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District of Columbia
Board of Elections
Office of the General Counsel

Board Meeting

Office of the General Counsel
441 Fourth St., NW
Suite 270 N
Washington, D.C. 20001

October 04, 2017

10:53 a.m. - 11:10 a.m.

1 A P P E A R A N C E S

2 MICHAEL D. GILL, Acting Chair, Board of Elections

3 DIONNA LEWIS, Board of Elections

4 ALICE P. MILLER, Executive Director, Board of

5 Elections

6 KENNETH MCGHIE, General Counsel, Board of

7 Elections

8 CECILY COLLIER-MONTGOMERY, Director, Office of

9 Campaign Finance, Board of Elections

10 WILLIAM SANFORD, Office of Campaign Finance,

11 Board of Elections

12 MICHAEL SINDRAM (via telephone)

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

2 MR. MICHAEL GILL: Okay. If we are ready
3 I'd like to call this meeting to order. My name
4 is Mike Gill and I will be serving as Chairman of
5 the Board of Elections for this meeting. I am
6 joined here by my colleague and fellow member,
7 Dionna Lewis. To my left is Executive Director
8 Alice Miller, to my immediate right is our
9 General Counsel, Ken McGhie, and to his right is
10 our Director of Campaign Finance, Cecily Collier-
11 Montgomery.

12 MS. CECILY COLLIER-MONTGOMERY: Good
13 morning.

14 MR. MICHAEL GILL: Today's date is
15 October 4th, the time is 10:53, and we shall
16 begin.

17 First, I would like to reference the
18 agenda. There is one at the front of the room.
19 May I ask for a motion to approve today's agenda?

20 MS. DIONNA LEWIS: Yes. I will make a --
21 I will move to adopt today's agenda.

22 MR. MICHAEL GILL: I second. All in

1 favor?

2 (Chorus of ayes.)

3 MR. MICHAEL GILL: The agenda is
4 approved.

5 Moving on to our minutes from the last
6 meeting, is there a motion to adopt the minutes?

7 MS. DIONNA LEWIS: Yes. I move to adopt
8 the meeting minutes from Wednesday, September 6,
9 2017's meeting.

10 MR. MICHAEL GILL: I second. All in
11 favor?

12 (Chorus of ayes.)

13 MR. MICHAEL GILL: The ayes have it and
14 the minutes are approved.

15 Moving to our third item, Board Matters.
16 I want to -- and normally we don't spend too much
17 time but I want to take a moment to recognize the
18 profound heartbreak and sadness on behalf of the
19 Chairman, our Chairman, Michael, over the loss of
20 his daughter this past weekend. I know all of us
21 have appreciated her courage as she battled with
22 cancer, and our Chairman's courage, as he really

1 dealt with a terrible, terrible issue, but did so
2 with a lot of grace and a lot of courage. And I
3 just wanted to take a few moments to recognize
4 him and know that our prayers on behalf of his
5 friends and colleague at the Board of Elections
6 go out to he and his family.

7 Dionna, if you want to --

8 MS. DIONNA LEWIS: Yeah, I second that.
9 I mean, this is just -- it's a tragedy,
10 unfortunately, and, you know, we just keep
11 Michael in our thoughts and in our prayers.

12 MR. MICHAEL GILL: Thank you.

13 Moving on to the fourth item on our
14 agenda, Public Matters, are there members of the
15 public who wish to say a word?

16 MR. MICHAEL SINDRAM: Yes.

17 MR. MICHAEL GILL: Mr. Sindram.

18 MR. MICHAEL SINDRAM: Good morning, Mr.
19 Chair. You are moving up in the world.

20 MR. MICHAEL GILL: I am, only
21 temporarily, thankfully.

22 MR. MICHAEL SINDRAM: The same ones you

1 meet on the way up will be the very same ones you
2 meet on the way down.

3 Good morning, Board Member Lewis. I want
4 to piggyback your sentiment. You know, the
5 carnage and sorrow that we're facing, you know,
6 is increasing with greater rapidity, all to say
7 that the only way to honor that is to respect the
8 living. When you are six feet under, it's too
9 late. And I could never fathom, at one's eulogy,
10 the same folk who couldn't heap enough praise
11 upon the decedent were the same ones who couldn't
12 do enough wrong when that person was alive. Once
13 again, the only way to honor the dead is respect
14 the living. So I just wanted to echo and amplify
15 your prayers and concern.

16 I do have one comment and that is this.
17 It has come to my attention that because, in
18 austere times, budget cuts, if you will, The Post
19 and The Times has been cut back. There used to
20 be multiple copies provided to the Board. I
21 understand now only one is relegated for Mr.
22 McGhie, which is good. Knowledge is power. But

1 when folk come in to visit, when the other
2 staffers, you know, are in need of information,
3 because knowledge is power, and understood, we
4 live in a digital age, but there's nothing like
5 the hard copy, and those newspapers are a de
6 minimus amount.

7 So all to say if they can be, you know,
8 resurrected, brought back, minimally a copy in
9 the vestibule for visitors, for staffers, the
10 central location, that would be a godsend and
11 very helpful for all concerned.

12 MR. MICHAEL GILL: Thank you, Mr.
13 Sindram. We note your suggestion.

14 MR. MICHAEL SINDRAM: Thank you.

15 MR. MICHAEL GILL: If I may, then if we
16 can move on to the Executive Director's Report.

17 MS. ALICE MILLER: Thank you, Mr. Chair.
18 The first matter that I would like to talk about
19 is the National Voter Registration Day, which the
20 staff participated in last Tuesday. We did
21 celebrate the sixth anniversary of National Voter
22 Registration Day by planning and coordinating a

1 month-long series which culminated last week.
2 The purpose of National Voter Registration Day,
3 as it relates to our process, was to increase
4 awareness regarding the importance of voter
5 registration and remind registered voters to
6 update their existing voter registration
7 information and to mobilize partners to expand
8 voter registration opportunities across the
9 District of Columbia.

10 We hosted the agency's first-ever
11 National Voter Registration Partnership Workshop
12 on September 7th, with additional agencies
13 throughout the District of Columbia. That was
14 held on September 19th. For the actual Voter
15 Registration Day we did have on hand Bobby Gailes
16 here at One Judiciary Square. We participated
17 with him on a live talking -- taking it to the
18 streets. He came down and we were interviewed.
19 There were also pictures posted on his Facebook
20 page, and we did a live broadcast with WHUR as
21 well. There were also several social media
22 mentions posted with election officials and the

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1 media.

2 This year, for 2017, the National Voter
3 Registration Outreach Initiative yielded 475
4 attendees. We had 123 voter registrations that
5 we were able to process and we had 9 election
6 worker applications. So that is the result of
7 this year's National Voter Registration Day
8 project.

9 The other matters that I would like to
10 just briefly talk about, an update on the E-Sign
11 process, which I have been giving you monthly
12 kind of reports on. I mentioned in September
13 that we would have representatives from the
14 Denver office who we have been working with to
15 try to get E-Sign in place to come in, and they
16 did, in fact, come in September, the week of
17 September 18th through 22nd. They came and they
18 worked with us and trained on the various
19 components of E-Sign in order for us to get that
20 in place.

21 E-Sign, as you know, will be the process
22 by which circulators will be able to use a mobile

1 app to circulate petitions and to gather
2 petitions without using the actual paper but just
3 by a mobile app. So we are ready to basically
4 start deploying the app. They will come back --
5 the Denver office has been the first office to
6 use that process. The trainers were here for a
7 week to assist the staff with learning to set up
8 the petition, how to input the basic information
9 to the petition for candidates, and how to add a
10 user to the petition, printing reports, and
11 testing and verifying the reports. When they
12 come back in December they will do follow-up with
13 training -- with the training -- with training
14 staff and provide application for deployment with
15 100 iPads, which we have purchased and we will
16 lend out to individual candidates or circulators
17 who will be using those on a loan basis.

18 So we are very grateful to the Denver
19 staff. There have been other jurisdictions who
20 have sought their help, but they have put us
21 first. I can say, again, we are grateful. A
22 fruit basket isn't enough to thank them. They

1 put a lot of time and effort into this, and they
2 have worked very closely with us. We did get a
3 lot out of it when they were here last month, and
4 they are coming back to make certain that we are
5 ready to go when the petition period starts in
6 January.

7 With respect to the voter registration
8 procurement -- the voter registration system
9 procurement, the timeline has been changed again
10 by our contracting officer. It seems that she is
11 now projecting that the contract will be awarded
12 sometime after the first of the year, and that
13 time is due -- that time adjustment is due to
14 changes made to the Statement of Work, which has
15 been delayed from being out on the street, so to
16 speak. So they are still working with it and the
17 review has yet to go to the Office of the
18 Attorney General.

19 So that whole timeline has been modified
20 and her now projected date for award is the end
21 of the first week of January.

22 As part of our ongoing voter registration

1 maintenance and commitment to ERIC, which is the
2 Electronic Registration Information Center, we
3 are processing mailers to voters that have been
4 identified with addresses other than that on our
5 voter roll. We have 2,096 out-of-state addresses
6 of voters who live outside of the District of
7 Columbia, whose names appear on our voter roll
8 but have not updated their addresses, and 3,154
9 with in-state individuals that have been
10 identified with different addresses.

11 I just want to say, for the record, that
12 those letters are going out this month, asking
13 individuals to update their voter registration
14 information, and we request when those letters go
15 out that they read the information. We are not
16 trying to throw anyone off the voter roll. We
17 want them to confirm the information, to update
18 the information, and the letters request that
19 they then forward the information back to us by
20 November 5th, and they will have a postage
21 prepaid envelope in the envelopes that we provide
22 to them, to do that.

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1 So I think that's about it.

2 MR. MICHAEL GILL: Thank you, Executive
3 Director Miller. Two things. One, I am thrilled
4 to hear that we are looking to advance into the
5 digital age on the petition-signing process. I
6 am sure that there will be lots and lots of new
7 issues with that. The idea of loaning out iPads
8 concerns me, but I would rather us get that
9 moving than continuing with the paper process,
10 just because we are afraid about people not
11 turning their iPads back in.

12 And then thank you for mentioning that
13 the update of the voter rolls letters will be
14 going out. They are in the minutes. They are in
15 the public hearing. When someone goes to a
16 reporter and says, "Look at this awful letter I
17 got. I had no idea," we will be able to point
18 them to your statement and what we are trying to
19 accomplish here, which is obviously not to throw
20 people off the voter rolls.

21 MS. ALICE MILLER: Thank you.

22 MR. MICHAEL GILL: Dionna, do you have

1 any comments on the Executive Director's Report?

2 MS. DIONNA LEWIS: No, I don't. Thank
3 you.

4 MR. MICHAEL GILL: Ken, I can I turn it
5 over to you?

6 MR. KENNETH MCGHIE: Yes. Okay. The
7 only thing I have on my agenda is a litigation
8 status update, and the only matter that we have
9 in court is Paul Cohn v. the D.C. Board of
10 Elections. That was an appeal by Mr. Cohn to the
11 Board's order that was dated September 19th, in
12 which the Board rejected his challenge to the
13 initial petition, which was Initiative Number 77,
14 which dealt with the minimum wage. Mr. Cohn
15 filed his appeal with the -- or timely filed his
16 appeal with the Court of Appeals on September
17 22nd, and at this point we are just waiting on a
18 briefing schedule from the Court of Appeals.

19 The very first thing that the Board would
20 have to do would be put together a designation of
21 the record. But, like I said, we are waiting for
22 a briefing schedule from the Court of Appeals

1 before we do that.

2 And that would conclude my litigation
3 status.

4 MR. MICHAEL GILL: Are there any
5 questions? Dionna?

6 MS. DIONNA LEWIS: No. Thank you.

7 MR. MICHAEL GILL: Cecily, the gavel is
8 yours.

9 MS. CECILY COLLIER-MONTGOMERY: Yes.
10 Good morning. During the month of September
11 there were no filing deadlines in the Office of
12 Campaign Finance. However, we did have new
13 committees and candidates who registered during
14 the month of September to participate in the 2018
15 election cycle. Those include Jeremiah Lowery,
16 Jeremiah At-Large for City Council, who
17 registered on September the 11th; Marcus Goodwin,
18 Marcus Goodwin for D.C. City Council At-Large,
19 who registered on September the 13th; Charles
20 Allen, Reelect Charles Allen for Ward 6 City
21 Council, registered on September the 13th; Kenyan
22 McDuffie, Kenyan McDuffie 2018 City Council Ward

1 5, registered on September the 15th; Karl Racine,
2 Karl Racine 2018 Attorney General, registered on
3 September the 18th; Valencia Rutledge, Mayor,
4 registered on September the 21st; Muriel Bowser,
5 Reelect Muriel Bowser Our Mayor, registered on
6 September the 22nd.

7 Also during the month of September, we
8 held the mandatory entrance conferences for
9 candidates and treasurers who have registered.
10 We held two. The first one was held on September
11 the 7th, 2017. The participants were Todd Jones,
12 Treasurer, Committee to Elect James Butler for
13 Mayor; James Butler, Candidate, Committee to
14 Elect James Butler for Mayor; William C. (Bill)
15 Lewis, Treasurer, Ward 5 Democrats; George G.
16 Boyd, Candidate, Ward 1 City Council.

17 We also held an entrance conference on
18 September the 26th, 2017, and the participants
19 were Jeremiah Lowery, Candidate, Jeremiah At-
20 Large; Karen Cordry, Treasurer, Jeremiah At-
21 Large; Pat Johnson, Treasurer, Reelect Charles
22 Allen for Ward 6; Marcus Goodwin, Candidate,

1 Marcus Goodwin for D.C.; Ikenna Nwadibia,
2 Treasurer, Marcus Goodwin for D.C.; Valencia
3 Rutledge, Candidate for Mayor; Alethia Nancoo,
4 Treasurer, Karl Racine 2018; Adrian Jordan,
5 Treasurer, Kenyan McDuffie 2018.

6 In our reports analysis and audit
7 division, the audit division conducted 27 reviews
8 of reports of receipts and expenditures. We also
9 have ongoing audits. We have a full-field audit
10 which was initiated of a newly elected official,
11 and that was the Vince Gray 2016 Principal
12 Campaign Committee.

13 We have several periodic random audits
14 which are ongoing, of candidates in the upcoming
15 2018 election of their July 31st, 2017, filing.
16 The two random audits, one was initiated on
17 September the 27th, and that is -- that was
18 Brianne for D.C. 2018; and then Committee to
19 Elect Lori Parker for D.C. Council, which was
20 initiated on September the 8th.

21 With our political action committees who
22 filed a report on July 31st, 2017, we initiated

1 three random -- periodic random orders. One of
2 them, Metropolitan PAC, which was initiated on
3 September the 12th; the Republican Committee
4 D.C., which was initiated on September the 9th;
5 and D.C. Legal, which was initiated on September
6 the 11th.

7 We also issued a final audit report and
8 that was of Carley for Ward 5 Council, and that
9 was issued on September the 18th, 2017, and that
10 is available at our website for members of the
11 public to review.

12 And I would ask Bill Sanford to provide
13 the report of the Office of the General Counsel
14 for the Office of Campaign Finance.

15 MR. WILLIAM SANFORD: Good morning, Mr.
16 Chairman, distinguished Board members. My name
17 is William Sanford, General Counsel for the
18 Office of Campaign Finance.

19 During the month of September 2017, the
20 Office of the General Counsel received one
21 referral, as the Director has indicated. There
22 were no required filing dates during that month.

1 We conducted three informal hearings and
2 issued three orders, which included the
3 following: one order was issued for failure to
4 timely file, in which no fine was imposed, and
5 two orders were issued for failure to timely file
6 reports, in which a total of \$6,300 in fines were
7 imposed.

8 In the month of September, the Office of
9 the General Counsel imposed fines against the
10 following respondents: a fine of \$1,800 was
11 imposed against the D.C. Recovery Act for Living
12 Descendants of American Slaves Initiative
13 Committee, and a fine of \$4,500 was imposed
14 against Tyrell Holcomb, an ANC candidate.

15 During the month of September, the Office
16 of the General Counsel maintained three open
17 investigations. They included OCF FI 2013-013,
18 OCF FI 2013-014, OCF FI 2013-015, and the
19 respondents in these matters were Lee Calhoun,
20 Stanley Straughter, and Jeffrey Thompson, and
21 these were all for campaign contribution
22 violations.

1 During the month of September there were
2 no requests for interpretive opinions received by
3 the Office of the General Counsel, and there were
4 no show cause proceedings conducted, and that
5 should conclude my report.

6 MR. MICHAEL GILL: Thank you, Mr.
7 Sanford. Dionnna, do you have any comments?

8 MS. DIONNA LEWIS: I do not.

9 MR. MICHAEL GILL: Thank you, Cecily.
10 With that I think we are ready to
11 adjourn. Do I have a motion to adjourn?

12 MS. DIONNA LEWIS: I move to adjourn
13 today's meeting.

14 MR. MICHAEL GILL: Seconded. We are
15 adjourned.

16 (Meeting adjourned at 11:10 a.m.)

17 (Off the record.)

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