GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

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WEDNESDAY
APRIL 3, 2019

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The District of Columbia Board of Elections convened in Suite 750, 1015 Half Street, SE, Washington, D.C., 20003, pursuant to notice at 10:58 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
KENNETH MCGHIE, General Counsel
WESLEY WILLIAMS, Public Affairs Manager,
Office of Campaign Finance
WILLIAM SANFORD, General Counsel, Office of Campaign Finance
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CHAIRMAN BENNETT:  Good morning. Can you hear us okay there?

COURT REPORTER:  Yes, sir.

CHAIRMAN BENNETT:  And do we have, anybody, preliminary? Mr. Sindram? Okay.

My name's Michael Bennett, Chair of the Board of Elections. To my far right is Ms. Cecily Montgomery, Director of Office of Campaign Finance.

MS. COLLIER-MONTGOMERY:  Good morning.

CHAIRMAN BENNETT:  To her left, my right, Mr. Michael Gill, board member. To the right, Mr. Kenneth McGhie, General counsel, Board of Elections. To my left is Ms. Dionna Lewis, board member. And Alice Miller to the far right, the Director of the Board of Elections.

This meeting is hereby called to order. And first thing on the agenda is the
adoption of the agenda. Can I get a motion from one of the board members?

    MEMBER LEWIS: So moved.

    MEMBER GILL: Second.

    CHAIRMAN BENNETT: It's properly moved and seconded. The agenda is adopted unanimously. Adoption of the minutes from the, of March 6th board meeting, can I get a motion to adopt the agenda -- the minutes from the March 6th, 2019 board meeting?

    MEMBER LEWIS: So moved.

    MEMBER GILL: Second.

    CHAIRMAN BENNETT: It has been properly moved and seconded. The minutes from the last meeting is adopted unanimously.

    Any matters from the Board, Mr. Gill?

    MEMBER GILL: No matters.

    CHAIRMAN BENNETT: Ms. Lewis?

    MEMBER LEWIS: Happy Spring.

    CHAIRMAN BENNETT: Okay. And I have no matters, as of this moment anyway. As I look
through the agenda, I'm going to kind of give, everybody fair warning. There are -- there is one matter under the general counsel's section that we will hear from proponents and opponents.

And then, after the meeting, we will take a break and consider those items. And that's with regard to the Jack Adams recall. And then we'll reconvene shortly thereafter with a decision.

So, with that, just anticipating that there will a short break at the end. And we won't -- we'll just simply take a break and then reconvene.

Ms. Montgomery, if you'd give the Office of Candidate Finance report, please?

MS. COLLIER-MONTGOMERY: Yes, the first thing that I would note for members of the public is that we have added the Fair Elections Program Division to our monthly report so that, in the future, I will be reporting each month on the activity of the Fair Elections Program
First, during the March 2019, for the Fair Elections Program Division, the Division met with the Public Finance Planning Committee on March the 14th, 2019.

And the purpose of that meeting was to introduce the Fair Elections Program manager, Erick Jackson, who is in the audience, to the members of the Planning Committee and also to discuss proposed rule changes to implement the fair elections process as well as to discuss proposed recommendations which were made to the Council with respect to legislative changes to the Fair Elections Amendment Act.

We also, in the Fair Elections Division, conducted training for our trainers on March the 21st '19. And that involved 12 members of our staff. And the purpose of that was to make sure that our trainers understand the fair elections process in terms of their training for members of the public, whether it's our mandatory
training conferences, our on-site training
conferences or with respect to our outreach
service plan for members of the public.

We also met during the month of March
with the Executive Director of the Office of
Advisory Neighborhood Commissions, and that is
Gottlieb Simon. And the purpose of that meeting
was to seek the agreement of the cooperation or
coordination with Mr. Simon with respect to the
outreach that we have planned for the Advisory
Neighborhood Commissions.

And as a result of that meeting, Mr.
Simon emailed all of the Chairs of the various
Advisory Neighborhood Commissions to notify them
of the outreach program that is planned by the
Office of Campaign Finance in terms of our asking
to be placed on their agendas.

And that email blast was on March the
14th, 2019. And once that was done, the Office
of Campaign Finance also emailed requests to the
ANC Chairs asking to be placed on their agendas.
And that occurred on March 18, 2019. And our outreach program is planned beginning in April through October of 2019.

On March the 18th, we also completed the selection process, the recruitment process, for the new audit positions in the division. With the Fiscal Year 2019 budget for the Office of Campaign Finance, the Council included 5 new positions for the Fair Elections Program.

And those were the Fair Elections program manager, the information technology specialist and three auditor positions. With the auditor positions, the selections were made, and those -- the applicants who were selected are on board with the Agency as of this date.

With the information technology specialist, interviews were held for that position on March the 28th. And there is a second screening of the two most qualified candidates on April the 3rd, which is today.

We also met with our vendor on March
the 27th to view the interim e-filing system for the Fair Elections Program. We viewed the proposed contribution and expenditures schedules and we also viewed the administrative process which will assist the Office of Campaign Finance in the verification of the contributor information.

We are, at this point, scheduled for testing of the system on May 15th. And we are hoping that -- well we anticipate that the system will be available for public use by June the 3rd. And that will be in time for the first filing, which would occur on July the 31st 2019, assuming that anyone registers for the program.

As of this date, we have not had any candidates who have registered and have indicated an intent to participate in the Fair Elections Program. If we do not have any candidates who register and indicate their intent prior to the July 31 date, then the next filing date would be December the 10th, 2019 for the program.
I would like to point out, for the record, that the proposed Chapters 43 and 44 of the Board's regulations which were adopted by the Board, as proposed, at the last Board meeting, that those regulations were published in The Register on March the 22nd for public comment. And those regulations are the chapters which will implement the Fair Elections Program.

We also published, at our website, on March the 18th, 2019, the registration, the contribution card and the candidate and treasurer affidavit forms for use in the Fair Elections Program as well.

We also published two new FEP brochures on our website on March the 18th, 2019. And we published two additional brochures at our website this week. And one, basically, is an informational FAQ sheet which will focus on the dates during the election cycle 2020 that are critical to the program.

And we also published an informational
FAQ sheet for candidates who are in the traditional program with respect to dates that are critical to those candidates as well.

CHAIRMAN BENNETT: Cecily, can you speak closer to the mic? I don't think people can hear. There is someone that suggested you just move to the side.

MS. COLLIER-MONTGOMERY: In our public information and record management division, during the month of March, there were no filing dates for principal campaign committees, political action committee or independent expenditure committees.

We did, however, make referrals to the Office of the General Counsel. There were 26 referrals which were made to the general counsel for failure to file the January 31st report of receipts and expenditures.

And the names of those candidates and committees and treasurers will be available at our website by the end of the day with our monthly
stats. During the month of March there was one new committee which registered with the Office, and that was the Ward 2 Citizens Recall. That is the Recall Committee, and they registered on March the 18th, 2019.

In our audit branch, during the month of March, the audit branch conducted 51 best reviews of reports of receipts and expenditures by political action committees as well as by principal campaign committees and our Inaugural Committee and our ballot committees.

With respect to our ongoing audits, there are four field audits which are ongoing in the office. The first one is of the principal campaign committee that was active during the 2018 election cycle -- Sheika Reid, for Ward 1, which was initiated on August the 29th, 2018.

We also initiated a full field audit of an inaugural committee, the D.C. Proud 2019 Inaugural Committee. The audit notification letter was issued on March the 27th '19. And the
financial records are due from the committee on
April the 22nd, 2019.

We also had four full field audits
which we initiated of newly elected officials and
those officials were elected to the School Board
during the 2018 election. The first is the
Frazier O'Leary, for Ward 4, that was initiated
on March the 4th, 2019.

The Committee to Elect Zachary Parker
2018, that was initiated on March the 5th, 2019.
Jessica Sutter for School Board, SBOE, initiated
March the 5th, 2019. Emily for Education, which
was initiated on March the 4th, 2019.

We also have ongoing periodic random
audits of our political action committees, and
that is with respect to the January 31st, 2019
filing. The political action committees are the
Economic and Protection Party -- we're waiting
for the records; the Ward 7 Democrats, which was
initiated on March the 11th, 2019 and ABC of Metro
Washington DC PAC, which was initiated on March
the 5th, 2019.

We issued one audit of the AFSCME PAC.
And that was issued on February the 21st, 2019.
And that is available for members of the public
at our website.

And I would ask the General Counsel
for the Office of Campaign Finance to provide the
report, the legal report, of the Agency.

CHAIRMAN BENNETT: Thank you. Mr. Sanford?

MR. SANFORD: Good morning, Mr.
Chairman and distinguished board members. My
name is William Sanford, general counsel for the
Office of Campaign Finance.

During the month of March 2019, the
Office of the General Counsel received a total of
30 referrals. They included 26 referrals from
the Public Information and Records Management
Division and four referrals from the Reports,
Analysis and Audit Division.

The Office of the General Counsel
conducted six informal hearings and issued seven audits which included the following. Four orders were issued for failure to timely file reports in which no fines were imposed. Two orders were issued for failure to timely file a report in which a total of $3,500 in fines were imposed.

And one order which was issued arising from an investigation in which a fine of $4,000 was imposed. However, that fine is subject to a reduction of $2,000 in the event that the respondent in this case attends ethics training within the prescribed time period.

During the month of March 2019, the Office of the General Counsel imposed fines against the following respondents: a fine of $1,600 was imposed against George Jackson for Mayor. A fine of $1,900 was imposed against the D.C. Recovery Act.

A fine of $4,000 was imposed against council member Brandon Todd. And as I indicated earlier, that fine is subject to a reduction of
$2,000 on the condition that the council member attend ethics training within the prescribed time period.

During the month of March 2019, the Office of the General Counsel completed an investigation. That was LCF investigation, formal investigation 2018-002. The Complainant in this matter was Emily Naden. The complaint was filed on December 4th, 2019. The Respondent was Brandon Todd, council member. The infraction was inappropriate use of government resources. And the order was issued on March 18th, 2019.

During the month of March 2019, there were no requests for intent to entitlement and there were no show cause proceedings conducted. And that should conclude my report.

CHAIRMAN BENNETT: Great. Thank you, Mr. Sanford. Ms. Montgomery?

MS. COLLIER-MONTGOMERY: Yes, thank you. This concludes the report of the Office of Campaign Finance.
CHAIRMAN BENNETT: Great. Any questions, Ms. Lewis?

MEMBER LEWIS: No questions, thank you.

CHAIRMAN BENNETT: And, Mr. Gill, any questions?

MEMBER GILL: No questions.

CHAIRMAN BENNETT: Okay, great. Next on the agenda is executive director report, Board of Elections. Ms. Miller?

MS. MILLER: Thank you. Good morning. I am happy to report that we are well underway with the information and implementation of our new voter registration System. And that previously reported VRS goes to a selected vendor of the system.

After a very long and protracted review process, VRS held a kickoff meeting on March 26th for our senior staff and Board members. We were given a very high-level overview by the executives and senior management.
of the company about the data conversion process, hardware and the software requirements, employee retraining and time and dates of implementation and support for the go live process.

Prior to that, VRS team members met with the members of BOE staff and began going over the documents that will be needed to -- that will need to be converted, processes for our staff accessing voter registration information, reviewing the BOE election worker models that staff generally interact with, BOE mapping, development and accessing reports such as our ease report, area information, Seeds, LERA and other such required reports that the system will generate the data around.

This process is ongoing. It's tedious. Attention to detail requires almost constant ongoing communication with VRS and exchange of information. We're excited about moving forward on this project. It is long overdue.
Once it’s been completed, we can look forward to a more automated ERS platform system. With current technology, the platform will better support our day-to-day operations.

With respect to outreach, we participated in several outreach activities over the past month and engaged a few new partners with registration activities. Those partners include So Others May Eat.

Some adult students organizations that we interacted with on March 13th, from that activity we did get -- we had new elections and 14 election worker applications.

Also the Salvation Army Turning Point Center for women and children. It’s a transitional home where mothers reside with their children. Goodwill Excel Center, a center for adult students and the Court Services and Offender Supervision Agency, CSOSA.

They're hosting an interactive orientation for returning citizens on March 28th.
Our staff is there to register individuals. Approximately 50 individuals were potential registrants at the event. Staff was allowed to leave donor applications at the event, but for some reason we're not allowed to actually register potential voters.

So we're working with Mr. Thornton, who is a board Chair associated with that organization, trying to solve what happened with that. Also, staff is also continuing to work very closely with our high schools to provide students and their administrators the necessary information for the kids to get registered.

We're also working with teachers, principals and attorney citizen organizations, individuals dedicated to servicing those populations. So I hope to get these people focused on and registered for the 2020 elections, get them participating with us for both -- as voters and co-workers in helping us in any way that they can towards the election activities.
The outreach division also works with the League of Women Voters and attends our naturalization -- the naturalization ceremonies monthly at the United States District Court.

This month, we have been asked by Judge Sullivan to deliver the welcome address to the incoming citizens. Rachel Coll will represent the Board in giving our welcome address, inviting new citizens to register to vote and explaining the elections that are scheduled next year.

That will be on the ballot, major parties that will be conducting the elections. The naturalization ceremonies occur monthly. Total number of naturalized citizens generally include well over a hundred individuals of which 80 to 90 percent will elect to register to vote. So we're grateful for Rachel to do that, and we're pleased that we were asked to deliver the welcome address to these citizens. And that concludes.

CHAIRMAN BENNETT: Okay. Any
questions. Mr. Gill?

MEMBER GILL: No questions.

CHAIRMAN BENNETT: Ms. Lewis?

MEMBER LEWIS: No, thank you.

CHAIRMAN BENNETT: All right, just a couple of comments/questions. I think, for the record, with regard to the new voter registration system, in the process of implementing the new system, one of the things we want to do is make sure we clean up the database that currently exists, but at the same time we got to make sure that we don't lose any critical data or any voters' registration in the process of cleaning out those records.

And the other thing, just for the record to be real clear, when the new voter registration comes online, it will be run concurrently with the old system to ensure that we don't lose any critical data.

One of the things that, in the last oversight hearing, we had a number of -- or one
particular comment about the fact that there were six or eight or nine percent other persons that a individual had tried to contact, based on voter registration system, that either had deceased or was no longer there.

One, that's a fairly common percentage. And, two -- and the reason for that is that there is a hesitation to take voters out of the system until we have clear evidence that they're no longer a part of the system. And that's -- or no longer voters in that area. That's pretty common around the country.

And so anyway, just wanted to make sure that the record's clear, particularly on the last piece, that we're going to run the systems concurrently until we're real comfortable that the new system, in fact, is appropriately reliable.

Next on the agenda is Mr. McGhie. And so, if you would start with your list, sir.

MR. MCGHIE: Yes. The first thing I
have on my agenda is adoption of petition to recall the Jack Evans Ward 2 council member. And I'd ask that the proposal of the measure and the council representing Mr. Evans come to the table. Okay, beginning with the proposer, could you state --

CHAIRMAN BENNETT: Wait one second, please. I'm sorry, thank you.

MR. MCGHIE: Beginning with the proposal, can we -- would you please state your full name and address for the record?

MR. EIDINGER: Yes, my name is Adam Eidinger.

CHAIRMAN BENNETT: You need to turn on the mic.

MR. EIDINGER: Okay. My name is Adam Eidinger. Last name is spelled E-I-D-I-N-G-E-R. First name is Adam, A-D-A-M. And I live at 2448 Massachusetts Avenue, NW. That's 20008 Washington, D.C.

CHAIRMAN BENNETT: Okay. Sir?
MR. DINAN. My name is Donald Dinan, and I represent council member Jack Evans' matter.

MR. MCGHIE: Okay, but before I begin with the actual approval of the petition, we have a few preliminary matters. We have some, at least one individual that is objecting to the petition. And so I would like to read her statement for the record.

And if there's any other preliminary matters that any of the other parties would like to bring to the Board's attention before they make their decision, we'll do that at that time. And anybody that would like to be heard in favor or against the petition, we'll hear that as well.

So the first one is from Sherri Kimbel. She is the Director of Constituent Services. And she writes, "I am greatly disturbed by the wording in the recall petition by Jack Evan stating that Evans' staff is corrupt and insinuating that we solicited funds for him."
"This besmirched my reputation. I have done anything remotely corrupt. I understand that this is the statement of those soliciting signatures and I am concerned that if it goes out from BOE there is a complicit perception that BOEE approves this statement.

"I feel, and other of my colleagues agree, that this is blatantly unfair and defaming. I wanted the Board to know my feelings about this as they make a decision on this petition and its wording."

Now are there any other individuals in this audience that would like to be heard as being opposed to the petition being issued?

Okay, are there any individuals that would like to be heard in favor of the petition being issued?

MR. EIDINGER: May I speak in regards to this objection?

MR. DINAN: Go ahead, yes.

MR. EIDINGER: Okay, well for
starters, we don't mean any specific staffer and
their language. This is clearly, as it's
written, this statement I've proposed here is not
the Board of Elections. So I don't think this
means that the Board approves of this statement.

Jack Evans had ample opportunity reply
directly to the statement that we put forward and
I don't believe, actually directly addressed it.
That was his choice. I also believe that there's
ample evidence that staff was directed by Jack
Evans to solicit employment by workers for the DC
government that actually sent these emailed which
had been FOIA'd and had been in The Washington
Post.

So, to me, that's corrupt because he
was using his staff to solicit paid work. So I
think this statement is correct. And there's
ample evidence of that. And the full point of
this recall is to see if the public agrees.

If we can get 10 percent of the
registered voters in Ward 2 to agree, because I
think that that's where this is being played out.
The jury in this is the citizens, and we need to
have this opportunity to weigh in on this. It's
about corruption.

CHAIRMAN BENNETT: Just for the
record, let the record reflect, though, that
while the Board had no control over what you put
in your documents and, in particular, this
petition, as you indicated in your, I think, very
first couple sentences, this is not a statement
that we adopt in any way. I think we could
broaden that.

But we also don't have the authority
to control nor to strike, whatever you happened
to put in the petition. And it is across the
record that you made that statement. But --

MEMBER GILL: So, Mr. Chairman, can I
ask just --

CHAIRMAN BENNETT: Sure.

MEMBER GILL: -- observation on this?

We do amend petitions for some to be within the
form. We don't get to the substance of the issue. That's for the voters to decide.

But I would say I'm -- I am concerned about a recall petition directed against a politician which, that's part of the job, that it does put the Board of Elections on record with this statement. It's on our letterhead. And in that one sentence I have some concern on in that everything else that's alleged, there's a person who faces the voters and other bodies.

But I think it's a leap to throw staff into this. You know, either it's about the council member or it's about a larger organization. But it's -- I just wonder what are limits are.

I mean, if somebody wants to allege that a particular council member is an agent of a foreign government, we don't vet that necessarily and I would assume voters are responsible enough. But I feel like this sentence is maybe a bridge too far. I'd like to,
when we have deliberations, I'm just putting folks on notice, I want to discuss it.

MR. DINAN: Sure, no problem.

MEMBER GILL: The only other comment I have is that when it comes to -- so I assume the answer by council member Evans, it has in here, "During my service on the council, I have supported improving the Ward's green spaces and added dog parks. I championed funding for Stead Park, Francis Field, Rose Park et cetera. --- I assume that's Francis Field?

MEMBER LEWIS: I noticed that as well. I thought that was a typo.

MEMBER GILL: Okay, so I just wanted, before we -- that is something that I think the Board would be remiss if we sent it out with a typo.

CHAIRMAN BENNETT: Okay. Ms. Lewis, do you have -- anything else, Mr. Gill?

MEMBER GILL: No, that's it, thanks.

CHAIRMAN BENNETT: Okay, Ms. Lewis,
do you have anything?

MEMBER LEWIS: I actually have similar sentiments to board member Gill, actually. I mean, obviously this doesn't, I think we'd agree, rise to the level of defamation per se. And, you know, as the petition indicated, no one is named individually.

But I think also, as board member Gill said, this does not -- this sentence does not speak to the candidate or the petitioner -- excuse me, the Respondent or the politician himself who does actually have to face the voters. And so, I would like to discuss that in greater detail as well.

CHAIRMAN BENNETT: Okay. Do you have --

MR. EIDINGER: May I just -- if you pardon me, it's his conduct and how he managed his own staff is the issue here. And for us to express that, we need this statement in there, that this is the problem, is that he's corrupted
his own office.

And, you know, I think taking that out would really be unfair to us because that's what we're telling people when we ask them to sign, that we believe he's corrupt. That's what recalls are for. We shouldn't have to wait for the next election to address this matter, and we've waited for the Council to address this matter and it hasn't been satisfactory either.

CHAIRMAN BENNETT: If I could maybe paraphrase what I think I heard from both my colleagues is that the issue is not the fact that that's your view. The issue is the fact that it may appear that that is the position or the view of this Board. And that's part of the big concern.

I appreciate your point, but I wanted to make clear -- at least, I think, I'm paraphrasing what my colleagues are concerned about.

MEMBER LEWIS: Well, I mean, I also
think that, you know, there's potentially a happy median here where we can perhaps take out the word "staff" or -- I mean, there may be things we can think through to, I think, to your point, still try and convey the message and the narrative that you would like to convey but still, from our perspective, at least not seem to implicate discreetly or implicitly other individuals who may not be the real objective, I think, of what it I you're trying here -- to get the will of the voters responds on.

CHAIRMAN BENNETT: Mr. Gill, do you have anything further?

MEMBER GILL: Just I agree with Dionna. But we'll go back and look at it, to the extent that slight editing or just simply taking out the three words or four words -- "and his staff" -- three words -- and then take out "them" and replace it with "it".

So he has corrupted his office by using it to solicit such paid work. I mean, that
keeps it to the focus and it doesn't -- I mean, I don't know how large the staff is for a council member, but this seems to throw a lot of people under the bus and --

MR. EIDINGER: Well, to me, it's outrageous that the staff didn't know better, that they shouldn't be soliciting paid work. And that's part of our argument to the District voters, that he should be recalled, is that he actually directed the staff -- and the staff did.

The staff could have said, sorry, boss this is illegal, which it is. And yet we have FOIA's letters that have now been released to public that show the staff was involved in the whole operation of soliciting the work.

It's not like they weren't involved. So, to take out the staff is weakening our argument to the District voters. And I think it really does need to be in there. I appreciate you're saying about the Board in a previous statement, but it's very clear on the petition
that this is my statement, not the Board's statement.

And Jack Evans has his own statement, and it's clear that's not the Board's either. Nor -- I mean, he says he does great things. I didn't vet them. Did you vet -- did you vet -- did you vet everything in John Evans' statement? Is it all true?

You know, I mean, he takes credit about his work all the time. So maybe he's doing that again in his statement. I don't think you can touch either one of these statements. Wouldn't you agree?

CHAIRMAN BENNETT: Yeah.

MR. DINAN: For the record, Mr. Chair and the board, I'm going to reserve my comments on this issue to our defense.

CHAIRMAN BENNETT: Great. So in that, I think that you heard the concern of the other board members, going to be critical. We don't write your petition for you. So --
MR. EIDINGER: But I just heard them both say they want to write. They want to take out --

CHAIRMAN BENNETT: No, that's not --

MR. EIDINGER: -- some of the language. That's writing it. I mean --

CHAIRMAN BENNETT: Let me be -- we don't write your petition for you. So -- but we will -- you know, there obviously is some concern about that.

I'm not sure. Was there any -- is there any additional discussion/comment?

MEMBER LEWIS: Well, I did just want to slightly respond to a point that you raised. You're talking about the individuals in his office. This is a petition to recall the politician, the current council member for Ward 2, Jack Evans -- not Jack Evans's office or his staff members.

And so while I hear you and I understand what you're saying -- and we're
certainly not trying to provide -- we do want to
make sure that the narrative is insulated in a
way that it actually gets to the heart and the
person that it is directed to.

And so, you know, we can't control
what messaging you verbally articulate to
potential voters or to voters or petition
signatories. But in terms of what it says here,
we would, I think, discuss with our General
Counsel what leeway, if any, because again, this
is just a conversation that we have to have.

We don't even know if we are going to
be within our rights to even do such a thing, but
these are concerns that we raise. And we wanted
to make sure that we put it forth on the record
so there are no surprises in the event that there
is a potential amendment.

But I did just want to address
slightly that point about his staff was doing
because this isn't a petition, as I understand
it, to recall his staff. It's a petition to recall him.

MR. DINAN: His staff would lose their jobs the same day he loses his job. The office would be shut down. So to recall him is to remove him and his staff from their current positions. I've -- there's no other way around it.

You can't continue to have staff if he's no longer a council member. The office would be shut down. So it actually does remove his staff. And that's something that we are talking about, is part of the problem is this entire office is corrupt.

And they all were complicit in it and, yes, we have the power to recall the man on top. But that means the whole office is shut down. So we want "the staff" in there for that reason because we -- I think the public should know that, that his staff would lose their jobs too.

And that's an incentive for people to sign this petition because I think people want
MEMBER LEWIS: So just to reiterate my point, we can't control what you verbally say to people. But this is something we may have control over in terms of what's in black and in writing that is coming off from our templates from, you know, from our Agency.

And so, while we certainly appreciate that, I also just wanted to reiterate the fact that this is the candidate -- or excuse me, the council member himself as opposed to his office, right?

While, you know, may, what you said may or may not be true, that's not really our focus. We're just focused specifically for the council member who the petition is the objective for.

CHAIRMAN BENNETT: I think --

MR. DINAN: Mr. Chair, if I may be heard, I would like to respond to that last statement by Mr. Eidinger. First of all, the
entire staff of Mr. Evans' was not mentioned nor implicated nor cast any doubt upon in the credit reports that Mr. Eidinger refers to, which has to do with the emails.

So the vast majority of the people are completely, completely innocent. Mr. Eidinger makes this point that if Mr. Evans does leave office, obviously, his staff would leave with him.

But these people, most of whom are young, look, they're -- they don't want their careers destroyed. I mean, they're leaning on the job. Very common that the office staff is going to have a job, hooking up with other council members.

So while I said I would reserve my remarks to our defense, on that particular point that he just made, I wanted to stress no strenuous objection that the innocent people not be harmed and be harmed in a way that that would fall on them the rest of their lives, particularly young
people who had nothing to do with anything we're
discussing here.

CHAIRMAN BENNETT: Thank you. Any
other questions, Mr. Gill?

CHAIRMAN BENNETT: Okay, great.
We're sliding into the substance of this, I think,
a little bit.

MR. DINAN: Okay.

CHAIRMAN BENNETT: So, Mr. McGhie, you
want to continue? So do you have position with
regard to the opponent or proponent, ma'am?

MS. DIENER: I'm a proponent of the
recall.

CHAIRMAN BENNETT: Okay. Would you
come up to the podium, please?

MR. EIDINGER: I'm the proponent, and
this is our treasurer.

CHAIRMAN BENNETT: Okay. Would you
get -- appoint a mic, sir, to her?

MS. DIENER: Good morning. Thank
you. My name is Robin Diener. I'm a teacher of
adult literacy. And I'm very interested in words
and how things are written.

CHAIRMAN BENNETT: Can you give me --
can you give your address, please, ma'am?

MS. DIENER: My address is Ward 2,
1612 Corcoran Street, NW 20009.

CHAIRMAN BENNETT: Okay.

MS. DIENER: This statement that we
wrote says, he, Jack Evans, has corrupted his
office and his staff by using them. So they're
not saying the staff is corrupt or has done
anything independently on their own as individual
workers.

But they have been corrupted by their
boss as doing it. So it doesn't implicate them
in wrongdoing. And the specific use of the word
corrupt is they were corrupted by -- it's a
passive thing or something that was done to them.

And this is, in fact, the entire
problem. Jack Evans has created the appearance
of difficulties, of wrongdoing, of passive
illegality. And that has put a very bad light on
the office.

And for those of us who live in Ward
2, we won't to have someone representing us who
is the damaged. Apparently, there are
investigations underway. There are things that
will be revealed, internal data and perhaps even
cleared. We don't know that.

But to have put his office and his
constituents at such a disadvantage is part of
the wrongdoing here. But specifically, with
regard to the word corrupt, I believe you will
find that is not that -- it is not saying that
the individual staff members, who I know really
well and who are lovely -- it is not saying that
they are corrupt. It is saying they have been
corrupted by the boss. So thank you for hearing
me.

CHAIRMAN BENNETT: All right, thank
you. Do you want to continue Mr. --

MR. MCGHIE: Sure. Are there any
other preliminary matters or issues that either
of the parties would like to bring before the
Board before they begin to address the
petition?

Is there any -- there are no other
letters?

CHAIRMAN BENNETT: No, the only thing
-- no, you go ahead.

MR. MGGHIE: So neither party has any
other matters?

MR. DINAN: Oh, yes, the -- I thought
Mr. Eidinger was going to make this case.

MR. EIDINGER: Oh, you want me to make
this case? I thought I already did. Okay.

CHAIRMAN BENNETT: No, yes.

MR. DINAN: All right. Oh, then I do
want to speak.

CHAIRMAN BENNETT: Yes, but he goes
first, right?

MR. DINAN: Yes.

CHAIRMAN BENNETT: Yes, so pull the
mic to you, sir.

MR. EIDINGER: I thought we were just wrapping up this part, so that means I didn't do it right. But, well, you know, I think this statement really is the case is being made.

But I personally, on a personal level, I had no idea I'd be doing this until I read reports in the Washington Post, multiple reports, and learned that there is a grand jury investigating this and that for secure documents are going out.

And I remember where Jack Evans has played a role in overturning a lot of legislative that has benefitted businesses, legislation that I worked on, ballot initiatives I've worked on. We just went through a process with the minimum wage fight in the City that was terribly disappointing.

But that didn't motivate me to do a recall. I want to make that for the record. I've been someone who has been on the opposite
side of political disputes with him for years and sometimes on the same side, things like cannabis reform where he's been really driven.

That was all just political disagreement. I think we're at the point now where the District government's reputation is being harmed irreparably as long as he is in office.

And I feel that someone who's served in the office over 28 years and has repeated close calls with corruption with basically people paying him for assets, paying him for legislation, that this latest round, with clear evidence of him directing staff to solicit paid work for him, that this is just beyond the pale. It's grotesque.

And I knew that there were people talking about recall. And I'm thinking, I know how to do this. I know how to collect signatures. This is something that I think the community needs to do for themselves.
Ward 2 needs to do this for themselves. We need to take back our government from a politician who has lost his way and seems to think it is perfectly fine to personally benefit. Even though it may be legal in some cases, I think, at this point, he's crossed the line into illegality.

And we shouldn't have to wait two more years. And really, he should be resigning. He should be stripped of all his powers in the council, and that's not happening. So we have no choice but to bring the recall. And I want to thank the Board for considering the petition as it's written. And that's all I have to say.

CHAIRMAN BENNETT: Okay. Go ahead.

MR. DINA: Thank you. Good morning, Mr. Chairman, members of the Board. My name's Donald Dinan, and I represent council member Evans.

As a preliminary matter, we would say that we very strongly object to the statement of
the submitter. The accusations are false. They were shown to be false. Mr. Evans, it must be remembered, has not been charged with any crime. He has not even been accused from any credible source, any source of crime.

There was an investigation ongoing. And as Attorney General Karl Racine has said, the Attorney General's office in the District, is deferring to the federal authorities, as is common, while they conduct an investigation.

And the results of this investigation will be what they will be. But we want it on the record that we totally and adamantly object and remark those statements that were just made.

Now, as to the petition, we would respectfully request that this board, this notice of intent to recall, must be dismissed. And we say that for the following reasons. It is clear, under D.C. law, that the petitioner, the person who file the Notice of Intent has to be a registered voter in the Ward for which the council
member is to be recalled, in this case, Ward 2. This is D.C. Code Title 1 Section 1001.17 as implemented in DCR, Chapter 11, 100.3(c).

Now Mr. Eidinger has elicited his address in his notice as 2448 Massachusetts Avenue, NW, which is in Ward 2. However, Mr. Eidinger owns a home at 1858 Mintwood Place, NW Unit 4. The deed was recorded on May 5th, 1999, so he's owned that home continuously since then.

Curiously or maybe instructively, Mr. Eidinger also, at the Office of Tax and Revenue, has claimed and is receiving the homestead deduction. Of course, it would be illegal for someone to take a homestead deduction if they didn't live there.

On the other hand, filing a Notice of Intent to Recall and putting down a false address is likewise illegal. For the Board's reference, I have made a copy -- it's Exhibit 1 -- of the OTR showing the homestead reduction. And if I may advance, I would give copies.
Therefore, on the face of these two documents, the one claiming the homestead deduction at the house that he owns and presumably lives, which is in Ward 1, contrasted with the petition, we would submit on just these two documents that there is a severe, severe issue as to whether the petitioner is a registered voter in Ward 2.

And that the document submitted is either/or. He can't be in two places at once. But we going further into record, the situation becomes even clearer.

In what I'm going to call the Maryland incident, Mr. Eidinger famously announced in April of 2018, publicly, that he was moving -- this is a quote as quoted by the Washington Post -- his primary residence to Salisbury, Maryland for the purposes of working against the re-election of Congressman Andy Harris, who Mr. Eidinger blamed for stopping the complete legalization of recreational marijuana in the
Mr. Eidinger had been a key member, as he just recently stated in this hearing, in attempting and achieving partial legalization recreational marijuana. The article actually had to do -- in the article I sent to the Washington Post April 10th, 2018 -- with whether his daughter could continue to go to DCPS, when she'd just been admitted to the Duke Ellington School, if he was, in fact, moving out of the District -- and, using the phrase primary residence.

Mr. Eidinger's ex-wife lives in Virginia. His daughter's a minor. And in that article, Mr. Eidinger was quoted as listing, stating the similar legal address in the District. And he stated that it was Mintwood Place. This is in April of 2018.

CHAIRMAN BENNETT: Can you repeat what you just said? I didn't hear what you said. He stated what, sir?

MR. DINAN: Oh, he stated that he
still had an address in the District of Columbia, and he stated it was Mintwood Place.

CHAIRMAN BENNETT: Okay.

MR. DINAN: And that was -- it's in the article I just cited.

CHAIRMAN BENNETT: Okay.

MR. DINAN: Well, in November 2018, Mr. Eidinger returns to the District of Columbia, at the end of November, after the election. When he returns, he re-registers his driver's license to get his D.C. driver's license.

And he lists, and it is listed in public records, on his driver's license that his address is 1858 Mintwood Place. Also, his motor vehicle is registered to the Mintwood Place address.

However, within 24 to 48 hours, later Mr. Eidinger goes down and re-registers to vote. And he lists 2448 Massachusetts Avenue as his residence. Thus, he's telling two different government agencies that he lives in two
different places. Well, you can only have one principal address.

The -- and if one looks on the, well, on government records, the Board of Elections records, the card, his registration is marked that he has to show proof of residency. In other words, on the left-hand side, it says status. On the right-hand side, my card would say yes. On his it says, "require active ID".

He hasn't done this, where it says he hasn't done it yet. Now where does 2448 Massachusetts Avenue come from? Mr. Eidinger owns and operates a company known as Mintwood Strategies. Mintwood lists its business address on LinkedIn at Mintwood Place. It lists its business address on Mantra at 2448 Massachusetts Avenue.

By the way, there are no business licenses for Mintwood Strategy at either of these addresses. Mr. Eidinger has a partner, an associate, who lives at 2448 Massachusetts Avenue
as a renter, the owner. It's a woman who lives in California and that he uses certain information, I believe he uses that address for business, even though there's no business license.

The -- so that's where that address comes from. But in listing where Eidinger actually does business, is that, on July 27th, 2018 Mintwood Strategies made a donation to an organization known as Citizens for Kirkland J. Hall, Jr. This was a reported Maryland Campaign Finance report for these Citizens for Mr. Hall filed November 20th, 2018 for the period October 22nd to November 13th as reported in the Maryland State Board of Elections.

Mintwood Strategies lists, again, its address as Mintwood Place in that donation. Further, Mr. Eidinger, not long after, made a donation to Elissa Silverman's campaign Silverman campaign for this election, past November.
This donation was made October 25th, 2018. He listed his address, as reported by the Silverman campaign in their filing with OCF, he listed his address as Mintwood Place. Further, all through the time that he lived in Maryland, he claimed he lived in Maryland, he maintained the homestead deduction -- which you couldn't do if you actually lived in Maryland.

Therefore, we would submit that, under the overwhelming preponderance of the evidence, that Mr. Eidinger is not a Ward 2 registered voter and that this Notice of Intent, this petition, must be denied.

We further submit, at the very least, that the preponderance of this evidence is that there is a severe question of where he lives and that he does not live on Massachusetts Avenue. And before any action is taken, that question must be answered.

We would also point out a couple of other deficiencies. D.C. Code Title 1, Section
1102.04 and 1102.06 make clear that the petition must -- the petitioner must file a Statement of Organization, a verified statement of contributions with OCF in order for the petition form to be approved.

DCMR Chapter 11, Section 100.3(g), states that implementing this law must accompany this information, the form must accompany a recall notice in order for the recall to commence.

Now, in the file, or at least in the files provided to us and the file that was shown this morning on the revised statement, we see no Statement of organization or verified statement of contributions. And if there are, indeed, not in the file as a clear matter of law, the recall cannot go forward.

Finally, and this kind of takes us back to where it really started, I would like to address the language in the petition. The District of Columbia law provides that a recall petition must state a reason for the recall.
The law, though, is also clear, and we
go back to 1001.17, Chapter 1, that the petition
may not be rejected if the form is incorrect or
for matters of form. There are 18 -- there are
33 states that require a reason to be given --
approximate 18 states of the District of Columbia
are known what is not non-reason -- non-
specificity reason forms. In other words, the
other states, the required reason requires
specificity. You have to actually state each
thing in detail, et cetera, which can be
challenged.

In the non-specific jurisdictions, in
being candid, say that the law is very -- the
case law is kind of all over the place, as Mr.
Gill pointed out. However, substance matters,
in the D.C. Code, which says for, but it does not
say substance, implies and/or as case law from
other states say that substance matters may be
reviewed.

We believe that this is the better
part of the law. And I would state in the following: I will not go over the corrupted language. We've all spoken on that. I think we know what that issue is. I would rather say, though, that if you say somebody has been corrupted, that means they're corrupt.

But in Paragraph 1 of petitioner's statement, they make the statement believes that Mr. Evans believes, is that there is no legal, ethical distinction between an elected representative and presuming his own financial self-interests.

Based off that -- that's just saying it is metaphysically something that nobody could know, in and of somebody elite that's stating an opinion, an unsubstantiated opinion.

But they go on, in Paragraph 2, it says that Evans is -- I'll leave out brazenly -- sought work with companies that seek to influence the D.C. government, Metro, et cetera. He has peddled his expertise of swaying his fellow
council or Metro Board members.

If one takes the offending emails and looks at them and then looks at this statement, the offending emails say nothing of the sort and, in fact, actually say that Mr. Evans was using it in trying to get a job with a law firm in saying he knew a lot of people in D.C. government.

That's legal, under D.C. law. He specifically says, in those emails, that he could not, of course, represent any of these people. So this statement -- and then he wrote it with the corruptive language to his staff -- this statement is false, when you compare the record, or, at very best, very, very misleading.

And then finally, on the third paragraph, this states the grand jury -- it's been brought to the attention of a grand jury -- that is false. There is no grand jury that's investigating this. U.S. Attorney's Office is investigation. There is no grand jury.

So we would submit that one cannot say
in a recall petition things that are demonstrative, beyond a doubt, false or false or severely, severely misleading. Therefore, in conclusion, we believe this petition must be dismissed.

The preponderance of the evidence is that Mr. Eidinger is not a Ward 2 registered voter, one. Two, it's a tactical deficiency because he hasn't filed the OCF forms. And, three, we direct the language that he has proposed, being subsequently incorrect, should not be allowed and should be modified if the matter is not dismissed.

But, on the residency, you can't be two places at once. And it's kind of like, you know, which law did he break? I mean, he says he's got the homestead exemption. It says he lives there. And he puts down on forms he lives there. The presumption is that he does live there.

I want to thank the Board for this
opportunity to be heard. Thank you.

MR. MCGHIE: Okay, Mr. Eidinger, normally I would give you a chance. I don't want you to respond right now because Mr. Dinan has made some allegations that can surely say that you lied to the Office of Tax Revenue or you lied to us, and there could be some ramifications with that. So, I don't want you to respond at this time.

My thinking right now and my recommendation to the Board would be that this matter needs to be decided at a later time, that you're, obviously, in my opinion you're surprised at these allegations and you need to be given an opportunity to respond.

MR. EIDINGER: Well, I would like to respond about a couple of them, at least, because I have my voter registration card right here and it says 2448. And I think there are some really simple explanations to these outrageous allegations that I am doing something incorrect
here.

So, you know, you ought to give me at least a chance. I mean, he's had ten minutes here.

MR. MCGHIE: No, that's fine.

MR. EIDINGER: Okay.

MR. MCGHIE: That's up to you.

MR. EIDINGER: So, let's start with the one basic thing.

MR. MCGHIE: One -- hold on one second. Sorry. Are you going to respond? Any response off of --

MEMBER GILL: I think Ken's concerned that his responses may be held against him if somebody else wants to follow up on these things. So just, I guess if you're duly warned -- we'd like to hear your response, but I don't want to be complicit in --

MR. EIDINGER: Yes, okay. Well, yes, you can only be registered to vote in one place at a time. And --
(Simultaneous speaking.)

CHAIRMAN BENNETT: But let me state--hold--if you could stop one second. And what the concern is, is to make sure--I mean, he made some significant allegations relative to your petition and to your--not just your credibility, but to a number of different areas where there are issues associated with your--with the legality of your activities.

And so, what our General Counsel is concerned about is just to make sure that you're aware that whatever you say today is, indeed, on the record. And we're happy to hear that, but just want to make it clear, to that, okay?

MR. EIDINGER: Okay.

CHAIRMAN BENNETT: Okay.

MR. EIDINGER: So--

CHAIRMAN BENNETT: Is there anything else, Ms. Lewis, to that?

MEMBER LEWIS: No.

MR. EIDINGER: So, yes, I was a Ward
1 voter until April of 2018 when I started renting a house in Salisbury, Maryland to do political work. And I was not employed in Maryland. I am still employed in the District of Columbia.

My business is still in the District of Columbia. My daughters still live with me in the District of Columbia. But I was spending three or four days a week in Maryland. And under Maryland law, I, having a license there, I could vote there.

So I decided to vote there. I never gave up two residences in D.C. One is 1858, which is where many of these documents are listed because I've owned the property since 1999 -- 1858 Mintwood Place. And then, since 2013, I've rented a house, which was used as a home office, on Massachusetts Avenue, 2448.

And so you have to understand that I sold these properties. I never stopped renting in the District. I just had a third property in Maryland that I was living at -- some of these
most of the week, some of these less. I saw no reason to move my business there because the work -- my business is still being done in the District.

I voted in the primary out there. And voted in the general out there. I didn't vote here. That was all lawful. I talked to Maryland election officials about the situation as well, whether I can legally register here. And they said, well, for us, you just have to have an address here. That's all they cared about. So I stopped voting here and I started voting there.

Well, on the question of the homestead deduction, I have not filed my 2018 taxes yet. What we do is -- I do an extension typically, which would be about in week or so. So I haven't actually made this transition to the 2448. At least for tax purposes, it has not been filed yet. And it will be immediately like for this coming year, for 2018 because this is the year that's no longer a homestead deduction property
for me.

So that will be changing. This is based off of how it was set up in '99. I have multiple bills here including a registration of my business at 2448. This is a notice from the Office of Tax and Revenue. It says Mintwood Strategies, 2448 Massachusetts Avenue, NW.

I have a renter's insurance policy here for 2448 Massachusetts Avenue, NW. I have a have a water bill for 2448 Massachusetts Avenue, NW. I'm in the process of changing my ID right now. I just got my tags and I need to go do that. But I do have a D.C. ID. I never gave up my D.C. ID. You don't need a Maryland ID to vote in Maryland.

The voting criteria, when you live in another state, usually you --

CHAIRMAN BENNETT: You mean, by D.C. ID, you mean your driver's license?

MR. EIDINGER: Yes, your driver's license. But I absolutely live at 2448
Massachusetts Avenue. There are people here in the room that will back me up on that. This gentleman here, who comes to my house every day, he's an employee and I do withholding for him at this address, 2448 Massachusetts Avenue.

So I just think it isn't even an issue here because the Board has issued me a card.

CHAIRMAN BENNETT: If you'll allow me -- sir, if I could -- is your driver's license the Mass Avenue?

MR. EIDINGER: No, but I'm in the process of changing that. And I guess because I'm selling this property, okay, so I rented another property. This is a normal thing families do.

Also I want to address Duke Ellington. You brought my daughter into this, which is quite frustrating because she's a minor. With that said, my daughter -- I went and met with Duke Ellington. I explained that she spends five nights a week with me in the District of Columbia.
and she has a bedroom as following here about.

They don't care if it's lived in. They don't care if it's rent-appropriated. They want to know that it's 2448. They don't think -- they just want to know that you're in the District.

And she is, and it's perfectly legitimate for her to be going to D.C. Public Schools. And I would like to put that to rest because that has been brought up by politicians across the city who want to attack me for doing activism and trying to drag my daughter into it when, in fact, she's not breaking any rules. We're not breaking any rules.

I pay taxes in the city, you know.

CHAIRMAN BENNETT: Sir, if you don't mind, I'd like the record not to reflect this also about your daughter. That's certainly a personal matter and we'd like to respect that, so if you could -- I appreciate your honesty --

MR. EIDINGER: Yes, sorry. I will
move on. However, I, you know basically decided
to vote in another state. It's my right, and I
think -- I don't have to sell my property or give
up my house in the District, both properties.

And at this point, I don't believe I'm
violating any Office of Tax and Revenue
guidelines for a homestead deduction because I
haven't even filed for 2018, and that's the year
when things changed. So, you know, I think it's
really clear that I have residency here.

I would not have registered at this
2448 if I wasn't there. That's where I received
mail for this. So there is no issue here
and, you know, since you didn't know that I have
multiple properties in the city, I would
understand why you might be a little bit confused.

But, you know, owning a property and
renting a property, you sometimes use the older
property's address for a while because you want
to receive mail and you don't want -- you know,
I wasn't even sure I would stay at this rental
property that long, and now I'm staying there.

So, you know, this was a personal matter, but I'm not registered in two places. I think that should be the key thing here. And, you know, I went to Maryland to fight a congressman who was oppressing the District of Columbia and preventing lawmakers from writing their own laws in the District of Columbia. That's why I went there.

But I wouldn't want to give up my life in the District of Columbia, by any means. And many District residents, including Ralph Nader, have apartments, legal in the city, all year long, but still vote in other states. They never gave up their voting rights in those states.

So it was kind of maybe the reverse of that, that was taking advantage of my right to go buy a property in another state and vote there. You know, and so there was no double voting. And there was -- that would be something that I think this board should be concerned about, but I wasn't
registered here as a voter while I was registered at home.

I just got a notice from Maryland saying -- at this address, 2448 Massachusetts Avenue -- saying please confirm you've moved your voting status back to D.C. And I did. So, you know, you're trying to maybe prove this, but I think -- I'd be happy to bring this up there for you to take a look at them, if it helps.

CHAIRMAN BENNETT: Okay, if you could provide it to -- there. Okay, I just wanted to -- thank you. Is there anything else, Mr. --

MR. EIDINGER: Yes, are there any questions that the Board might want to ask me? Or you -- is there any confusion on what I just explained, what -- oh, the OCF forms.

Okay, so I filed the -- electronically refiled, so I'm surprised you don't have it.

CHAIRMAN BENNETT: I'm not -- sir, what are you looking for and that you don't think we have?
MR. EIDINGER: Well, we have a print out of the electronic filing of the statement of organization. That was filed online. And I signed it in-person here. And when Robin came yesterday with -- our treasurer is here -- and she signed the statement of organization. What else is there?

MS. DIENER: Right. I'm sorry, but there may actually be an issue here. I apologize. As I explained to the Office yesterday, I've had some family issues with my mother and so forth, you know, the kinds of things that happen in life.

And I really did not close attention as I simply did not have wi-fi where I was staying for the past two weeks. I apologize. But it sounds very unprofessional. But there is a first filing report I learned about yesterday. I'm trying to understand.

I'm going to have to take a training to be treasurer. I have not had that yet.
That's scheduled for the 9th. And those are schedules -- well, I received notice of it, plus you guys.

But I also did not -- and I do not have the email with me from Mr. Wesley Williams in the Campaign Finance Office who says I have ten days -- we have, the Campaign has ten days from Monday, I guess, to file that first report then.

So instead, perhaps we should ask for a delay since we didn't have that -- I didn't know that this was already scheduled, so I do apologize for that. It was incorrect.

CHAIRMAN BENNETT: Well, I think the issue is the registration.

MS. DIENER: Not in the first filing because I believe that Counsel suggested that that first filing was required.

CHAIRMAN BENNETT: Ms. Montgomery, can you --

MS. COLLIER-MONTGOMERY: Yes.
CHAIRMAN BENNETT: -- clarify what was required?

MS. COLLIER-MONTGOMERY: Yes, I asked Wesley --

CHAIRMAN BENNETT: Just a little closer.

MS. COLLIER-MONTGOMERY: Yes, I asked Wesley Williams, who is the manager of our public information records division to come to the meeting. And basically, they did, in fact, register. The committee registered, filed the statement of organization, but they have not filed the verified statement of contributions.

And I would ask Mr. Williams to come forward and verify that on the record.

CHAIRMAN BENNETT: Mr. Williams? I'm sorry, ma'am. If you could shift chairs with him. My apologies.

MS. DIENER: That's okay.

CHAIRMAN BENNETT: Mr. Williams, could you clarify the matter regarding the
registration, financial filing? And, please identify yourself first, for the record.

MR. WILLIAMS: Okay. Wesley Williams, Public Affairs Manager for the D.C. Office of Campaign Finance.

On September 18th of this year, the committee registered electronically. I mean --

CHAIRMAN BENNETT: You mean, not September 18th?

MR. WILLIAMS: I'm sorry, March 18th.

CHAIRMAN BENNETT: Okay. Thank you.

MR. WILLIAMS: My fault. March 18th they registered online. They were provided with a secret code which is the process to register. However, I have no signed copies of the statement of organization nor the statement of acceptance or chairperson.

I did receive the statement of acceptance of Treasurer Monday, April 1st. And I did talk to Ms. Diener, spoke with her yesterday
in regards to the requirements that she needs to file the first report and receive signatures as well as provide the signed documentation. So we did speak yesterday.

And I also provided emails that I had sent to the email addresses that were provided through registration back in March.

CHAIRMAN BENNETT: Okay.

MR. WILLIAMS: And I followed up with that. When she filed the statement of acceptance of treasurer, there was a different email address, so I forwarded the emails that I had sent to the other email addresses to her. And then we spoke yesterday.

CHAIRMAN BENNETT: Okay, what I am going to do now is I'm going, if you guys wouldn't mind waiting for about 15 to 20 minutes, I'm going to take a quick break without having to adjourn the meeting completely.

And then we've got a number of different issues that I'd like to discuss with
the other board members, and then we will come back and determine how best to proceed. Okay?

All right, thank you. We'll take about a 20-minute recess.

(Whereupon, the above-entitled matter went off the record at 12:18 p.m. and resumed at 12:43 p.m.)

CHAIRMAN BENNETT: Okay we are back in session from the adjournment. We had opportunity to discuss this carefully. And so at this point, we're going to have to reject the petition because you just haven't met the Office of Campaign Finance filing requirements.

MR. EIDINGER: We just filed it. We just did it. It is on file right now.

CHAIRMAN BENNETT: Well, but you didn't meet them when you filed this petition, sir.

MR. EIDINGER: But the treasurer's mother isn't -- is gravely ill and could not make it here last week when she was supposed to be
here. But short of last week, thinking that everything was all done, turns out it wasn't. Now it is. It is, it's all filled out and -- as of today.

(Simultaneously speaking.)

CHAIRMAN BENNETT: Yes, I sincerely -- I mean, I certainly -- and I, with regard to that, but unfortunately the requirements just weren't met, and so you can refile.

And in addition, there being a number of things brought today that I think that you, at least you know they're coming and so we'd need to make sure that those things are addressed. But, unfortunately, you know, when the petition was filed, the requirements, the OCF, the Office of Campaign Finance filing requirements weren't met, so --

MR. EIDINGER: So are you saying we have to start the whole process over? Or can't we just continue with this petition? Because the filing, it is on file. It is dated today. I
mean, we just left OCF. It's all there.

CHAIRMAN BENNETT: Yes, but --

MR. EIDINGER: But can you ask Wesley
to come and maybe say, I have everything required?
Because he would say that, I think, right now.

CHAIRMAN BENNETT: Well, it was not
filed as required. And so that's the thing that
-- the challenge. So, yes, you will have to
start the process again.

And my -- I wish I had a different
answer for you just for the, just because I
understand and appreciate the hardships you guys
have been through. But --

MS. DIENER: But we can we file?

CHAIRMAN BENNETT: Yes.

MS. DIENER: So I appreciate that.

And --

CHAIRMAN BENNETT: And my
recommendation is also for you to -- also to speak
with the attorney with the Board of Elections to
ensure that the filings that are required are, in
fact, done in a timely way with the Board of Elections --

MS. DIENER: And I will have the opportunity to have taken that training, so that sounds good.

CHAIRMAN BENNETT: Yes, okay, great.

MR. EIDINGER: I just want to say, for the record, the Board didn't do anything wrong here, okay? This was a matter, a life and death matter that Robin was going through and was unavailable at this time.

She came here yesterday, asking, to make sure everything was in order. And she was told when she left that she had ten days to file the OCF initial filing -- from today.

So now we're being punished because that wasn't filed, but we got information from the Board, from the OCF yesterday. You were told yesterday you had ten days. And had Wesley just simply said, you don't have this filing room within -- by tomorrow, we could have -- she could
have done that here yesterday.

So I see this --

MS. DIENER: It's okay.

MR. EIDINGER: no, it's not okay because --

MS. DIENER: No, I mean --

MR. EIDINGER: -- we are losing time on the recall. There's only the third year that we can do this. And you're pushing back a potential election that we would be able to bring on the recall by not issuing this today.

So I'm asking you, why don't you just call someone in from OCF right now? They'll tell you that we have all of our paperwork on file.

CHAIRMAN BENNETT: Sir, for the record, your -- and that's why I think the training is necessary -- your statement's relative to what was required and not just is it correct. And so I, you know my -- well, you can proceed as you wish. But your statements just aren't correct relative to the filing
requirements, so.

MS. DIENER: Well, for my part I acknowledge I did wrong here. And thank you for your indulgence and the fact that we can move forward. We'll just do that. So thank you.

CHAIRMAN BENNETT: Thank you.

MS. DIENER: Thanks for giving us this amount of time.

CHAIRMAN BENNETT: Sure. Go ahead.

MEMBER LEWIS: I do think it is just worth noting or maybe reiterating that there were some matters that were raised today that should be addressed in whole. And so, while there is one component, I think -- there's timeliness of the filing.

I think that there are some other things that parties should probably look at to see if there are things they need to address in addition to a timely filing or not as well.

MS. DIENER: Note taken, indeed.

Thank you.
CHAIRMAN BENNETT: Thank you. Is there anything else? I don't think there's any other matters we need to address at this point on this matter.

So the petition is rejected based on the failure to properly file with the Office of Campaign Finance.

MR. DINAN: Okay. Thank you, Mr. Chairman.

CHAIRMAN BENNETT: Thank you. The next item on the agenda is --

MR. MCGHIE: Proposed --

CHAIRMAN BENNETT: -- the proposed rulemaking. Mr. McGhie?

MR. MCGHIE: Yes. The next item is -- the next is the proposed rulemaking to amend the Chapter 5 voter registration. The purpose of the amendment to subsection 511.2 is to clearly enumerate the agencies that serve as voter registration agencies in the District of Columbia.
So the -- under the existing federal and District of Columbia provisions, any agency of the District of Columbia government that provides with assistance or that operates or funds programs primarily engaged in providing services to persons with disabilities shall serve as a voter registration agency.

Additionally, as needed or desired, the mayor or the council of the District of Columbia may designate additional agencies as voter registration agencies. But such designations are optional. So these regulations just give a list of all of the designated voter registration agencies thus far.

And the next --

CHAIRMAN BENNETT: Can you hold -- do you want to vote on that?

MR. MCGHIE: Yes. I would ask the Board to entertain a motion to adopt this as proposed rulemaking that would be published in the DC Register for a 30-day comment period.
CHAIRMAN BENNETT: Do you have any questions, Ms. Lewis?

MEMBER LEWIS: No.

CHAIRMAN BENNETT: Mr. McGhie -- Mr. Gill? Sorry.

MEMBER GILL: No.

CHAIRMAN BENNETT: Okay, I need a someone to motion.

MEMBER LEWIS: So moved.

MEMBER GILL: Second.

CHAIRMAN BENNETT: It's been properly moved and seconded, and it's unanimous, so that we can put forward this proposed rulemaking.

MR. MCGHIE: Okay.

CHAIRMAN BENNETT: Next item?

MR. MCGHIE: Next item is a second emergency of proposed ruling. It's a Chapter 5 administration. The first notice of emergency of proposed rulemaking to adopt the minutes to Chapter 5 on the registration. It was published in the DC Register on December 28th.
The purpose of the proposed amendment was to provide means for voters who are victims of covered offenses or covered employees as defined in the Address Confidentiality Act of 2018 to make their voter records confidential.

So we initially had proposed this as an emergency of proposed rulemaking. And during the comment period, we received comments from the mayor's newly created office dealing with Address Confidentiality. They requested that some additional provisions be put in.

So we're putting it out again as a second emergency in proposed rulemaking. So I'm asking, at this time, that the Board entertain a motion to adopt this second emergency of proposed rulemaking for a 30-day comment period. Thank you.

CHAIRMAN BENNETT: Okay, can I get do you have any questions, Mr. Gill, Ms. Lewis?

MEMBER GILL: No.

MEMBER LEWIS: No.
CHAIRMAN BENNETT: Can I get a motion?

MEMBER LEWIS: So moved.

MEMBER GILL: Second.

CHAIRMAN BENNETT: It's been properly moved and seconded, unanimous. Please go forward with proposed rulemaking.

MR. MCGHIE: Okay. The last rulemaking that I have is proposed rulemaking to amend Chapters 30, 34, 37, and 99 of DCMR, and these are the proposed rulemaking as promulgated by the Office of Campaign Finance. So I will defer it to them to explain the reasons for these proposed amendments.

CHAIRMAN BENNETT: Okay, Mr. Sanford?

MR. SANFORD: Good afternoon, Mr. Chairman and distinguished board members. William Sanford, General Counsel for the Office of Campaign Finance.

As general counsel, again, reported, we are requesting that the Board approve amendments to Chapters 30, 34, 37 and Chapter 99.
Briefly, Chapter 30 is the chapter in the Title 3 District of Columbia Municipal Regulations that covers political committees.

That chapter is amended to include Fair Elections Committees and their requirements, just like all these chapters are taking amended to cover the provisions of the Fair Elections Program.

Chapter 34 is a chapter that addressing recordkeeping and audit procedures. That is being amended to include the provisions of the Fair Elections Program.

Chapter 37 is the chapter that addresses informal hearings and the issuance of funds. That chapter is also being amended to include the Fair Elections Program.

And finally, Chapter 99 is a definitions chapter, and that is being amended to include terms that are specific to the Fair Elections Programs such as terms of verification,
qualified government contributors, base amounts, matching funds. Terms that not only apply to the fair elections program.

So we will now ask the Board to approve these amendments and propose this proposed rulemaking.

CHAIRMAN BENNETT: Any questions, Ms. Lewis?

MEMBER LEWIS: No, thank you.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: No.

CHAIRMAN BENNETT: Okay, go ahead. Motion?

MEMBER LEWIS: So moved.

MEMBER GILL: Second.

CHAIRMAN BENNETT: Properly moved and seconded to actually go forward as proposed rules.

MR. MCGHIE: Thank you. Okay, the last matter I have on the line agenda is litigation of and status update, and that deals
with the Graham v. the D.C. Board of Elections matter.

And as the Board is familiar, that matter dealt with Referendum 008. The parties have filed a complaint in Superior Court challenging the Board's formulation, the notice and whether or not it was a proper subject.

The Superior Court ruled in favor of the challenger on all matters except for whether or not it was a proper subject for the initiative which was Count 2, and they, the Superior Court held onto that matter.

And just recently, as of yesterday, all the parties agreed to voluntarily dismiss that matter. So there is no more issue in Superior Court dealing with whether or not it's a proper subject for an initiative.

The only items that are still understanding are the ones that are entered in the Court of Appeals that deal with the notice and standing. So we are still waiting on a
briefing schedule from the Court of Appeals. And as soon as we get a briefing schedule on the issue of notice of standing, I will let the Board know.

CHAIRMAN BENNETT: Okay. Any questions?

MEMBER LEWIS: No, thank you.

CHAIRMAN BENNETT: Mr. Gill?

MEMBER GILL: No questions.

CHAIRMAN BENNETT: Okay.

MR. MCGHIE: That concludes my matters.

CHAIRMAN BENNETT: Great. Okay, we're down to Number 7, public matters. Do we have any matters from the public for the Board?

MS. BRIZILL: Good afternoon. My name is Dorothy Brizill. I'm Executive Director of DC Watch. We're based at 1327 Girard Street, NW. I have a question for Ms. Collier-Montgomery. I have --

CHAIRMAN BENNETT: Is your mic on, Ms. Brizill?
MS. BRIZILL: Yes.

CHAIRMAN BENNETT: Okay. Very good.

MS. BRIZILL: I have reviewed the order that your office issued regarding Brandon Todd, OCF 2018-002, in which you have made a determination that he used government or council resources to assist a political campaign in Ward 4.

And you had made the -- imposed a fine and made recommendations regarding ethics training. I a procedural question to ask you. Do you know whether or not Mr. Todd has agreed to pay the fine, whether or not he's appealing and whether or not he plans to take ethics training?

MS. COLLIERS-MONTGOMERY: Okay, he certainly has a certain period of time within which to pay the fine. And I'll just ask Mr. Sanford --

CHAIRMAN BENNETT: Cecily, can you please turn up your microphone?

MS. COLLIERS-MONTGOMERY: I'm sorry.
And I would ask Mr. Sanford to respond in full.

MR. SANFORD: Well, good afternoon. Again William Sanford. The respondent in this matter, council member Todd, has 15 days from the date of receipt of the order to appeal the decision of the Office of Campaign Finance. And he has an additional ten days from that date to pay any outstanding fines.

Those periods are still pending and so we would have, I believe, until the end of this week to file his appeal and possibly an additional ten days from this Friday to pay the fine.

In the event that he fails to pay the fine or file the appeal, then there would be a period during which the Office could commence that there be intention of a petition for enforcement in the D.C. Superior Court.

And by doing that, we would refer the matter to the Board's General Counsel who would schedule pre-hearing conferences, hopefully, to try to resolve it. In the event it is not
resolved and the respondent has not shown good cause for not resolving the issue, the matter would be taken by the Board's General Counsel to the D.C. Superior Court for enforcement.

MS. BRIZILL: I have a follow up point of inquiry. Immediately -- almost immediately upon issuance of the order, when it became public, Mr. Todd was asked to respond to the OCF order. And what he did in response was direct his Council staff to respond on his behalf.

Now, as you know, there is a clear line that is drawn between a council member using his paid government workers to become involved in a campaign matter, which this was clearly a campaign matter. And then as recently as yesterday, he was continuing to do that.

My question to you, is that -- would you consider that a separate and additional violation of ethics or campaign finance laws? Or which could, this newest violation just added onto this particular matter in this issue be
reissued?

MS. COLLIER-MONTGOMERY: Well, certainly our statute is limited to the use of government resources to support or oppose campaign related activities. So that may be more or less an ethics as opposed to an issue under the Campaign Finance Act.

MS. BRIZILL: So the question would be whether or not he's using staff to support or oppose a candidate as opposed to using staff relative to the campaign?

MS. COLLIER-MONTGOMERY: I thought that your question was with respect to his responding to the order, which was entered by the Office of Campaign Finance and whether he was using this -- inappropriately using staff to respond to questions about that order.

MS. BRIZILL: Right.

MS. COLLIER-MONTGOMERY: Okay, so what I was indicating was that our statute addresses the use of government resources to
support candidates or to oppose candidates for office. And so I was saying that I didn't think that that conduct would necessarily -- or that act -- would fall within the parameters of our statute.

MS. BRIZILL: Okay, thanks.

CHAIRMAN BENNETT: Thank you. Any other matters from the public for the Board? Seeing and hearing none, this meeting is adjourned. Thank you.

(Whereupon, the above-entitled matter went off the record at 1:02 p.m.)