what have you and we still did not
17 shorten early voting. I would only urge as best I
18 can that the Board, when presented with something
19 from the staff to be somewhat skeptical because I
20 just think that to have had an election calendar out
21 there for so long and to do this with such a short
22 period of time between now and the start of early
23 voting, I -- the same problem existed then as does
24 now.

25 CHAIRMAN BENNETT: Let me -- let me just say

1 that this in a short response to that of Ms. Brizill.
2 Your points are well taken and what we'll try and do
3 is to -- you know, is to make sure that we get the
4 word out not just with changing it on the website but
5 also I think we ought to put some public notices out
6 as well and make sure the news media is aware so we
7 can get some -- make sure people are aware of that
8 change. So because your points is well-taken. I
9 appreciate.

10 MS. BRIZILL: And that leads me to my final
11 point, Mr. Chairman. I understand that Margarita has
12 left and is no longer your Public Information
13 Officer.

14 CHAIRMAN BENNETT: Uh-huh.

15 MS. BRIZILL: Just by way of information, for
16 the past several elections we've gone through this
17 time and time again. A month, two months, three
18 months before the election the Board is without a
19 Public Information Officer. Okay. There had been
20 times you've been without an IT person, but that's
21 another story.

22 I don't know, is your contract with the PR
23 firm still in place because I could not find it
24 either on the website of the Office of Contracting of
25 Procurement or on your website? Is it still in

1 place? What's the name of the firm?

2 MS. MILLER: Dark, D-A-R-K Enterprises.

3 MS. BRIZILL: Dark?

4 MS. MILLER: Uh-huh.

5 MS. BRIZILL: Okay.

6 MS. MILLER: So it's CD Enterprises, CD. But
7 if I may, Ms. Brizill, we do have someone acting as
8 the PIO position.

9 MS. BRIZILL: I know you do.

10 MS. MILLER: Okay.

11 MS. BRIZILL: And she's been here for many
12 years. And she was doing such a piss-poor job in the
13 interim you had two different people you hired as PIO
14 officers. And that's not my assessment. It's
15 obviously been the Board's assessment because you
16 hired her as your Public Information Officer. Then
17 you pushed her aside, she stayed on staff. You then
18 hired another person, Denise Tolliver, to be your PIO
19 officer. Then, Alice, you don't have to shrug your
20 shoulder. I'm just saying the facts. I'm not making
21 this out of whole cloth.

22 CHAIRMAN BENNETT: Ms. Brizill.

23 MS. MILLER: I wasn't responding to you, Ms.
24 Brizill.

25 MS. BRIZILL: Okay.

1 MS. MILLER: I'm responding to Mr. Lewis.

2 MS. BRIZILL: Okay. Okay. Tamara Robinson
3 was here.

4 CHAIRMAN BENNETT: Okay, but this is where we
5 get the point. I feel like you're jumping into
6 personal things here and we understand your point.
7 It's not --

8 MS. BRIZILL: I'm not jumping into personal
9 things. I'm talking about management, okay? And as
10 I recall, and maybe I'll roll the tape, these new
11 Board members say that just give us time, we're going
12 to get down there, we're going to look at systems,
13 we're going to look at personnel and we're going to
14 make some changes.

15 I'm saying that from where I stand nothing
16 has changed. And my biggest concern is on election
17 day and night when people come down here, they want a
18 PR Firm that can answer questions and knows what they
19 are saying and doesn't give out this information
20 which occurred on primary night.

21 They want a Public Information Officer who is
22 not a new kid off the block. We've had situations
23 with Public information officers had been hired less
24 than a week before the election. That has got to
25 stop. I would like to see some change. I would like

1 to see some improvement. So Alice sitting here
2 shrugging her shoulder, I didn't expect that she
3 wasn't here at that point. But don't shrug your
4 shoulder and make -- give the impression to the
5 audience I'm making it out a whole claw. If you want
6 and maybe this would be the best way to communicate
7 with the Board, I will put in writing the myriad
8 number of Public Information Officers you've had in
9 the past three years and the dates their employment
10 began and you will see and one is there's a person
11 started a week before a presidential election.

12 MS. LEWIS: Ms. Brizill, with all due
13 respect, just to make sure that the record is
14 currently clear. Ms. Miller, Executive Director
15 Miller was not shrugging her shoulders at anything
16 that you were saying. I was actually enquiring as to
17 why you were making characterized aspersion against
18 Ms. Robinson and she was shrugging her shoulders
19 towards me. So in addition to what Board Member Gill
20 said, we don't think it's appropriate at this public
21 forum for you to judge individual's performance --

22 MS. BRIZILL: I didn't.

23 MS. LEWIS: -- by name on the record at a
24 public matter.

25 MS. BRIZILL: I didn't. Okay. Let me just -

1 --wait.

2 MS. LEWIS: So if you have -- please excuse
3 me while I finish. So if you do have some challenges
4 with other people's management skills that is
5 something that we would be happy to discuss with you
6 and I imagine Executive Director would be happy to
7 discuss with you outside of this hearing, but
8 unfortunately, this is not the appropriate place for
9 that.

10 MS. BRIZILL: Well, I don't know what the
11 appropriate place is because --

12 MS. LEWIS: I just told you it's not here.

13 MS. BRIZILL: Wait. Well, on your website
14 you don't put staff names, you don't put staff phone
15 numbers, and even if you do have their phone numbers
16 they don't return your phone call. But let me make
17 clear what I was saying.

18 MS. LEWIS: Okay. Please do.

19 MS. BRIZILL: Okay. I was not making
20 aspersion against Ms. Robinson.

21 MS. LEWIS: Thank you. We appreciate that.

22 MS. BRIZILL: I found her a pleasant person,
23 okay. I was not making aspersion --

24 MS. LEWIS: Okay.

25 MS. BRIZILL: Okay. But you were not in the

1 position to judge a performance? Okay. But let me
2 say this.

3 MS. LEWIS: Ms. Brizill, this is not my
4 opinion of anyone's performance.

5 MS. BRIZILL: Let me just finish, let me just
6 finish. Let me just say --

7 MS. LEWIS: It's my opinion of what you just
8 said on the record. Ms. Brizill, you're going to be
9 rude. If you're going to be rude.

10 MS. BRIZILL: No, no, I'm not being rude.

11 MS. LEWIS: -- we don't have to continue
12 Board conversations.

13 MS. BRIZILL: I'm not being rude. If you
14 will let me finish this would be over and we both
15 will be out of our misery. What I am saying is Ms.
16 Robinson was hired for NPR with great credentials. I
17 don't believe she was ever allowed to do the job.
18 The next thing I know another person is hired for --
19 as Public Information Officer and I asked is Ms.
20 Robinson still there? Yes, she's still there.

21 Then that person was hired as Public
22 Information Officer is no longer here. There,
23 someone else is hired. And it goes on and on and I'm
24 saying the worst part is this occurs a week -- in one
25 instance, or just a few weeks before general

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1 election. So I was not making aspersion to Ms.
2 Robinson. Obviously, someone at the Board or the
3 Board staff didn't think she was doing the job
4 because they kicked her to the curb and kept her own
5 salary but did not let her do the job of Public
6 Information Officer and kept on hiring people who had
7 a tremendous learning curve just as anybody you hire
8 now will have a tremendous learning curve from
9 November.

10 So if you don't want to hear it, as I said, I
11 will commit it to writing. I will blast it from the
12 mountain top. I will leave this manacle to the
13 Wilson Building and let everybody know. I have come
14 to your meeting.

15 MS. LEWIS: Please stop yelling, Ms. Brizill.

16 MS. BRIZILL: I have come to your meeting
17 with great civility.

18 MS. LEWIS: Please stop yelling.

19 MS. BRIZILL: I do not like being treated
20 like I'm a piece of trash.

21 MS. LEWIS: No one's treating you like piece
22 of trash, but please do not yell. We have a quorum
23 that we must abide by in this hearing. And we expect
24 you to respect that.

25 MS. BRIZILL: You have the quorum, then treat

1 the public with respect.

2 MS. LEWIS: Will you stop yelling. We're not
3 children, Ms. Brizill.

4 MS. BRIZILL: Treat the public with respect
5 and that's the best reputation of all the Board
6 members.

7 MS. LEWIS: If you have an issue you can
8 leave this hearing right now.

9 CHAIRMAN BENNETT: Ms. Brizill, I want this.
10 Thank you for your comments. Just so you're aware
11 and for the record, we have been as a board
12 discussing public information officers and the need
13 to make sure that we give the public the kind of
14 information what they need. And my apologies for the
15 -- for the challenges. Any other public matters?

16 MS. BRIZILL: I hope you apologize -- so
17 you're apologizing for the rest of the Board members
18 and their performance.

19 CHAIRMAN BENNETT: Any other -- any other
20 public matters? Yes, sir.

21 MR. TAFT: Good morning to the Board. For
22 the record, my name is William H. Taft and I come
23 today to introduce once again a resolution to adopt
24 and to honor Dr. Kenyon Voting Rights Act and for
25 this honorable board to adopt it and use it to

1 improve your voter registration systems. It's been a
2 problem over the last elections but I hope that you
3 will consider this and do it.

4 I've been coming here for 24 years trying to
5 get this done and I'm here today out of response to
6 the president's national call board supported this
7 election that we will have a good democracy. So I
8 trust that we'll be able to respond to that.

9 Background on this song, Mr. William Cruz was
10 an employee for the DC Office of Public Health and he
11 also worked on a Marion Barry in the office of
12 special events with his conferences. He handed all
13 Marion Barry's special entertainment. He is the
14 person who wrote the song. He also wrote the DC one
15 fine and which is raising money continuously since
16 he's retired over 10 years. And he wrote another
17 song, During the 9/11 to encourage tourism to come
18 back into the city. He and I wrote this song on
19 1992. And in '93 he wrote the national anthem to the
20 Million Man March.

21 CHAIRMAN BENNETT: And again, for the record,
22 can you tell me your last name again?

23 MR. TAFT: William H. Taft, T-A-F-T.

24 CHAIRMAN BENNETT: Mr. Taft, I believe we did
25 hear you last time. And I think there is a cost for

1 this song, if I'm not mistaken. And I think if I'm
2 not mistaken that we had asked if you would submit a
3 proposal for us to -- to consider from a purchasing
4 perspective and I'm not quite sure where we are even
5 like with regard to that.

6 MR. TAFT: I see. Well, that just skipped my
7 mind and I'm willing to wait for that, for this
8 election. This is crucial for this election and the
9 Board had in the past done testing of the youth song.
10 It did increase more registration in 2004 under Ms.
11 Miller.

12 So I'm just here today just to try to get the
13 Board to consider the song. I am willing to waive
14 and cross back to this, for this cycle of year. I'm
15 ready to put on the radio across the country, that's
16 two days from now and put on all the back radio
17 station across the country because we have to save
18 this country. I'm not going to let go down in tubes
19 just goes out and make my effort.

20 CHAIRMAN BENNETT: Sure. I'm looking at Mr.
21 McGhie. I'm sure --

22 MR. MCGHIE: Yeah. The last --

23 CHAIRMAN BENNETT: What was the --

24 MR. MCGHIE: Well, I'm not, I don't know if
25 it was the last one. We asked him to put something in

1 writing to give it to us so that we could -- because
2 we can't procure anything without formal steps being
3 taken.

4 CHAIRMAN BENNETT: Right. And I think as I
5 recall, I'm not -- I'm not sure we are the right body
6 to address this issue. It could be the city counsel
7 which it might be the right place.

8 MR. TAFT: To address what issue, sir?

9 CHAIRMAN BENNETT: I mean, to determine
10 whether or not we -- the city adopts this particular
11 song from a --

12 MR. TAFT: Well, if the city doesn't, the
13 Board of Election should since it -- they have this
14 already connected to DC vote -- DC Voting Rights Act
15 and U.S. Voting Rights Act and the country is --

16 CHAIRMAN BENNETT: No, I understand your
17 point. I'm just not -- and I'm not saying that it is
18 risk. I'm just saying I'm not sure we are the right
19 body or we even have the authority to -- to adopt
20 such, but we also still haven't received anything
21 from you relative to the proposal.

22 MR. TAFT: Well, Mr. McGhie -- Mr. McGhie
23 last -- last cycle of last month, instructed me to
24 come here on the 8th. I came here on the 8th which
25 was a day late. And I was just totally frustrated by

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1 that because I was trying to get an approval before
2 the national voter registration day. And that's in
3 your purview, and the song's talking about
4 registering. So I was really upset about by that.
5 And upon speaking to me, he made no point of
6 reference to the delineate anything about cash
7 issues.

8 He said just tell us what you want, how we
9 can use it. Just put that down. I said, okay, I
10 would do that. He said okay. Come in here on the
11 8th, come in here on the 8th. He said three times in
12 the call and I followed the instructions. I was so
13 dismayed by that. Cried, I said wow. Because I know
14 we had done that. The whole nation would have been
15 looking to DC on that holidays, says wow, we need to
16 do what they're doing.

17 This Board has an opportunity to lead the
18 whole country in honoring Dr. King and the Voter
19 Rights Act which is undertaken by the Supreme Court.
20 That has nothing to do with the city counsel.
21 Nothing at all. This body is responsible for voting
22 and voting assistance. And the community is trying
23 to interface with this Board to make sure that a
24 civic initiative is adopted and that the Board
25 supports the civics intention to support that

1 honorable act.

2 So I don't know what other purview -- this
3 has been going on like I say for 24 years and this
4 counsel keep coming out, we don't know if we're it.
5 Each Board keep saying that. How can it not be it if
6 the song is about voting and your job is voting
7 assistance? I don't know where your heads are. I
8 just don't get it.

9 CHAIRMAN BENNETT: Well, we have to take a
10 look at the law and see what the law gives us the
11 authority to do. But I would request that you do and
12 I'm not sure if that's happened or not, I'm looking
13 at Mr. McGhie, if he can give us a proposal, whether
14 it is for free or not and give us an opportunity to
15 take a look at it and just to determine where our
16 legal authority is, then we'll respond accordingly
17 but I don't know what our legal authority is relative
18 to that song.

19 MR. TAFT: Legal authority to **finish this**
20 **business** to do what?

21 CHAIRMAN BENNETT: To be able to respond to
22 your proposal relative that we could or could not.
23 We may not have -- you know, we may not have the
24 legal authority to adopt this song or not. I don't
25 know.

1 MR. TAFT: Okay.

2 CHAIRMAN BENNETT: I don't know what your
3 proposal is relative to --

4 MR. TAFT: I got it. So can we change that
5 language to adopt to use your outreach division has
6 to register people to vote.

7 CHAIRMAN BENNETT: Uh-huh.

8 MR. TAFT: It's not been kicking up and they
9 way they are doing their job. Here is a tool that
10 can assist them in that.

11 CHAIRMAN BENNETT: I'm not suggesting that
12 that's -- that it's not. I'm just saying I don't
13 know whether or not, I mean, but I need something
14 from you so we can determine whether or not, you
15 know, I guess what we have the authority to do or not
16 do.

17 MR. GILL: Maybe just a simple in writing,
18 waiving the copyright and offering --

19 MR. TAFT: Waive the copyright?

20 MR. GILL: Well, otherwise we'd have to --
21 well, a limited use --

22 MR. TAFT: Yeah.

23 MR. GILL: -- for free waiver that allows us
24 to consider the marketing department using it.

25 MR. TAFT: So you all have no plans in the

1 future to have any -- any other tool to help your
2 division to increase the voting because again, your
3 efforts right now is not doing that.

4 CHAIRMAN BENNETT: We do lots of things. We
5 send out flyers. We, you know, make public
6 announcements.

7 MR. TAFT: I'm not disputing what you do,
8 sir, but --

9 CHAIRMAN BENNETT: Yeah.

10 MR. TAFT: -- the millennium kids are not
11 reading any of that. They do listen to music and
12 this song educates them why they should vote to get
13 to honor people that gave you the right to vote.

14 CHAIRMAN BENNETT: Okay. I'm not suggesting
15 that you're not right. I'm just saying that I don't
16 -- we need something that says we have the authority
17 to -- to do it, to use it and then we have to make
18 some decisions as to whether or not it make sense and
19 is consistent with our efforts to increase voting. I
20 mean, that's part of our job is to make sure that we
21 do everything we can to make sure people understand
22 what their -- that we like for them to vote and that
23 they are eligible to vote and if they're not
24 registered to get them registered and to encourage
25 people to vote, so we want to do that.

1 MR. TAFT: All right. So well, I was -- is
2 there any way I can have a meeting in the office
3 after sessions with someone, another day, on whatever
4 your time so we can review this and discuss the
5 matter at length instead of me waiting another month.

6 CHAIRMAN BENNETT: No, I understand. I
7 mean, I would suggest you that --

8 MR. TAFT: No.

9 CHAIRMAN BENNETT: -- you contact Mr.
10 McGhie's office and, you know, -- frankly, get some
11 set up. I'm not sure what else to tell you.

12 MR. TAFT: Okay, sir. I receive your
13 guidance from the Board. No problem, sir. Thank you
14 for your time.

15 CHAIRMAN BENNETT: All right, thank you.

16 MR. TAFT: Your outreach group will be at
17 Bread for the City on tomorrow. I am on that Board.
18 They would be registering people at that site. I
19 hope that you were at --

20 MS. MILLER: Mr. Taft, I believe it's today.

21 MR. TAFT: Okay, well, today, I'm sorry. So
22 I am going back there. So I will be playing this
23 song so they can give you your input probably felt it
24 worked or not.

25 MR. GILL: Okay.

1 MR. TAFT: There would be some data that you
2 can use to decide.

3 CHAIRMAN BENNETT: Great, thank you.

4 MR. GILL: And just, not to belabor this but
5 in terms of some thoughts as to are you looking for
6 the Board of Elections to endorse this song or pay to
7 have it played?

8 MR. TAFT: Well, the original intent was for
9 this Board to lead all other boards in elections
10 since we are the only board in the country with
11 taxation or representation is the law of the land.
12 So we have no voting rights in congress. So it seems
13 to me it's appropriate that this Board to take on
14 that task from the citizens seeking that and to me,
15 that's the purview we didn't know was a meeting
16 statement.

17 MR. GILL: I think we all agree with that.
18 It's just a matter of do we have a capacity, I mean,
19 to judge a song and that's what I think we're
20 struggling with.

21 MR. TAFT: Well, that --

22 MR. GILL: I mean, --

23 MR. TAFT: The song. Sir, the language very
24 clearly states on those people that gave you the
25 right to vote. It tells that the young people why

1 they should vote. It has everything in the education
2 of the public that's not coming out of the agency
3 now, that anyone can hear the song, I put it on
4 YouTube and 500 -- 1,000 people elected Obama twice
5 by listening to this song and is bipartisan. So it's
6 proven that it had works. I just wanted my board to
7 be the first one in the country to have it. That's
8 what I've been trying to do for 24 years. That is
9 ridiculous. It's ridiculous. So what I think, I
10 would comply with what you need. Thank you so much.

11 MS. LEWIS: Thank you.

12 CHAIRMAN BENNETT: Any other public matters?
13 Okay. None being presented, Ms. Miller?

14 MS. MILLER: Thank you, Mr. Chair. The first
15 matter under my report is the polling place
16 relocation from Precinct 42 as you all see Mr. Boodoo
17 was here. He obviously was the one who handles these
18 relocations for us. I just want to put two things on
19 the record before he gets to his actual presentation.
20 This relocation was presented in the September
21 meeting on September 7th. It was published in the
22 register on September 15th, the first day it could be
23 published in the register. It is a 30-day
24 publication period before relocation becomes final
25 which would take us to October 15th.

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1 Having said that, even though we did present
2 it as proposal last time, I am requesting that the
3 Board consider this as an emergency so that they can
4 be in effect immediately and we can notify individual
5 voters of the fact that the precinct has been
6 relocated prior to any time after October 15th and we
7 can then proceed with process that we need
8 logistically.

9 So I'm going to ask Mr. Boodoo to come
10 forward and please put on the record the information
11 regarding Precinct 42 which is as Ms. Brizill pointed
12 out in Ward 1 relocation being moved to Ward 4 and we
13 have in fact discussed that matter appropriately with
14 the counsel.

15 CHAIRMAN BENNETT: Yeah, great. Thank you.

16 MR. BOODOO: Good morning. My name is Arlan
17 Boodoo, facility support manager for the Board of
18 Elections. As you may know, during the first board
19 meeting on September 7th, I proposed a relocation for
20 Precinct Number 42. At this time, the relocation was
21 recommended because the polling place is not fully
22 accessible under the Americans with Disability Act.

23 There's also structural damage to the
24 facility that creates a safety hazard for voters as
25 well as poll workers. Although this relocation was

1 proposed on September 7th, 2016, notice of -- notice
2 of this change was not published in the DC register
3 until September 16th, 2016. Strict compliance with
4 30-day notice requirement to the advisory
5 neighborhood commission set forth an official code 1-
6 309.10 would mean that the Board cannot take final
7 action on the proposed relocation until on or after
8 October 17th which would present a hardship for the
9 Board as we seek to finalize preparations for and
10 publish all documentation associated with the
11 presidential general election.

12 As I indicated on September 7th, while
13 attempted to identify an alternate location for Mt.
14 Rona, I contact the affected advisory neighborhood
15 commissions as well as constituent service of staff
16 for Ward 1 counsel member Briana Doke asking for
17 their recommendations. There were two sites
18 recommended. Tubman Elementary School located at
19 3101, 13th Street Northwest and Park Road Community
20 Church located at 1019 Park Road Northwest.
21 Principal Amanda Delabar of Tubman Elementary School
22 informed the Board that the school was over enrolled
23 and they did not have any available space to
24 accommodate the Board.

25 Park Road Community Church was also

1 inaccessible and could not be used only for an
2 election for the District of Columbia. After not
3 being able to identify an alternate location within
4 the precinct boundaries, I recommended that we
5 relocate to Raymond Recreation Center where it would
6 be combined with Precinct 49. The issue with this
7 relocation is that Raymond Recreation Center is
8 located in Ward 4 and Precinct Number 2 -- Precinct
9 42, excuse me, serves voters in Ward 1.

10 Before submitting this proposed relocation I
11 thereby reached out to counsel member Doke and asked
12 if she had any opposition to this proposal. She said
13 she did not and agreed that the proposed relocation
14 should move forward. So what I'm asking for today is
15 that this relocation be submitted as emergency
16 relocation for the dates so that we can move forward
17 with the public -- publications for the Board of
18 Elections.

19 CHAIRMAN BENNETT: Okay. Have we -- you
20 can't post that until we approve it?

21 MR. BOODOO: Yes, sir.

22 CHAIRMAN BENNETT: So you haven't had a
23 chance to --

24 MR. BOODOO: I haven't had a chance to
25 publicize.

1 CHAIRMAN BENNETT: Have you talked to the --
2 and you may have said this, and I'm sorry if I missed
3 it.

4 MR. BOODOO: Uh-huh.

5 CHAIRMAN BENNETT: To ANC or other
6 representative in the area?

7 MR. BOODOO: Yes, sir.

8 CHAIRMAN BENNETT: And they are --

9 MR. BOODOO: They are in agreement with it.

10 CHAIRMAN BENNETT: They are in agreement with
11 it?

12 MR. BOODOO: Yes.

13 CHAIRMAN BENNETT: Okay. Any questions, Mr.
14 Gill?

15 MR. GILL: No, we're in agreement.

16 CHAIRMAN BENNETT: Ms. Lewis?

17 MS. LEWIS: No.

18 CHAIRMAN BENNETT: Ms. Alice?

19 MS. MILLER: I do know that Ms. Brizill
20 indicated that there may be a legal barrier against
21 this.

22 CHAIRMAN BENNETT: Yes.

23 MS. MILLER: And to my knowledge, unless Mr.
24 McGhie knows any different, I don't believe there are
25 any legal requirements that directs us to keep

1 precincts within a certain ward and Mr. McGhie will
2 correct me if I am wrong.

3 MR. MCGHIE: No, it's been done before.

4 MS. MILLER: It's been done before. Thank
5 you. And the other point that she raised was ballots
6 having an opportunity to be distributed. I can assure
7 you that the precinct will have the Ward 1 ballot for
8 the ward would contest even though it may be an award
9 for location.

10 CHAIRMAN BENNETT: Okay. I think two points.
11 One is that it is the issue with regard to the
12 balloting, you know, that I think we need to be --
13 make, be very careful and play -- pay special
14 attention to that.

15 MR. BOODOO: Yes, sir.

16 CHAIRMAN BENNETT: In particular. And also
17 too, at the precinct and at the new poll -- at the
18 temporary polling place, we also want to make sure
19 that we somehow know that either through signs and
20 also with training of folks to make sure they
21 understand to tell people this is, you know, even
22 though we are in Ward 4, this is a Ward 1 polling
23 place and make sure people are not confused. So I
24 would ask us too on a consistent basis make sure
25 people understand that they should be voting here

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1 there in Ward 1, not in Ward 4 and all that. So
2 anything you can think of that will help, you know,
3 ensure we don't have confusion would be probably
4 appropriate to do in this case.

5 MR. BOODOO: Okay.

6 CHAIRMAN BENNETT: Because it is really
7 unusual. I also think too that we ought to go back
8 and take -- I'm looking at Rudy now -- go back and
9 take a second look to make sure we don't have any
10 legal new restrictions in the matter and so what I'd
11 like to do in terms of asking for a vote from the
12 Board members an approval is that the approval is --
13 is subject to the general counsel's final
14 confirmation. There are no legal impediments to the
15 -- to the move. It's been done before but I think
16 sometimes we, the board, I don't think that may have
17 been the best thing. So is that agreeable that we
18 approve it with the proviso that it's subject to
19 final legal opinion. And then what I'd like to do is
20 to make sure that we have a legal opinion in the
21 record.

22 MR. BOODOO: Okay.

23 CHAIRMAN BENNETT: That in the case
24 accordingly. Okay, all right. So since we are on
25 the record, I'll ask for a motion to approve the

1 emergency move subject to final legal opinion that
2 the District is okay to put in ward 4, 1 for ward 4.

3 MS. LEWIS: I make a motion that we approve
4 as a Board the relocation for Precinct 42 on an
5 emergency basis subject to confirmation that there
6 are no legal ramifications hindering that.

7 MR. GILL: Second.

8 CHAIRMAN BENNETT: All in favor?

9 MS. LEWIS: Aye.

10 MR. GILL: Aye.

11 CHAIRMAN BENNETT: Ayes have it. It's
12 unanimous. Thank you, Mr. Boodoo.

13 MR. BOODOO: Oh, thank you.

14 CHAIRMAN BENNETT: Okay, and thank you.

15 MS. MILLER: Thank you. Just to kind of be
16 brief, we do have a lot of things that are going on
17 as we prepare for the November 8th election generally
18 with respect to the mailer at which there was some
19 issue made last week about -- I just want to state
20 again as we have stated on the -- in the public media
21 that there was no one removed from the rolls, the
22 mailer was an effort to identify and locate voters
23 who were not registered. We have been successful in
24 doing that. For those individuals who may have
25 received the mailer by mistake, we will sending them

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1 post card this week advising them that it was a
2 mistake and that they should update and confirm their
3 registration with the Board. that is the case why
4 didn't receive it because there is some data that is
5 not agreeing with our records versus the DMD. The
6 official response to this information mailer is on
7 the Board's website and can be viewed there. So the
8 post -- the other post card will go out this week.
9 We have finalized the ballots for the --

10 CHAIRMAN BENNETT: Can I add to that --

11 MS. MILLER: Yes.

12 CHAIRMAN BENNETT: -- Ms. Miller?

13 MS. MILLER: Uh-huh.

14 CHAIRMAN BENNETT: For just additional
15 comment on that. The original mailer that went out I
16 actually gathered -- looked at two databases and did
17 a match of and determined that there were 740,000
18 people approximately that were not registered to
19 vote, that were eligible to vote in the District of
20 Columbia. I'm sorry, 74,000 would be -- we have
21 double number of people, we had vote 74,000 pardon
22 the zero, or the lack of the decimal in the right
23 place.

24 MR. GILL: Marketing worked.

25 CHAIRMAN BENNETT: Marketing worked, exactly.

1 A lot of people move in just so they could vote in
2 the District. But like most database matches like
3 all database matches it actually pulled in persons
4 who were registered but whose data didn't match in
5 both databases, and they were approximately just
6 under 6,000 of those persons that they got pulled
7 into that data.

8 However, just to be clear though, the mailer
9 that they received indicated that you were not
10 registered to vote but that if you were registered to
11 vote and you did receive this in error and I may be
12 embellishing a bit, but if you were registered to
13 vote then we need to -- then there was a problem with
14 your data and you need to either go on the website or
15 call our office to make that correction. That data
16 match was actually pretty good. It pulled in about
17 90% of the 74,000 people were in fact not registered
18 to vote.

19 And so while it did create a little bit of
20 confusion and probably primarily because of the
21 emphasis on the -- on the mailer that focused on the
22 person's not being registered to vote, it created a
23 little bit of confusion and so the mailer itself
24 wasn't incorrect, it just was something that I think
25 when we went back and looked at it may have created

1 some confusion. We wanted to make sure that that was
2 clarified, but the great thing about that is that we
3 contacted approximately 69,000 people who were
4 eligible to vote in the District, who were in fact
5 not registered to vote. So it was a good thing. We
6 would do it again. I'd do it again just to make sure
7 that we hit that number of people but we would -- but
8 with that particular database match we learned a lot
9 and so we would be -- be better next time.

10 But the reality is anytime you do a database
11 match like that you're going to have some -- some
12 errors in terms of what you're looking for. So just
13 for the record, I want to make that clear.

14 MS. MILLER: And I might also add that while
15 individuals that received it were in fact registered,
16 we received calls from those a lot of calls and they
17 did in fact in that process update information that
18 was inaccurate as it relate to their voter profile.

19 CHAIRMAN BENNETT: So lot's of goodness in
20 that process. Ms. Miller?

21 MS. MILLER: Yes, okay, thank you. We
22 finalized our ballots obviously for the general
23 election. We will have 551 ballot styles meaning 551
24 different ballots. So a lot of this is tied to the
25 ANC elections obviously where the SMDs have their

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1 particular candidates running and requires the Board
2 to have a specific ballot design for them.

3 The ballot design has been made to call
4 attention to the ANC contest, and they call it a lot
5 for the ANC and it's usually a challenge. It has
6 been an issue with voters receiving the correct ANC
7 ballot which is the only different contest that they
8 vote for in many of the precincts so we've got a
9 block that highlights what the ANC is. So when the
10 poll workers are looking to distribute the ballots
11 they can focus on the ANC as indicated what they
12 should receive when they check in, when the voter
13 checks in.

14 It is a two sided ballot with the advisory
15 neighborhood -- the advisory referendum on one side
16 and all the other contests on the other. We have a
17 message on the ballot that says vote both sides, turn
18 ballot over, vote both sides -- on both sides of the
19 ballot so the individuals will know to turn the
20 ballot over prior to voting.

21 We've begun mailing out our absentee ballots
22 for those who requested it. We've mailed out over, I
23 believe, 2,000 or so. We've received 500 back by
24 email, 10 back by mail and we will continue to do
25 that and maintain the process of throwing them over

1 once we get the request for an absentee ballot.

2 A lot has been said over the past few months
3 about security in systems as it relates to cyber
4 security. So I just want to state that at the 10,000
5 foot level that we had been working with our
6 partners, the FBI, the Chief Technology Officer for
7 the District of Columbia, Homeland Security and
8 others to ensure that the Board's system is free from
9 interception by unknown or unauthorized individuals.
10 The Board's Chief Technology Officer is here, Antoine
11 Sean Fagan and I wanted to ask him to come forward
12 and just put on the record what we've been doing and
13 what we will continue to do to make certain that our
14 systems are secure.

15 CHAIRMAN BENNETT: Great, thank you. Mr.
16 Fagan?

17 MR. FAGAN: Good morning, everyone.

18 CHAIRMAN BENNETT: Good morning.

19 MS. MILLER: Good morning.

20 MR. FAGAN: My name is Antoine Fagan, Chief
21 Technology Officer for the DC Board of Election. The
22 District of Columbia Board of Election voter
23 registration system also known as Integrity resides
24 within a private network within the District
25 government's internal network. The Office of the

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1 Chief Technology Officer protects, monitors and
2 controls the external perimeter of all DC government
3 agency networks. Also, citywide information
4 technology security department known as CIWITS
5 protects all district government agencies with
6 services such as intrusion protection, monitoring
7 services and firewall services which block unwanted
8 and malicious traffic.

9 Even though our external perimeter is
10 protected and monitored by CIWITS, DC Board of
11 Election has in place its own firewall services
12 installed to stop also unwanted and malicious traffic
13 from entering our internal network. All of the
14 service are protected by anti-viruses, malware
15 protection, scan for vulnerabilities and monitored
16 for abnormal behaviors. They are no direct
17 connections between any external systems and
18 integrity. Only internal DC BOE staff members who
19 have been provided access due to their assigned roles
20 may access Integrity and the internal network using
21 assigned credentials.

22 All input data from our mobile application
23 and external partners are validated prior to them
24 entering Integrity. Any data which is irregular or
25 otherwise does not meet applicable security standards

1 is tracked and discarded. We are confident that
2 voters will have a positive voting experience on
3 election day in the District of Columbia.

4 MS. MILLER: Anyone have any questions for
5 Mr. Fagan?

6 CHAIRMAN BENNETT: Okay, do we have -- I have
7 one question. What's the -- the security software
8 that we are using for detection and are we up-to-date
9 in terms of all the -- the updates and stuff?

10 MR. FAGAN: Yes. Basically we use --
11 majority of all the applications that are a baseline
12 security practice for CEWITS and AUTO we use the same
13 software.

14 CHAIRMAN BENNETT: Okay.

15 MR. FAGAN: So we have MacAfee Orchestrator
16 to provide malware trafficking and so forth as well
17 as Landesk to do vulnerability searches and using,
18 you know, other certain products that we utilize to
19 actually leverage that technology and being proactive
20 in protectioning our infrastructure.

21 CHAIRMAN BENNETT: Have we had a number of
22 intrusions that we've detected in the past couple
23 years or --

24 MR. FAGAN: Well, the use that I've been
25 here, no, we have not. And basically, what happens

1 is we have a certain software which I can't get
2 really specific into because of --

3 CHAIRMAN BENNETT: Security?

4 MR. FAGAN: Security, where it pretty much
5 alerts me of any abnormal behaviors like high CPU
6 utilization, traffic coming from specific IP
7 addresses that are not known within our internal
8 network. All of that is monitored through long
9 activity as well as the monitoring tools.

10 CHAIRMAN BENNETT: So that and the CEWIT
11 technology for the city would give you notice as well
12 if there had been certain malware that had been found
13 some place else and --

14 MR. FAGAN: Yes, and --

15 CHAIRMAN BENNETT: --.

16 MR. FAGAN: -- and they are very proactive in
17 doing so. They would send us an email letting us
18 know, okay, you might need to check this machine. We
19 see something suspicious, we are picking it up but at
20 the same time it's nothing. It's something to look
21 forward to. Something to actually investigate.

22 CHAIRMAN BENNETT: Sure, okay. All right.
23 Any other questions?

24 MS. MILLER: I might add that we have -- at
25 least Mr. Fagan and me had a brief meeting last week

1 with FBI agent who came by just to make certain that
2 we were okay. If we had any issues the FBI has taken
3 an active role for this election to make certain that
4 the systems are secure on a national level.

5 CHAIRMAN BENNETT: Okay, great. Thank you.
6 And if there are any issues that could have popped up
7 that, you know, I would appreciate a call as well.

8 MR. FAGAN: We'll do, sir.

9 CHAIRMAN BENNETT: Particularly, I kind of
10 worry about those things from our previous life.

11 MR. FAGAN: We'll do, sir.

12 CHAIRMAN BENNETT: Okay, thank you.

13 MS. MILLER: Just briefly, we continue to
14 train poll workers. Our target is to train 2,400
15 poll workers. 400 have already been trained for
16 early voting which will start on October 22nd. We
17 did host and participated with the national voter
18 registration day last Tuesday where WHUR personnel
19 Renee Nash and other individuals were out
20 broadcasting live to encourage individuals to
21 register to vote and we demo our equipment, and our
22 systems for voting and show the preparedness that we
23 are ready to go off and do what we need to do for
24 this October election. Staff has done very good job
25 in attending a number of outreach events and taking

1 the equipment out there and showing and demoing
2 equipment and I think this has been going on all
3 hours of the day including the weekends and the
4 evening. So we're very thankful we get work with
5 that.

6 We've been able to procure an additional 120
7 poll books for this election so that will help with,
8 if we did have in place an additional 180 which would
9 bring our total poll book number to 900. We used 600
10 for the primary and we're looking to have an
11 additional 300 for this general election.

12 The Board's after election report from the
13 June election is available on our website. And we
14 note that we were not required to do an after
15 election report for the primary, but one has been
16 done, the information that we obtained when we're
17 doing that, new staff has been moved forward to help
18 prepare for this election of our operational issues.

19 We met with -- Ken and I along with other
20 staff members met with members of the ADA -- ADA
21 community and advocates for the community on Friday
22 to touch base with them on things that are in place
23 for November and to follow-up on issues that may have
24 been pending following the June election. I think
25 the meeting was a good meeting.

1 We do have the support of other government
2 agencies such as general services, the Office of the
3 Civilian Rights and the Department of Transportation,
4 trying to work together to get the facilities as
5 compliant as we can for the November election. My
6 biggest issue with this is to point out to everyone
7 that ADA is a 365 day a year. I mean, issue it is
8 not something that just occurs and that we need to be
9 held to a higher standard on an election day, but we
10 respect that, we use that but what the ultimate goal
11 should be is with all of our government buildings and
12 facilities that are used by anyone that has
13 disability should be able to be used 365 days a year.
14 So that concludes my report.

15 CHAIRMAN BENNETT: Good. Thank you. Any
16 questions?

17 MR. MCGHIE: No.

18 CHAIRMAN BENNETT: All right. Mr. McGhie?

19 MR. MCGHIE: Okay. The first thing I have on
20 my agenda is an application for polling of the name
21 of a political party that proposed political party
22 name is Economic and Protection Party.

23 CHAIRMAN BENNETT: Okay, that's been filed.
24 Does the application for approving include the name,
25 address, telephone number and voter registration

1 number for the chairperson's, treasurer and other
2 political officers?

3 MR. MCGHIE: Yes, it does.

4 CHAIRMAN BENNETT: State that information for
5 the record, please?

6 MR. MCGHIE: Okay. The proposed party name
7 is Economic and Protection Party and the chairman's
8 name is Assah Mustafah and his address is 1211, 5th
9 Street Northeast and his voter registration number is
10 00M109409. And Odera Mustafah is the vice chair and
11 Dara A. Bullock is the treasurer. And their
12 registration numbers respectively are 160052577 and
13 090011861 and they both filed their statement of
14 organizations with the Office of Campaign Finance so
15 they are in compliance there as well.

16 CHAIRMAN BENNETT: Okay. Ms. Montgomery?
17 All right. Do either Board member or either three of
18 us actually believe that the proposed name is
19 confusing or misleads the public? Mr. Gill?

20 MR. GILL: No.

21 CHAIRMAN BENNETT: Ms. Lewis?

22 MS. LEWIS: No.

23 CHAIRMAN BENNETT: I concur. Can I get a
24 motion for -- to approve the Economic and Protection
25 Party as political party in the District of Columbia?

1 MS. LEWIS: I make a motion to approve the
2 Economic and Protection Party as a political party in
3 the District of Columbia.

4 MR. GILL: Second.

5 CHAIRMAN BENNETT: All in favor.

6 MS. LEWIS: Aye.

7 MR. GILL: Aye.

8 CHAIRMAN BENNETT: It's unanimous. Economic
9 and Protection Party as a political party in District
10 of Columbia has been approved by the Board.

11 MR. MCGHIE: Okay. The next matter on the
12 agenda that I have is the adoption of an initiative
13 petition form. Can I ask the proposal of that
14 initiative to come forward?

15 CHAIRMAN BENNETT: All right, good morning.

16 MS. RAMIREZ: I'm Ramirez. I'm representing
17 Mr. Eun Chang.

18 MR. MCGHIE: And your address is?

19 MS. RAMIREZ: 1100 Florida Avenue, Northwest,
20 Washington D.C. 20039.

21 MR. MCGHIE: Okay. The last time you were
22 here, the Board formulated the short title and
23 summary statement for the initiative and then we had
24 published that in DC register. And anybody, any
25 registered qualified elector could challenge that

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1 summary statement and short title in superior court.
2 There have -- no one has filed anything in superior
3 court to challenge that summary statement so the
4 short title and summary statement is deemed approved.
5 So at this point, can I ask Ms. Brooks to come
6 forward as well?

7 CHAIRMAN BENNETT: Can you read the short
8 title? Why don't you read the short title into the
9 record.

10 MR. MCGHIE: Yeah. Okay. The short title
11 and summary statement which was approved by the Board
12 is not deemed approved reads as follows: Initiative
13 management number 77, short title, District of
14 Columbia, minimum wage, Amendment Act of 2017.
15 Summary statement. If enacted this initiative will
16 gradually increase the minimum wage in the District
17 of Columbia to \$15 hourly by 2020, gradually increase
18 the minimum wage to protect employees so that they
19 received the same minimum wage directly from their
20 employer as other employees by 2026. Beginning in
21 2021 required a minimum wage to increase yearly and
22 proportion to increase in the consumer price index.
23 The minimum wage increase under the initiative will
24 now apply to DC government employees or employees of
25 DC government contractors.

1 CHAIRMAN BENNETT: Do you approve the -- I'm
2 sorry, your last name again?

3 MS. RAMIREZ: Yes, Ramirez.

4 CHAIRMAN BENNETT: Ms. Ramirez.

5 MS. RAMIREZ: Yes.

6 CHAIRMAN BENNETT: Do you approve the
7 petition forms and adopted as your own?

8 MS. RAMIREZ: Yes, I do.

9 CHAIRMAN BENNETT: Okay. Does the Board
10 member have any questions?

11 MR. GILL: No.

12 MS. LEWIS: No.

13 CHAIRMAN BENNETT: Any other motion from the
14 Board?

15 MS. LEWIS: Mr. Chair, I move that the Board
16 approve the petition form adopted by the component
17 initiative measure number 7 -- 77?

18 CHAIRMAN BENNETT: Yes, it is.

19 MS. LEWIS: 77, okay.

20 CHAIRMAN BENNETT: Can I have a second?

21 MR. GILL: Second.

22 CHAIRMAN BENNETT: All in favor?

23 MS. LEWIS: Aye.

24 MR. GILL: Aye.

25 CHAIRMAN BENNETT: Ayes have it.

1 MS. RAMIREZ: Thank you.

2 MR. MCGHIE: Okay. The chairman, -- okay.
3 The register vote that has calculated the approximate
4 signature requirement for informational purposes and
5 she's prepared to give that to the Board.

6 CHAIRMAN BENNETT: Registered voter is what
7 you give that report?

8 MS. LEWIS: As you are aware petition to make
9 in support of initiative measures number 77 District
10 of Columbia Minimum Wage Amendment Act 2017 must
11 contain valid signatures -- valid signatures of 5% of
12 voters registered in the District of Columbia
13 provided that this total includes 5% of registered
14 voters in each five or more votes in order for the
15 petition measure be placed on about it.

16 Pursuant to title DC official code Section 1,
17 204.102, the number of registered voters used to
18 complete this requirement is a registered voters by
19 the Board of Elections which were issued 30 or more
20 days prior to the submission of signatures. While
21 the signature requirement cannot yet be determined, I
22 have calculated for the information proponent and the
23 public what these requirements would be if the motion
24 of voter registration figures were published by the
25 Board were used.

1 The proponent is advised to check with the
2 Board on a monthly basis as new statistics are issued
3 to get up-to-date SMS of the statistic requirement.
4 In addition, the 180 period for submit petition
5 pursuant to DC official code 1-101.16J1 expire on
6 Monday, August 3rd, 2017 at 5:00 p.m. I have a copy
7 of the petition.

8 CHAIRMAN BENNETT: Okay, do you have any
9 questions, Ms. Ramirez?

10 MS. RAMIREZ: No, I don't.

11 CHAIRMAN BENNETT: Okay. If you do,
12 certainly come back to it.

13 MS. RAMIREZ: Yes.

14 CHAIRMAN BENNETT: Any questions from the
15 Board?

16 MR. GILL: No.

17 CHAIRMAN BENNETT: Okay. Thank you. All the
18 best. Thank you.

19 MR. MCGHIE: Next, I have a litigation status
20 update. That's Ameer Flippin versus the D.C. Board
21 of Elections. At the last board meeting I mentioned
22 that Mr. Flippin went to the Court of Appeals to file
23 a complaint against the Board to -- alleging that
24 there was a Board order in place that denied him
25 ballot access. He was trying to get on as the

1 president of the United States but he did not give
2 the register voter any names of electors and the
3 register voter simply told him that they could not
4 process his application without those electors.

5 Mr. Flippin thus went to the Court of Appeals
6 without a Board order and requested that the Court of
7 Appeals consider the matter. My office filed a
8 motion to dismiss because there was no order to be
9 appealed and the Court of Appeals agreed with us and
10 dismissed his -- his appeal on September 26th.

11 The next thing I have on my agenda is
12 emergency and proposed rulemaking. The emergency
13 rulemaking amendments established their right and
14 votes will only be tabulated in contest where an
15 individual has timely filed an affirmation of write
16 in candidacy and there is either no candidate printed
17 on the ballot in order to determine a winner or the
18 total number of write in votes reported is sufficient
19 to elect a write in candidate. The amendment to
20 recount procedures determines the procedures and
21 rules for conducting a recount.

22 The Board may be familiar with this
23 regulation because on September 14th we introduced
24 this as proposed rulemaking and it's my understanding
25 that even though the Board adopted this proposed

1 rulemaking and sent it to the D.C. Register for 30-
2 day comment period that the rules will not be in
3 place following those comment period for the November
4 election. So we're asking that the Board adopted now
5 as emergency which means that we take effect
6 immediately today and then we can still have the 30-
7 day period to make it final.

8 CHAIRMAN BENNETT: Okay. And it would be
9 final before the --

10 MR. MCGHIE: And it would be final -- become
11 final after the election.

12 CHAIRMAN BENNETT: Okay. Ms. Miller?

13 MS. MILLER: I believe it would be finalized
14 after the election.

15 MR. MCGHIE: No. Well, the emergency --.

16 MS. MILLER: The emergency is, okay.

17 MR. MCGHIE: Today's vote--

18 MS. MILLER: All right. So we can use it for
19 the November elections is what --

20 CHAIRMAN BENNETT: Okay, yes. If you have
21 any other comments, Ms. Miller?

22 MS. MILLER: No, thank you.

23 CHAIRMAN BENNETT: Any questions?

24 MR. MCGHIE: No.

25 MS. MILLER: No.

1 CHAIRMAN BENNETT: Can I get a motion?

2 MS. LEWIS: I'd like to make a motion to
3 adopt on emergency basis the legislation that the
4 general public just talked about.

5 CHAIRMAN BENNETT: Okay.

6 MR. MCGHIE: Second.

7 CHAIRMAN BENNETT: All in favor?

8 MS. MILLER: Aye.

9 MR. MCGHIE: Aye.

10 CHAIRMAN BENNETT: Ayes have it. It's
11 unanimous.

12 MR. MCGHIE: Okay. The only -- the only
13 other thing I have on my agenda which is not on my
14 agenda is to introduce my latest addition to my
15 staff, Rachel Cole. She is a graduate of Catholic
16 University Law School and Holy Cross College. She
17 comes to us from the law firm of Stein, Sperling &
18 Bennett, a Rockville law firm where she did personal
19 injury and criminal --

20 CHAIRMAN BENNETT: No, relations to me.

21 MR. MCGHIE: Well, she did personal injury
22 and criminal defense. She is admitted in the State
23 of Maryland and Washington D.C. On our very first
24 day, I gave her a request for the legal opinion just
25 to welcome her to the office and she did an excellent

1 job on it. So she definitely hit the ground running
2 and I'd like to just welcome her on board.

3 CHAIRMAN BENNETT: Great. Welcome, Ms. Cole.
4 Thank you so much for your joining us and we look
5 forward to working with you on board. So thank you.

6 MS. COLE: Thank you.

7 MR. MCGHIE: That would conclude my report.

8 CHAIRMAN BENNETT: Okay, great. Ms.
9 Montgomery?

10 MS. MONTGOMERY: Good morning.

11 CHAIRMAN BENNETT: Good morning.

12 MS. MONTGOMERY: Good morning. First thing I
13 would like to report is that on September 15th on
14 2016 the Office of Campaign Finance held its first
15 onsite training for candidates for the Office of
16 Advisory Neighborhood Commission member. And those
17 specifically -- that training specifically was for
18 the candidates from Wards 1 and 8. And I would just
19 like to note that we have three trainings which are
20 scheduled this month. One on October the 6th for
21 candidates from Wards 2 and 7, October the 13th for
22 candidates from Wards 3 and 5 and October the 20th
23 for candidates from wards 4 and 8.

24 There were no reporting filing deadlines
25 during the month of September. We did have one

1 referral to the Office of the General Counsel and
2 that was for the failure of a Political Action
3 Committee to attend the OCF entrance conference. And
4 the Political Action Committee was with a matters
5 Jameka Anderson, treasurer and she did subsequently
6 through the efforts of the Office of the General
7 Counsel attend one of our entrance conferences.

8 We held three entrance conferences during the
9 month of September. The first was on September the
10 9th, 2016 the participant was Marcus Bachelor who is
11 candidate Marcus from Ward 8, on September the 12th,
12 2016, Judith N. Batty, Treasurer/Statehood YES!. On
13 September the 23rd, 2016 there were two participants,
14 Aaron Holmes, candidate Holmes for Ward 8 and Jameka
15 Anderson, Treasurer of Ward 8 matters.

16 As I have told the Boards before and members
17 of the public, the training was mandatory for the
18 candidates and treasurers of our Political Action
19 Committee. It is not mandatory, however, for our
20 candidates for the members of the Advisory
21 Neighborhood Commissions.

22 During the month of September from our report
23 analysis and audit division, the audit division
24 conducted 17 desk reviews of reports that have been
25 filed with the office and those were primarily

1 Audits are published at our website and are
2 available for review by members of the public. I
3 would ask the general counsel to give the legal
4 report for the Office of Campaign Finance.

5 MR. SANFORD: Good morning, Mr. Chairman and
6 distinguished Board members. My name is William
7 Sanford, General Counsel for the Office of Campaign
8 Finance. During the month of September 2016, the
9 Office of the General Counsel received three
10 referrals, conducted 5 informal hearings and issued 7
11 amendments in which no funds were imposed. The
12 Office of the General Counsel received one payment of
13 \$500 towards a fine of \$1,000 from former school
14 board candidate, Velario Johnson.

15 During the month of September 2016, the
16 Office of the General Counsel maintained a total of 5
17 open investigations. No new investigations were
18 opened and during the month of September 2016, there
19 were no request for interrogative opinions and there
20 were no show cause proceedings conducted by the
21 Office of the General Counsel. And that should
22 conclude my report.

23 CHAIRMAN BENNETT: Thank you. Ms. Montgomery?

24 MS. MONTGOMERY: That concludes the report
25 for the Office of Campaign Finance.

1 CHAIRMAN BENNETT: Very good. Thank you.
2 Any questions?

3 MR. GILL: No.

4 MS. MILLER: No.

5 CHAIRMAN BENNETT: The next item is I
6 explained where we were on this earlier but let me
7 just repeat again. The purpose of this item on the
8 agenda is simply for questions of any of the reports.
9 There will not be any -- an attempt to try and answer
10 those questions but we will -- we would take those
11 questions in so that we have an opportunity to go
12 back and answer most completely for the efficiency.
13 So this is only an opportunity for questions of
14 reports that have been stated today. We have any
15 public matters for those questions?

16 MR. SINDRAM: Good morning, Mr. Chair.

17 CHAIRMAN BENNETT: Morning.

18 MR. SINDRAM: Michael Sindram, disabled
19 veteran who's served our country more than most.
20 Initially inquire of Mr. McGhie in this Ameer Flippin
21 versus D.C. Board of Elections. As I listened, you
22 had indicated Mr. McGhie and correct me if I'm wrong,
23 ballot access was denied which appears to be
24 something that's appealable and then as you further
25 explained, Mr. Ameer -- Mr. Flippin deferred to the

1 Court of Appeals saying there's no order to appeal
2 from. So I'm at a lost here. If you denied him
3 ballot access, which is an appealable order to my
4 understanding, why then turned around and flip a
5 script and say you can't appeal, there's nothing to
6 appeal.

7 MR. MCGHIE: He was never denied ballot
8 access. He never gave us the information to fill out
9 the forms to get ballot access. So in order to have
10 ballot access for the Office of President you have to
11 give us a name of the three electors and he refused
12 to give us a name of three electors and we told him
13 we flip the process without the name.

14 MR. SINDRAM: So -- but again, in light of
15 what you said, you've constructively denied him
16 ballot access for whatever reason which would be that
17 appealable order.

18 MR. MCGHIE: Well, he was given an
19 opportunity to go to a pre-hearing and if he wanted
20 to and then he could go before the board and then he
21 would have been given a board order and he could have
22 appealed that order but he never got to the stage
23 where he got a order from the Board.

24 MR. SINDRAM: Well, in absentia that was
25 still constructively generate the board order, again

1 which is an appeal board. I just find it
2 disconcerting that due process upon a fundamental
3 fairness we're getting caught up here in hyper-
4 technicality. Somebody wants to be on the ballot. I
5 understand you got some requisites which may or may
6 not be legal, which may not be complied with but
7 nevertheless, nonetheless, there is an appealable
8 constructive denial if you will. And it appears to
9 me what has been said, someone's constitution
10 guaranteed rights have been abrogated and denied and
11 that -- that troubles me, that touches my spirit.

12 MR. MCGHIE: Okay, well, he explained all
13 that in his papers to the Board of Appeals and the
14 Court of Appeals agreed with us.

15 MR. SINDRAM: No. I'm not the Court of
16 Appeals but I'm listening to what you're saying. And
17 from a layman's point of view, it doesn't take a
18 rocket scientist to figure what's going up here --
19 going on here. It's hyper-technicality. And this
20 ought not be.

21 Moving along, I see, Mr. Chair, in the -- in
22 the minutes from the last meeting, we've talked about
23 this and again deferring to Mr. McGhie about a denial
24 of a full panel hearing. It indicates in the minutes
25 and I quote, "Mr. Sindram also reiterated his request

1 for a full hearing in the matter of a grant
2 rescission and would be ANC4A digital dynamo Denise
3 Rose, that doesn't appear in this document. That
4 occurred a number of years ago in ANC4A.
5 Notwithstanding two orders rendered in the case by
6 then Sherman Togowest (phoentic)." What's stated
7 here is more informative what it omits than what it
8 conveys because there may be two orders but there is
9 a third, three strikes in and you're out. And that's
10 the issue of contention because when Mr. --

11 CHAIRMAN BENNETT: If I can interrupt you and
12 I apologize. The purpose of this item on the agenda
13 is to ask questions about the reports that were
14 provided today. I appreciate your concerns. But I'm
15 not going to entertaining this discussion on this
16 matter because it's not related to the reports that
17 were provided today. There was an item on the agenda
18 earlier to address public matters. So if you have
19 another question, focus on the items that were
20 reported on today. I invite you to ask that
21 question.

22 MR. SINDRAM: Well, I hear what you're
23 saying, Mr. Chair, and I believe my concern clearly
24 falls within Mr. McGhie's unfinished business. His
25 report, again is more informative for what it omits

1 than what it conveys and this is something that
2 should have been included and it's not -- and it's --
3 I'm referring directly to what you have written. In
4 light of what you said, if I may finish. You've
5 indicated public comment initially. We talked about
6 this. I'm a disabled veteran. In fact, let me stand
7 up here and show you for the record although it's not
8 being videotaped. I have scars on my knees --

9 CHAIRMAN BENNETT: Mr. Sindram.

10 MR. SINDRAM: -- let me finish. I want to
11 show you because I struggled to come down here.

12 CHAIRMAN BENNETT: Sir.

13 MR. SINDRAM: Sir, may I finish?

14 CHAIRMAN BENNETT: No. That's inappropriate.
15 No, you may not finish that. The purpose of this
16 item on the agenda and I'm going to hold you to this,
17 is to simply ask questions about the items that were
18 reported earlier on in the meeting. There was an
19 item number 3 or 4 on the agenda that were public
20 matters, that were items that we dealt with. If you
21 have a question, another question on the matters
22 today we will take that question and try and address
23 it, maybe not today but at some point. So I ask you
24 to ask your question as to the reports today.

25 MR. SINDRAM: Your own executive director

1 talked about the matter --

2 CHAIRMAN BENNETT: I'm asking you to ask the
3 question of the reports today. If you have -- if you
4 have another question --

5 MR. SINDRAM: You keep interrupting me and I
6 can't do that.

7 CHAIRMAN BENNETT: If you have another
8 question, I'm happy to take it.

9 MR. SINDRAM: Well, let me know when you're
10 through because you keep interrupting me and that's
11 rude. Your own Executive Director Ms. Miller talked
12 about American Disabilities Act which is a 27x7, 365.
13 I've brought to your attention the gastic
14 disabilities I have. And you want to bamboozle me
15 telling me what we've already talked about is, or we
16 didn't hit on it.

17 CHAIRMAN BENNETT: Sir, do you have a
18 question?

19 MR. SINDRAM: My question is why when
20 something is pending and acted upon, can I not
21 address it and get shut down? You were there because
22 we are here.

23 CHAIRMAN BENNETT: I'm asking you what is
24 your question?

25 MR. SINDRAM: That's my question. You don't

1 give me an answer.

2 CHAIRMAN BENNETT: We'll take that. I'll
3 take that question under advisement.

4 MR. SINDRAM: Moving along. And again I'm
5 still waiting for my full compliment panel hearing,
6 plain and simple because it's the third order which
7 has not been provided. It's not been addressed and I
8 get keep shutting down. Clearly, I'm entitled to the
9 hearing and I'm tired of getting stonewalled.

10 CHAIRMAN BENNETT: Mr. Sindram, what's your
11 question?

12 MR. SINDRAM: My question is when will I get
13 my hearing? My full panel hearing.

14 CHAIRMAN BENNETT: Okay. I'll take that
15 question --

16 MR. SINDRAM: All right. I pass up
17 documents, multiple copies, on my time. There's four
18 of them. One for you, Board Member Lewis, one for
19 you Mr. Chair, one for you, Mr. Gill and one for you,
20 Ms. Montgomery. In light of the Campaign Finance
21 report, I got beat up last score round by Mr.
22 Sanford. This is in following up. It's a document
23 that I put in writing, July 9th. Today is October
24 the 5th and counting, I've got a written response.
25 My question is when will I get a written response and

1 get justice, I didn't say justize.

2 CHAIRMAN BENNETT: We'll make sure you have a
3 written response before the next meeting.

4 MR. SINDRAM: Right. And then last but not
5 least --

6 CHAIRMAN BENNETT: Can you hold on? Can we
7 make sure Mr. Sindram has a response before our next
8 meeting?

9 MR. SINDRAM: I believed Mr. Sanford has been
10 saying that.

11 CHAIRMAN BENNETT: We have already responded.

12 MR. SINDRAM: No, in writing where is it?

13 CHAIRMAN BENNETT: Mr. Sanford is holding it
14 behind you. Can we provide that to him in a later
15 court?

16 MR. SANFORD: Mr. Sindram has been provided a
17 response on the 8th of July and what he did he took
18 our response, wrote over it and re-submitted the same
19 question that we have already responded to. We
20 advised him that we did not have jurisdiction over
21 the matters that he is concerned with and we are not
22 the proper forum for him to seek redress in this
23 letter that was provided him on the 8th of July.

24 He has chosen to disregard this written
25 response and to re-submit the same question on the

1 following day. For the record, Mr. Sindram, will not
2 receive a hearing at the Office of Campaign Finance
3 on these matters because we do not have jurisdiction
4 over these matters.

5 CHAIRMAN BENNETT: Thank you. Do you have
6 another question?

7 MR. SINDRAM: I do, Mr. Chair. In light of
8 what Mr. Sanford has proferred -- as he's conceded,
9 his letter July 8th, clearly my letter is July 9th.
10 How can you response to something that had not even
11 been formulated? I've articulated with specificity,
12 right, and particularity one, two, three, four, five
13 issues, okay. Maybe Mr. Sanford can't read but I
14 can. And it's clearly set forth here, you have
15 copies here, I'm asking for a written response. I
16 didn't say anything about a hearing, okay. Stop
17 stonewalling me, Mr. Sanford.

18 CHAIRMAN BENNETT: We'll ensure that you get
19 -- that you get a response to that for that
20 particular.

21 MR. SINDRAM: Thank you. And then last but
22 not the least, it indicates here Campaign Finance.
23 Again, Ms. Montgomery suggested you can make a
24 request in writing or provide you a copy, that's a
25 normal process. You make the process in writing to

1 the Freedom of Information Act or the other thing
2 that you can do is simply come to our office, which
3 I've done numerous times, and we will provide you
4 with a copy of any audits that we have issues, that
5 we have issues or any other information that is a
6 part of the public records. I repeatedly made
7 request for that orally, right? I come down to meet
8 with Ms. Montgomery more than once offline. I've
9 said please provide it. She's not done that. So my
10 question to you is when will they be provided?

11 CHAIRMAN BENNETT: Okay. We will -- I'll
12 connect with Ms. Montgomery after the meeting and
13 make assessments and we'll respond.

14 MR. SINDRAM: Fair enough. Thank you

15 CHAIRMAN BENNETT: Thank you, Mr. Sindram.

16 MR. SINDRAM: Yes, sir.

17 CHAIRMAN BENNETT: Any other questions
18 regarding the reports today?

19 MS. MILLER: No.

20 CHAIRMAN BENNETT: Any other matter? Okay,
21 great. I think we are at the point of adjournment.
22 It is 12:06 and an hour and thirty minutes, we are
23 adjourned. Thank you so much.