GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

REGULAR BOARD MEETING

Wednesday
November 1, 2017

The District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
DIONNA MARIA LEWIS, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KENNETH MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Director
Office of Campaign Finance

NEAL R. GROSS
COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

(202) 234-4433 www.nealgross.com
## Agenda Items

<table>
<thead>
<tr>
<th>Agenda Items</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>1) Adoption of Agenda</td>
<td>3</td>
</tr>
<tr>
<td>2) Adoption of Minutes</td>
<td>4</td>
</tr>
<tr>
<td>Regular Board Meeting</td>
<td></td>
</tr>
<tr>
<td>Wednesday, 10/4/2017</td>
<td></td>
</tr>
<tr>
<td>3) Board Matters</td>
<td>4</td>
</tr>
<tr>
<td>4) Public Matters</td>
<td>4</td>
</tr>
<tr>
<td>5) Executive Director's Report</td>
<td></td>
</tr>
<tr>
<td>By Alice P. Miller</td>
<td></td>
</tr>
<tr>
<td>A. General Matters</td>
<td>5</td>
</tr>
<tr>
<td>6) General Counsel's Report</td>
<td>20</td>
</tr>
<tr>
<td>By Kenneth J. McGhie</td>
<td></td>
</tr>
<tr>
<td>A. Litigation Status:</td>
<td></td>
</tr>
<tr>
<td>1. Paul Cohn v. D.C. Board of Elections (Initiative #77)</td>
<td></td>
</tr>
<tr>
<td>7) Campaign Finance Report</td>
<td>23</td>
</tr>
<tr>
<td>By Cecily Collier-Montgomery</td>
<td></td>
</tr>
<tr>
<td>By William Sanford</td>
<td>28</td>
</tr>
<tr>
<td>8) Adjournment</td>
<td>32</td>
</tr>
</tbody>
</table>
MR. BENNETT: Good morning. Let's bring the meeting to order. Today is November 4th, and it's the November meeting of the District's Board of Elections. Can you hear us okay?

(Off the record comments)

MR. BENNETT: My name is Michael Bennett, Chair of the Board. To my far left is Ms. Alice Miller, Executive Director of the Board of Elections. To her right is Ms. Dionna --- what's your last name?

MS. LEWIS: Lewis.

MR. BENNETT: Board member to my right is Mr. Ken McGhie, General Counsel for the Board of Elections, and Director of the Office of Campaign Finance, Cecily Montgomery.

MS. MONTGOMERY: Good morning.

MR. BENNETT: The first item on the agenda is the adoption of the agenda. And can we get a motion from Ms. Lewis?

MS. LEWIS: I move to adopt today's
MR. BENNETT: Okay, second. And so the agenda's adopted. The adoption of the minutes from the last meeting, that was October 4th, and transcripts are made available. Any motion from Ms. Lewis?

MS. LEWIS: I move to adopt the Board meeting minutes from the Wednesday, October 4th, 2017, meeting.

MR. BENNETT: All rightie. And so the minutes are adopted unanimously. And next, any Board matters? Do we have anything --

MS. LEWIS: Yes.

MR. BENNETT: -- for the Board? I don't. So next item are public matters. Anybody from the public that has any matters for the Board today?

(No audible response)

MR. BENNETT: Okay. Hearing none, we'll have Ms. Miller's report.

MS. MILLER: Thank you, Mr. Bennett.

MR. BENNETT: Jon the Baptist is fine.
(Laughter)

MS. MILLER: I want to start with the pending move of the Agency. I mentioned in September that DGS had identified and offered a lease for space with the -- for a move for the Agency.

The Board, at this point, will be relocated in January of 2018, based on the latest information we received from DGS. This space will be ready for occupancy in early January.

We're going to begin the formal messaging of that move by use of social media, Instagram, FaceBook and, where we can, public service announcements to let individuals know of our intended move.

We intend to be fully operational at the new location by January 26th which is the date of the pickup for candidates running for the primary election.

As I mentioned back in September --

MR. BENNETT: Pickup of their material?
MS. MILLER: Pickup for a number of petitions.

MR. BENNETT: All right.

MS. MILLER: Yes, the first day, it's January 26th. The location is one block away from the Navy Yard on the Green Line Navy Yard Metro Station, on the Green Line.

We are planning to host an open house to invite members of the public once we get settled and situated there prior to the pickup. So that would give everybody an opportunity to see where we're located and get some chance to figure out the best way for individuals to get there.

I will state that we don't have a lot of members of the public coming in as we used to. Not nearly the traffic that we used to have. But we still are very close to the metro, some blocks away. And we do want to have an opportunity for members of the public to see where we are and how they can access the new location once we move in January.

MR. BENNETT: Okay.
MS. LEWIS: Update on our E-sign process, that's the E-petition process that we'll be instituting beginning in January. Our co-partner is in Denver. The project is going very well. The Denver team plans to return back in early December to provide the staff with additional training.

We will plan to kick this off for the petition process to begin in January with the primary. And we have talked to the Denver team, and they are going to also be here in January, if we get started, to assist with the training of candidates for the petition process.

MR. BENNETT: Can you just explain, real quick, for my --

MS. MILLER: Sure.

MR. BENNETT: -- kind of refresh my memory on the E-sign. This is for petitions when candidates are being nominated. So they'll have electronic -- they'll have the iPads to be able to --

(Simultaneous speaking)
MS. MILLER: We purchased 100 iPads that we will loan out to circulators. They can also use their own mobile device. And what will happen is that the voter load will be loaded through an app on those mobile devices.

So when someone signs the petition, they can instantly see if the individual is registered to vote. Because it will communicate with the device and come up with a registered voter or not.

MR. BENNETT: And so the device -- so the -- it's connecting to the larger database, the estimate to do the match.

MS. MILLER: Yes. And we'll also provide an opportunity for individuals to register if they're not registered to vote.

MR. BENNETT: And they can do it right there on the app?

MS. MILLER: That's correct.

MR. BENNETT: And I'm assuming the answer is there's not an opportunity, but I assume there's no opportunity for -- if you can create a
record, is there an opportunity to change the record?

MS. MILLER: No.

MR. BENNETT: Okay. But you can create a record?

MS. MILLER: You can create a record, but you can't modify it or change it.

MR. BENNETT: So if you had a different address or something like that, you'd have to go in as your --

MS. MILLER: We can modify it. We get that information, and we change it internally here. But they can modify it on the app.

MR. BENNETT: But they can't actually change a permanent record from --

MS. MILLER: Or delete it.

MR. BENNETT: -- so since I'm a voter -- yes, well, delete it or if I'm a voter, and I moved, and what the record shows is my address is in Ward 5. And I've moved to Ward 4. Can I change a record there with the person receiving it and change my address at that time?
MS. MILLER: You can update your federal registration.

MR. BENNETT: I can update the federal registration?

MS. MILLER: Yes.

MR. BENNETT: Okay. But it's just like they're going want to do it today. It doesn't give anybody, like, any more power than they had before.

MS. MILLER: That's correct.

MR. BENNETT: It's just they're doing it on somebody else's device versus going online and doing it themselves.

MS. MILLER: That's correct.

MR. BENNETT: Okay. All right.

MS. MILLER: Okay. Just so, you know, that put into the law, for us to have that process available, by the Council last year, I think it was.

We were fortunate enough to be able to work with Denver, because they've been using this before. And they basically provided their process to us and guided us along. So --
MR. BENNETT: Is the software the same?

MS. MILLER: The software's the same. It's the same software. So we feel fairly comfortable with what we do. Otherwise, we would have been in the dark and trying to figure this out by working with another vendor or someone else who had basically just would have done a bid on this.

Denver's election process has gone through this several times, and they've got a lot of positive results from it. They would have the same results as we would as --

MR. BENNETT: Are there other states that do it other than --

MS. MILLER: No. The other states are going to do it. Other districts were trying to do it. They've all reached out to Denver. But Denver has put everyone in the background until after their --

MR. BENNETT: They've kind of got --

MS. MILLER: Yes.

MR. BENNETT: So when did they implement it? I know you --
(Simultaneous speaking)

MS. MILLER: I believe about three years ago now.

MR. BENNETT: Okay. So they've had a couple of cycles.

MS. MILLER: That's correct.

MR. BENNETT: Okay, thank you.

MS. MILLER: Thanks.

MR. BENNETT: Yes, thanks.

MS. MILLER: Our registration system procurement, that's the VR procurement that we were provided the funding for back in May, we've been going through a couple of cycles with the contracting officer to try to get the statement of work out on the street.

We had a subsequent meeting with her and someone else in the contract and procurement in October. And we've done modifications to the statement of work based on her recommendations.

We were told that, at the last meeting or the last set of modifications, that the statement of work would be sent to the Office of
the Attorney General on October 26th.

    MR. BENNETT: Yes.

    MS. MILLER: After the Office of the Attorney General reviews the statement of work, it should be then set for bid. We have contacted or attempted to contact the contracting officer to determine whether or not it did, in fact, go to the Office of the Attorney General. We do not have a record for that, so I can't confirm with you as to whether or not it has gone to the next step.

    But once it gets to the Attorney General, and their review is done, it will be out for bid for 30 days. So hopefully, we'll see a light at the end of the tunnel.

    MR. BENNETT: Do we have a regularly scheduled review with the Counsel relative to budget and that kind of stuff?

    MS. MILLER: Yes.

    MR. BENNETT: So when is our budget hearing?

    MS. MILLER: It hasn't been set yet, but usually we'll have an oversight hearing in
January, budget hearing in April.

MR. BENNETT: But part of what I -- the reason I'm asking that is that I think both our updates to the Office of Campaign Finance system, as well as our new voter registration system, I'd like to be able to -- for us to be able to have some positive reports, so to speak, well, at least detailed status reports at those hearings.

Because they, you know, allocate money for it. And the changes need to be made. And so one of the things I think we ought to do is make sure the Office of Contracting, and the Attorney General, or, like, whoever has to review this to get it out, understands that, you know, we're trying to really drive to get these things done.

And we've got dollars allocated for it. And it's not something that we can wait on. And it needs to have some priority getting through the system.

Because, you know, part of what ends up driving the Office of Campaign Finance's activities is our ability to be able to use the
system properly to catch things, you know, that we
don't have to wait for the post to catch or audit.

We can ask -- you know, ultimately end
up driving our costs up as an organization,
particularly on the Office of Campaign Finance
side, because you need more auditors to find things
if you don't have a system that can do it.

MS. MILLER: Right.

MR. BENNETT: So I think we ought to,
you know, make sure that they're aware of that.
And I'm really happy to get involved personally to
make this thing happen.

This is not -- I mean, because we're
just getting behind the eight ball relative to the
processes that we have to complete if we don't get
this done in a reasonable fashion and in a timely
--

MS. MILLER: Understood. But we've
had ongoing conversations with them and tried to
impress upon them the importance of the, you know,
the need to get this solicitation out for bid,
especially in light of the upcoming elections.
And it's just been a slower than, I think, necessary process.

Clearly, you know, they're contracted employees that they're trying to put in the city and work to make sure that we capture all of that and we understand that. So they sent it back to us but, you know, from my perspective, they need to put the contract --

MR. BENNETT: Yes.

MS. MILLER: -- you know, and just make the corrections to it that meet the standards. So it needs to be from the contracting and procurement perspective and then send it out for bid.

MR. BENNETT: Yes. Okay.

MS. MILLER: So, you know, we've tried to impress upon them to do that. We'll see what happens.

Last month, the staff -- members of the staff attended an Inclusion and Integrity Election Administration Symposium at Auburn. The symposium is for the participants from local, state, and national election professionals who
engage with researchers, vendors, and advocates on questions facing election administrators today.

There were a number of panels over a two-day period that focused on various things involving election administration. And one of the panels we had focused specifically on diversity in elections or the lack thereof.

I want to take a minute and recognize Karla Garcia who sat on that panel and did a fantastic and wonderful job with her presentation. It was well received by all of the attendees.

She talked about and represented the challenges that Hispanic voters feel and have as they try to deal with the election process in the United States of America, dealing with the fact that they are intimidated but still entitled to and have the right to vote as citizens.

She was very clear with her presentation and was able to put a personal perspective on it from the aspect that Karla's always out on election day and before, working with the voters.
And this was a panel that I kind of insisted that they put together, because they've never done anything on diversity. And while they had African Americans on the panel, I say if you all are missing --

MR. BENNETT: Right.

MS. MILLER: Yes. We're missing another portion that needs to be represented. And no one seemed to have anyone within their four walls to sit on that panel to represent that community.

I made one call to Karla and asked her if she would do it. And without hesitation, she said sure. So I want to personally thank her, and recognize her, and let it be known to everybody that she did a great job, not only from my perspective but from all of those who were there.

MR. BENNETT: Thank you so much.

(Applause)

MS. GARCIA: Is this the phone call?

MR. BENNETT: Yes.

(Laughter)
MS. GARCIA: Thank you.

MR. BENNETT: And I'm really reporting it, and we really do appreciate your stepping up. I mean, this is, you know, regardless who sits on this dais and has their jobs in the organization, we all are a part of making sure that what I believe is the tip of the spear of American democracy, and that's voting, so that everybody has an opportunity to vote.

And your participation and focus on people that sometimes others don't focus on was really important. And we certainly appreciate that. And I'm sure it's going to be a model for others in other jurisdictions. So thank you.

MS. GARCIA: And I appreciate the opportunity. Thank you.

MR. BENNETT: Thank you.

MS. MILLER: And her picture is actually in the book.

MR. BENNETT: All right.

(Applause)

MR. BENNETT: Thank you again, Karla.
Thank you so much. David, you ought to --

(Laughter)

MS. MILLER: That would conclude my report.

MR. BENNETT: Okay, thank you so much.

Next, Mr. McGhie.

MR. MCGHIE: Okay, I just have litigation status. And the only case that we have pending in court right now is Paul Cohn versus the D.C. Board of Elections. That's dealing with Initiative 77, which is the Minimum Wage Initiative.

As you recall, the Board rejected Mr. Cohn's challenge. Mr. Cohn is representing the Board of Trade. And so we rejected his challenge to the initiative petition. And so he filed an appeal with the Court of Appeals. And the Court of Appeals gave us a briefing schedule, and Mr. Cohn was supposed to file his motion, dispositive motion, yesterday.

MR. BENNETT: Yes.

MR. MCGHIE: So he did that, he filed
a motion for summary reversal. And he, I guess, gave us or emailed us a copy of what he filed this morning. It was about 40 pages. I haven't had a chance to look at it yet. And then I --

MR. BENNETT: A motion for summary reversal of our decision?

MR. MCGHIE: Of our decision, yes.

MR. BENNETT: Okay.

MR. MCGHIE: So we would file for summary affirmance, they filed for summary reversal. And so we got, today Ms. Christensen and myself are looking at the motion. And I think our motion or our response is due on November 13th.

MR. BENNETT: Okay. Got it.

MR. MCGHIE: And that's where we stand.

MR. BENNETT: Okay. And it doesn't look as if we can get the parties in the room to look at --

MR. MCGHIE: No. The Board of Trade definitely does not want this initiative to go forward.

MR. BENNETT: So they're pretty
adamant about it?

MR. MCGHIE: Yes.

MR. BENNETT: Okay. All right. So we'll see what the Courts say.

MR. MCGHIE: Okay.

MR. BENNETT: All right, anything else?

MR. MCGHIE: No, that's it.

MR. BENNETT: All right. Any questions, Ms. Lewis?

MS. LEWIS: No.

MR. BENNETT: All right. Ms. Montgomery?

MS. MONTGOMERY: Yes. Good morning.

MR. BENNETT: Good morning.

MS. MONTGOMERY: During the month of October there were three filing deadlines in the Office of Campaign Finance. The first was with the Constituent Service Program. Their report of receipts and expenditures was due on October the second. October 17, there were nine required filers, all nine timely filed. And also they
electronically filed their report.

The second deadline was the report of receipts and expenditures which was due from the Senator Representative Statehood Fund. That was also due on October the 1st. There were three required filers, all three timely filed. And they, as well, electronically filed their reports.

And October the 10th, the report of receipts and expenditures was due from the Independent Expenditure Committee as well as Political Action Committee. There were 54 required filers, 55, I'm sorry, required filers, 49 PACs, and six independent expenditure committees. Fifty-three timely filed, and those consisted of 47 political action committees and six independent expenditure committees.

There were two failures to file, and those failures to file were referred to the Office of the General Counsel.

They were the Better Leadership PAC, Richard Tappan, Treasurer, as well as the Gertrude Stein Democratic Club political account, Jessica
Pierce, Treasurer. And all of the timely filers also electronically filed their reports with the Agency.

We had six new candidates in committee for participating in the 2018 election cycle who registered with the Agency during the month of October. They are Lisa Hunter, Lisa Hunter for Ward 6, City Council, registering on October the 3rd. Dionne Bussey-Reeder, Dionne for DC, City Council at large, registered on October the 5th. Michael Bekesa, Bekesa 2018, City Council, Ward 6, registered on October the 11th. Phil Mendelson, Mendelson for Chairman, 2018, City Council, registered on October the 17th. Jamie Sycamore, Friends of Jamie Sycamore, City Council, Ward 1, registered on October the 24th. Aaron Holmes, Holmes for DC City Council, at large, registered on October the 25th.

We also held entrance conferences during the month of October. And as you know, the entrance conferences are mandatory with respect to the newly registered candidates and treasurers.
The first one was held on October the 11th. The participants were Lisa Hunter, Candidate Lisa Hunter for Ward 6. Silvia M. Diaz, Treasurer, Lisa Hunter for Ward 6, on October the 13th.

The participants were Muriel Bowser, Candidate, Re-elect Muriel Bowser Our Mayor, Jodie Ovca, Treasurer, Re-elect Muriel Bowser Our Mayor. Charles Allen, Candidate Re-elect Charles Allen for Ward 6. Kenyan McDuffie, Candidate, Kenyan McDuffie 2018. John Hardage, Treasurer, BB&T PAC.

On October the 25th, the participants were Karl A. Racine, Candidate, Karl Racine 2018. Michael Bekesha, Candidate, Bekesha 2018, Cassandra Baker, Treasurer, for the Bekesha 2018 Principal Campaign Committee. Jamie Sycamore, Candidate, Friends of Jamie Sycamore, Yaoheui Koraneu, Treasurer, Friends of Jamie Sycamore.

In our Audit Branch during October 2017, the Audit Branch reviewed 85 reports of receipts and expenditures which were filed by our
various entities who are registered with the Agency. There were also ongoing audits. The following periodic random audits are ongoing.

First we have the periodic random audits of the candidates who have registered for the upcoming election, 2018, of their report which was filed on July 31st, 2017. Brianne for D.C. 2018, the audit was initiated on September the 27th, 2017. The Committee to Elect Lori Parker for D.C. Council, and that audit was initiated on September the 8th, 2017.

With respect to our Political Action Committees, of the July 31st, 2017, filing, the periodic audit was initiated on September the 12th of the Metropolitan Political Action Committee.

For their Constituent Service Program for the October the 1st, 2017, filing, we have three periodic random audits which were initiated, one for the Ward 7 Constituent Service Fund, for the Ward 4 Constituent Service Fund, and the Do Something Constituent's Fund for Ward 8.

We also issued final audit reports
during the month of October. The first was of the full field audit which was conducted by Vince Gray, 2016, Principal Campaign Committee.

And the full field audit was conducted of the campaign based on the fact that the candidate was a newly elected official. And the report was issued on October the 6th, 2017.

With our periodic random audit, we issued a final audit report of the audit of the Republican Committee D.C. PAC on October the 26th and also the D.C. Legal PAC on October the 3rd, 2017.

The final audit reports are posted at our website and are available for review by members of the public as well as the financial reports which we receive during the month of October. I would ask Mr. Sanford to -- may I have the report for the Office of the General Counsel.

MR. BENNETT: Thank you.

MR. SANFORD: Good morning, Mr. Chairman and distinguished Board Member Lewis. My name is William Sanford, General Counsel for the
Office of Campaign Finance.

During the month of October 2017, the Office of the General Counsel completed seven informal hearings, issued seven orders, which included the following.

One order was issued for failure to timely file a report of receipt and expenditures in which no fine was imposed. Six orders were issued for failure to timely file reports of receipts and expenditures in which fines totaling $7,200 were imposed.

The Office of the General Counsel imposed fines against the following respondents. A fine of $1,700 was imposed against Christian Carter. A file of $1,700 was imposed against Jacque Paterson for Ward 8 Committee. A fine of $1,700 was imposed against Sheila Bunn who was a candidate for Ward 8. A fine of $1,700 was imposed against the Committee to Recall Mayor Bowser, Victor Honey, Treasurer.

A fine of $200 was imposed against Lannette Woodruff, candidate for school board.
And a fine of $200 was imposed against the Committee to Elect Jacque Paterson, who was a candidate for the school board in the 2016 election.

During the month of October 2017, the Office of the General Counsel maintained three open investigations. They included full investigation 2013-013, Lee Calhoun, Respondent, infraction, campaign contribution violations. Full investigation 2013-014, Stanley Straughter, Respondent, campaign contributions violations. And full investigation 2013-015, Jeffery Thompson is the Respondent, campaign violation was the infraction against Mr. Thompson.

During the month of -- oh, excuse me, that Mr. Thompson is alleged to have committed.

During the month of October 2017, the Office of the General Counsel did not receive any requests for interpretive opinions. And during the month of October 2017, the Office of the General Counsel did not conduct any show cause proceedings. And that should conclude my report.

MR. BENNETT: Great. Thank you, Mr.
Sanford. Ms. Montgomery, anything else?

MS. MONTGOMERY: That completes our report.

MR. BENNETT: Okay. Are there any questions for us? Did somebody join us on the phone?

MALE PARTICIPANT: Mr. Sindram.

MR. BENNETT: Oh, okay. All right.

Since we have no other --

(Off the record comments)

MR. BENNETT: Since we have no other items for the Board, I'm going to -- let me put on the record, somebody might call in.

MS. MILLER: He did call. And he said he needed to call direct --

MR. BENNETT: No, no, no. No, no, I was going to say on the record if he had called in I was going to put on the record that he attended digitally, but he didn't. So that's fine. But I do want to put on the record, and I see it in the minutes, that my loss was recognized at the last meeting.
And, one, I just want to say -- and I'll make this quick, because I don't want to embarrass myself -- thank you. I always thank folks on the panel, but thank all of you and other members of the Office of Campaign Finance that were incredibly supportive, and continue to be supportive at this time. So thank you.

It means far more than I can ever express. But thank you so much for all of your support, whether you showed up, whether you prayed, whether you called, sent a note, it all helps a lot. So thank you for that. And so with that, the meeting is adjourned. Thank you.

(Whereupon, the above-entitled matter went off the record at 11:18 a.m.)