

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

Wednesday

June 6, 2017

+ + + + +

The District of Columbia Board of Elections convened in Suite 775, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

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

NEAL R. GROSS

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

CONTENTS

Adoption of Agenda 4

Adoption of Minutes 4
 Regular Board Meeting
 Wednesday, May 2, 2018

Board Matters 5

Campaign Finance Report 5
 Cecily Collier-Montgomery

General Counsel's Report
 Kenneth J. McGhie

A. Formulation of Initiative Language -
 "D.C. Bike Life Access and Use of Non-
 traditional Vehicles Act of 2018" Initiative
 And "Money Supply Increase (+3,000)"
 Initiative..... 23

B. Proper Subject Matter Hearing -
 "Delegate Voting Rights Act of 2018"
 Initiative..... 52

C. Final Rulemaking to Amend Chapters 1,
 2, 4, 5, 7, 8, 17, and 33..... 50

D. OCF Petitions for Enforcement 47

Executive Director's Report
 Alice P. Miller

B. General Matters 14

Public Matters 92

Adjournment 111

NEAL R. GROSS

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

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

2 10:44 a.m.

3 MR. BENNETT: All right, we're going
4 to bring to order the meeting of the D.C. Board
5 of Elections on today, June 6, 2018. We've got
6 a couple of matters to get through here, but we're
7 going to get through the first thing is the adoption
8 of the agenda.

9 Let me just start off by introducing
10 the persons that are here on the dais with me from
11 the Board. To my far left is Ms. Alice Miller,
12 executive director of the Board of Elections.

13 To my far right is Ms. Cicily
14 Montgomery, the director of the Office of Campaign
15 Finance.

16 MR. SINDRAM: Mr. Chair?

17 MR. BENNETT: Yes, sir.

18 MR. SINDRAM: It's kind of garbled and
19 really hard to understand, the people here are
20 saying. Is there a better way to amplify, please?

21 MR. BENNETT: I'm not sure. We'll
22 give it a try, Mr. Sindram.

NEAL R. GROSS

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

1 MR. SINDRAM: Thank you.

2 MR. BENNETT: To my far right, Ms.
3 Cecily Montgomery, director of Office of Campaign
4 Finance. To her immediate left, Mr. Michael Gill,
5 Board Member. To his left and my right, Mr. Ken
6 McGhie, General Counsel. Who is on her way and
7 will be here shortly is Board Member Dionna Lewis.

8 We're going to get started by the
9 adoption of the agenda.

10 Mr. Gill, can I get a motion to adopt
11 the agenda?

12 MR. GILL: Motion to adopt today's
13 agenda.

14 MR. BENNETT: Second, and so that's the
15 unanimous adoption of the agenda. Adoption of the
16 minutes from Wednesday, May 2nd, Mr. Gill, can I
17 get a motion, please?

18 MR. GILL: Motion to adopt the minutes
19 of Wednesday, May 2nd.

20 MR. BENNETT: I will second that and
21 it's unanimous. And any Board matters, Mr. Gill?

22 MR. GILL: None.

NEAL R. GROSS

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

1 MR. BENNETT: Okay, no matters. And
2 I have none from the Board.

3 We will start off, we switched the
4 agenda around a little bit and we'll start off by
5 having the report from the Office of Campaign
6 Finance, Ms. Montgomery.

7 MS. COLLIER-MONTGOMERY: Yes, good
8 morning. The first thing I'd like to report is
9 that on May the 5th, 2018 D.C. Law 22-94, the Fair
10 Elections Amendment Act of 2018, became effective.

11 The act will provide for the public funding of
12 political campaigns in the District of Columbia.

13 The provisions of the act will apply
14 as of November the 7th, 2018 and it is anticipated
15 that candidates who are in the 2020 election cycle
16 will be able to participate in the program. It
17 is a volunteer program and our other program will
18 continue to remain in force and in effect as well.

19 With the Fair Elections Amendment Act,
20 the goal of the program is to increase civic
21 participation in the election process. Candidates
22 who participate in the program will be required

NEAL R. GROSS

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

1 to obtain threshold numbers of signatures from
2 small qualified contributors in the District of
3 Columbia.

4 And basically those limits are set by
5 the act and they will be required to obtain the
6 contribution from the residents of the District
7 of Columbia in order to participate in the program.

8 Assuming that they do obtain the
9 threshold requirements, then they will be entitled
10 to receive, if it is a contested election, base
11 amount payments and also they will be entitled to
12 receive, whether the election is contested or not,
13 matching payments that they collected at a 5:1
14 ratio.

15 The other thing that I would like to
16 announce on the record is that the Office of
17 Campaign Finance is in its new location at 1015
18 Half Street SE. We are in Suite 775 and we are
19 on the seventh floor in this building.

20 During the month of May there were no
21 filing deadlines. However, we did have new
22 candidates on committees who registered with the

NEAL R. GROSS

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

1 agency. Adrian Jordan, Adrian Jordan 2018, State
2 Board of Education, Ward 5, registered on May the
3 1st, 2018.

4 Ruth Rackenburg, Re-elect
5 Ruth4Schools, State Board of Education, Ward 3,
6 registered on May 3rd, 2018. Marie Johns,
7 Democratic National Committeewoman, registered on
8 May the 10th, 2018.

9 UNITE HERE Local 23 Political
10 Committee, an independent expenditure Committee,
11 registered on May the 2nd, 2018. DC Choice, an
12 independent expenditure committee, registered on
13 May the 4th, 2018.

14 Leadership with Integrity PAC, an
15 independent expenditure committee, registered on
16 May the 18th, 2018. Metro DC Democratic Socialists
17 of America Solidarity DC PAC registered on May the
18 24th. And University Startup Incubator Committee,
19 an initiative committee, registered on May the 4th,
20 2018.

21 We held entrance conferences during the
22 month of May as well. As you may know, the entrance

NEAL R. GROSS

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

1 conferences are mandatory for the newly registered
2 candidates as well as the treasurers.

3 On May the 30th there were six participants,
4 Franco Ciammachilli, candidate, DumpTrump
5 Dems4Action; Eric Atilano, candidate, DumpTrump
6 Dems4Action; Diallo Brooks, candidate, DumpTrump
7 Dems4Action; John Zottoli, candidate, DumpTrump
8 Dems4Action; Todd Bregan, candidate, DumpTrump
9 Dems4Action; Ambrose Lane, Jr., candidate, Ambrose
10 Lane, Jr., At-Large.

11 On May the 31st, 2018, the participants
12 were Earl Williams, candidate, DumpTrump
13 Dems4Action; Steve Lanning, candidate, DumpTrump
14 Dems4Action; Adam Yalowitz, treasurer, Unite Here
15 Local 23 Political Committee; Molly Ruland,
16 candidate, DumpTrump Dems4Action; Bonnie Cain,
17 candidate, DumpTrump Dems4Action; Janeese Lewis,
18 candidate, DumpTrump Dems4Action; Sharece
19 Crawford, candidate, DumpTrump Dems4Action;
20 Zachary Israel, candidate, DumpTrump Dems4Action;
21 Charles Wilson, candidate, DumpTrump Dems4Action;
22 Andra Wicks, candidate, DumpTrump Dems4Action;

NEAL R. GROSS

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

1 Walter Deleon, candidate, DumpTrump Dems4Action;
2 Jesse Lovell, candidate, DumpTrump Dems4Action;
3 Sequnely Gray, candidate, DumpTrump Dems4Action;
4 Troy Prestwood, candidate, DumpTrump Dems4Action;
5 Stuart Anderson, candidate, DumpTrump Dems4Action;
6 Chioma Iwuoha, candidate, DumpTrump Dems4Action;
7 Joe Weedon, candidate, Re-elect Joe Weedon; Denise
8 Forte, treasurer, Re-elect Joe Weedon.

9 In our audit section, during the month
10 of May the audit section conducted ten desk reviews
11 of the reports of receipts and expenditures which
12 were received by the agency. Also there were
13 ongoing audits.

14 With the audit grants we have periodic
15 random audits of the candidates in the 2018
16 election, specifically of the January 31st, 2018
17 filing, re-elect Muriel Bowser Our Mayor. The
18 audit was initiated on March the 5th, 2018. And
19 Kenyan McDuffie 2018, the audit was initiated on
20 March the 22nd, 2018.

21 Also we have ongoing periodic audits
22 in our constituent service programs. Of the April

NEAL R. GROSS

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

1 the 1st, 2018 filing, Phil's Fund for Citizen
2 Service, and that audit was initiated on May the
3 7th, 2018. Evans Constituent Service Fund, the
4 audit was initiated on May the 7th, 2018.

5 We issued three audits during the month
6 of May, the Ward 3 Constituent Service Fund which
7 was issued on May the 1st, 2018; Karl Racine 2018
8 which was issued on May the 9th, 2018; and the Food
9 Service PAC which was issued on 5/16/18. Our
10 audits are available for review by the public at
11 our website.

12 I would ask our general counsel,
13 William Sanford, to present the report for the
14 General Counsel's Office of the Office of Campaign
15 Finance.

16 MR. SANFORD: Good morning, Mr.
17 Chairman and distinguished Board Member Gill. My
18 name is William Sanford. I am the general counsel
19 for the Office of Campaign Finance.

20 During the month of May 2018, the Office of
21 General Counsel did not receive any referrals from
22 either the public information and management

NEAL R. GROSS

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

1 division or the reports analysis in audit division.

2 As Director indicated during her
3 report, there were no required filing dates.
4 However, the Office of the General Counsel did
5 complete 19 hearings and issued 19 orders which
6 included the following: three orders were issued
7 for failure to timely file reports and one order
8 was issued for failure to sufficiently respond to
9 the request for additional information in which
10 no fines were imposed. Fifteen orders were issued
11 for failure to timely file reports in which a total
12 of \$23,000 in fines were imposed. The
13 Office of the General Counsel imposed fines against
14 the following respondents: A fine of \$1,050 was
15 imposed against Justin Green, Candidate for
16 At-Large. The fine of \$1,050 was imposed against
17 the Gertrude Stein Democratic PAC.

18 A fine of \$500 was imposed against MMC
19 Foundation. A fine of \$1,050 was imposed against
20 the Economic & Protection Party. A fine of \$2,150
21 was imposed against Toliver for Ward 4. A fine
22 of \$2,150 was imposed against the Committee to Elect

NEAL R. GROSS

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

1 Natalie Williams.

2 A fine of \$2,150 was imposed against
3 the Committee to Elect Khalid Pitts. A fine of
4 \$2,150 was imposed against Patterson for Ward 8.

5 A fine of \$2,150 was imposed against Carter
6 At-Large. A fine of \$2,150 was imposed against
7 Lanette Woodruff for School Board.

8 A fine of \$1,900 was imposed against
9 Sheila Bunn for Ward 8. A fine of \$1,900 was
10 imposed against the Committee to Elect Jacque
11 Patterson 2016. A fine of \$500 was imposed against
12 Biddle 2012.

13 A fine of \$1,900 was imposed against
14 Gertrude Stein Democratic PAC. And, finally, a
15 fine of \$500 was imposed against the Committee to
16 Elect Sekou Biddle.

17 During the month of May, the Office of
18 Campaign Finance collected one \$50 fine from Thomas
19 Smith who had been an ANC candidate in the 2016
20 election. During the month of May 2018, the Office
21 of Campaign Finance did not carry any open
22 investigations.

NEAL R. GROSS

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

1 And during the same month, there were
2 no requests for interpretative opinions and no show
3 cause proceedings were conducted. And that should
4 conclude my report.

5 MR. BENNETT: All right, thank you.

6 Ms. Montgomery?

7 MS. COLLIER-MONTGOMERY: Yes, that
8 concludes the report of the Office of Campaign
9 Finance.

10 MR. BENNETT: Mr. Gill, any questions?

11 MR. GILL: No questions.

12 MR. BENNETT: Okay, none from me.

13 We're going to switch the agenda around just
14 a little bit and we're going to move the Executive
15 Director of the Board of Elections' report up.
16 We've got some reasonably, well, let's move the
17 Executive Director's report up to now.

18 Ms. Miller? Yes.

19 MS. MILLER: All right. Thank you,
20 Mr. Chair. As you know, we are obviously in the
21 final stages for preparation for the June 19 primary
22 election. Our early voting began Monday at One

NEAL R. GROSS

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

1 Judiciary Square and we'll open the other eight
2 early voting sites on Friday and continue through
3 Friday the 15th of June.

4 Hours for early voting are 8:00 a.m.,
5 8:30 a.m. to 7:00 p.m. daily and it includes
6 weekends. Our queue, which is on the website and
7 our splash page is up from now on. That gives you
8 information on the wait times at each early voting
9 site, also will provide you with data with respect
10 to how many voters voted at that site at the end
11 of each day.

12 So that will be updated daily through
13 the relevant period. That will only be on through
14 early voting. Once early voting ends we won't be
15 able to keep the queue going for all 143 sites but
16 we can do it for the nine.

17 Through the month of May we did continue
18 to communicate with voters via mail about the
19 upcoming June 19th primary. We provided a voter
20 guide to households with registered voters. A
21 total of 325,000 voter guides were mailed to voters.
22 We also notified voters that were not affiliated

NEAL R. GROSS

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

1 with a political party of their right to vote for
2 the initiative that took place as well. And we
3 also mailed out a postcard for eligible but
4 nonregistered voters that we identify to, I think
5 it was 72 -- no, 30,000 of those were mailed out
6 to voters.

7 We have four primary elections going
8 on. That would be the Statehood Green Party, the
9 Libertarian Party, Republican Party and the
10 Democratic Party's. The initiative that is in on
11 the ballot, obviously all registered voters are
12 eligible to vote for that and that information has
13 been provided to those voters.

14 MR. BENNETT: Would you describe the
15 initiative for the record, please?

16 MS. MILLER: Mr. McGhie might do a
17 better job of that. But it is initiative measure
18 number 77, the District of Columbia Minimum Wage
19 Amendment Act of 2017. I would say that the
20 information specific to that is on our website and
21 it's also in the voter guide other than me trying
22 to tear it up. But it is on the website.

NEAL R. GROSS

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

1 Ken, if you want to talk a little bit about
2 it you can or --

3 MR. MCGHIE: Yeah. I would refer
4 people to the voting guide for the summary that
5 the Board did. In short, I believe the initiative
6 just provides for a tip for, I don't know the exact
7 amount. Well, I don't know the exact amount to
8 tip, but what's the exact language?

9 MS. MILLER: Let me find it.

10 Okay, the short title is District of
11 Columbia Minimum Wage Act of 2017. Summary
12 statement, if enacted the initiative will gradually
13 increase the minimum wage in the District of
14 Columbia to \$15 hourly by 2020, gradually increase
15 the minimum wage for tipped employees so that they
16 receive the same minimum wage directly from their
17 employer as employees by 2026.

18 Beginning in 2021, require the minimum
19 wage to increase yearly in proportion to increases
20 in the consumer price index. The minimum wage
21 increases under the initiative will not apply to
22 D.C. government employees or employees of the

NEAL R. GROSS

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

1 District of Columbia contractors. So that's just
2 the short title, summary statement.

3 MR. BENNETT: Okay, the reason I just
4 want to emphasize that is that in we had a
5 requirement because of the process, by law, to put
6 it on the ballot that -- put it on the ballot during
7 the primary. And most people think that primaries
8 are only for parties.

9 Let the record reflect Ms. Lewis and
10 Roy are here.

11 But we want to make sure that the record
12 reflects that we've also made a number of efforts
13 to ensure that all citizens of the District of
14 understand that regardless of whether or not
15 they're a member of a party having a primary
16 election that all registered voters have the
17 opportunity to vote on that particular initiative.

18 And we will continue to publicize that
19 through the primary. That was the primary report
20 on that. So thank you, Ms. Miller. You may
21 continue.

22 MS. MILLER: Thank you. Okay, the

NEAL R. GROSS

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

1 postcard that we sent to eligible but nonregistered
2 voters indicated where they could register to vote,
3 the number of different mediums available either
4 online, in person, on a mobile app or by mail.
5 This is a copy of the postcard that went out. And
6 like I said it was about 30,000 of those that were
7 mailed.

8 We've also done several press releases
9 and posted information via social media regarding
10 the June 19th election and the associated deadlines
11 for registration. The last day to register by mail
12 or any medium that would reach us through other
13 than walking in or registering at the polls was
14 May 29th.

15 Sunday registration is available at
16 both early voting sites and on election day at your
17 precinct, your home precinct. Also I want to put
18 on the record that the Board formally partnered
19 with Nextdoor, a private social media network that
20 connects with neighborhoods first. It was
21 significant in that it's the first time that this
22 national social media network has agreed to partner

NEAL R. GROSS

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

1 with an elections agency. They are partnered with
2 a county or two in California, but to be with the
3 whole agency as a network in a partnership is the
4 first time that they've done it.

5 I do want to acknowledge Mr. Bennett,
6 our chairman, who played a significant role in that
7 official announcement. Information is on our
8 website and also on our Vote for DC Instagram site
9 as well.

10 MR. BENNETT: And I get notices every
11 day.

12 MS. MILLER: To hear about us?

13 MR. BENNETT: Yeah.

14 MS. MILLER: Our poll worker training
15 is still ongoing and will continue through June
16 14th.

17 I want to also indicate that Democracy
18 Live is an entity that we have contracted with.
19 Through our relationship with this entity voters
20 are able to go online and access their actual
21 ballot. This is doable at the website by going
22 to the main page, check clicking on access sample

NEAL R. GROSS

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

1 ballot.

2 You'll be requested to input your name
3 and your date of birth, and your ballot will be
4 uploaded. I have a sample of this in the report.

5 But you can then click and check whichever contest
6 you want to take, you want to have. Select and
7 take that with you when you go to the polls.

8 So it's on our website. You just go
9 onto access sample ballot and your specific ballot
10 will be uploaded.

11 We've also been going to nursing homes,
12 provide absentee voting to the residents in the
13 homes and to assist them where necessary. In total
14 we visited 19 nursing homes to date and have had
15 absentee voting there for individuals who are not
16 able to get to the polls or may not have requested
17 an absentee ballot in time.

18 We had staff visit the Cumberland
19 Federal Correctional Facility on May 15th. While
20 there, those residents were encouraged to ask
21 questions and to have an open discussion on the
22 topics of voting rights, rights of the incarcerated

NEAL R. GROSS

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

1 and reentering citizens and their rights to vote.

2 Eligibility requirements and poll
3 worker recruitment, this is a big recruitment
4 effort that we've been trying to garner for a number
5 of years. We do work very closely with individuals
6 who have the right to vote but may be incarcerated
7 for other than a felony which allows them to vote
8 in the District of Columbia.

9 We will be going to the D.C. jail to
10 do voter, to do balloting to vote, the residents
11 there who are eligible to vote, on May the 13th,
12 I believe. I'm sorry, June the 13th. I'm a month
13 behind.

14 And on May 22nd, we were hosted by WHUR,
15 our public information division. We're talking
16 Taking it to the Streets with Bobby Gailes where
17 we provided information on early voting, poll
18 worker recruitment and registration deadlines tied
19 to the primary election.

20 So in a nutshell we're working hard.

21 Everyone's focused on assuring that we get things
22 done. We're about two weeks out from the primary.

NEAL R. GROSS

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

1 Early voting sites, as I said, eight will open
2 on Friday and will be open through the next Friday
3 the 15th.

4 Things that have to get done are in the
5 final stages. We want to make sure we ensure our
6 readiness and we're prepared for the June 19th
7 election. And that's it.

8 MR. BENNETT: All right. Any
9 questions, Mr. Gill?

10 MR. GILL: No questions.

11 MR. BENNETT: Ms. Lewis?

12 MS. LEWIS: No, thank you.

13 MR. BENNETT: All right. We'll put it
14 back up, we've changed the agenda around just a
15 tad. So we're going to flip back up to the General
16 Counsel's Report, Mr. McGhie and you've got quite
17 a few items to get through, so.

18 MR. MCGHIE: Okay. The first thing on
19 my agenda is the Formulation of Initiative
20 Language. We have two initiatives. The first
21 initiative I'd like to address is the D.C. Bike
22 Life Access and Use of Non-Traditional Vehicles

NEAL R. GROSS

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

1 Act of 2018.

2 Can I have the proposer of the
3 initiative step forward?

4 Okay, so the Office of the General
5 Counsel has prepared a draft formulation of a short
6 title and summary statement and -- oh, boy.

7 Sir, could you give me your full name and
8 address for the record?

9 MR. BUTLER: My name's Aaron S. Butler,
10 Jr. I reside at 4914 8th Street NE, Washington,
11 D.C. 20017.

12 MR. BENNETT: Thank you and welcome
13 back.

14 MR. BUTLER: Thank you.

15 MR. McGHIE: Okay, so before I read the
16 short title and the summary statement into the
17 record, Mr. Butler, have you had an opportunity
18 to look at that language?

19 MR. BUTLER: I have, yes.

20 MR. McGHIE: All right. So the short
21 title and summary statement would read, Initiative
22 Number 78, short title, District of Columbia

NEAL R. GROSS

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

1 Non-Traditional Vehicles Act of 2018.

2 Summary statement is, if enacted this
3 initiative will allow individuals with valid
4 driver's licenses to operate alternative vehicles
5 on public roadways with posted speed limits of 45
6 miles per hour or lower and on shoulder lanes of
7 highways in the District of Columbia; allow persons
8 to register alternative vehicles with the
9 Department of Motor Vehicles; and prohibit
10 individuals from parking alternative vehicles on
11 District roadways.

12 Under the initiative, individuals
13 operating alternative vehicles on public roadways
14 and highways in the District shall not be required
15 to obtain a motorcycle endorsement on their
16 driver's license.

17 Now the short title and summary
18 statement is what will appear on your nominating
19 petition and that's what you would be circulating
20 in the District of Columbia and you'd be showing
21 the people and asking their signatures for. If
22 you get enough signatures, this is also the same

NEAL R. GROSS

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

1 language that will appear on the ballot.

2 MR. BENNETT: Any suggestions from any
3 Board Members?

4 MS. LEWIS: Yes, Mr. Chairman. I move
5 that the Board adopt the short title, summary
6 statement and legislative form of the proposed
7 initiative as read by the General Counsel.

8 MR. BENNETT: Before that is there any
9 other, any questions you have?

10 MS. LEWIS: No questions.

11 MR. BENNETT: Okay. Any questions
12 from --

13 MR. BUTLER: Okay. One question I do
14 have, the legislative text remains the same,
15 correct?

16 MR. MCGHIE: Yes, we don't touch your
17 text.

18 MR. BUTLER: Okay. The only real
19 comment I have is that it does not mention the
20 decriminalization of riding without a permit.
21 That turns that from a fine, from a criminal offense
22 as well. But I am satisfied with what's here.

NEAL R. GROSS

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

1 The question I do have as it relates to that comment
2 is what would the process be if I wanted to add
3 an additional bullet point mentioning that?

4 MR. MCGHIE: Well, if you wanted to do
5 that you can do that. It just has to be within
6 a hundred words.

7 MR. BUTLER: Okay. And how would I
8 submit that to the Board?

9 MR. MCGHIE: Well, you have to do it
10 and you have to do it now. So if you want to recess
11 and put your bullet point in.

12 MR. BUTLER: Do you have a work out at
13 the moment?

14 MR. MCGHIE: I don't know what it is.

15 MR. BUTLER: All right.

16 MR. BENNETT: Mr. McGann, if you have,
17 or whoever, have a work out?

18 MR. MCGHIE: Ms. Christianson.

19 MR. BENNETT: Ms. Christianson, sorry.

20 MR. MCGHIE: Okay.

21 MR. BENNETT: Do you want a short
22 recess and then come back to that and let him do

NEAL R. GROSS

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

1 that?

2 MR. MCGHIE: It's up to you.

3 (Simultaneous speaking.)

4 MR. BENNETT: It's pretty important.

5 If I were you I'd -- I can have him come back to
6 it.

7 MR. BUTLER: We'll have all the time
8 in the world so, at recess.

9 MR. BENNETT: Well, and you brought up,
10 it's an important point. So why don't we recess
11 on that and then we'll come back to it.

12 MR. BUTLER: Okay.

13 MR. MCGHIE: Ms. Christianson, so you
14 can work with Ms. Christianson to put your bullet
15 point -- yes, she just stepped out.

16 MR. BENNETT: She just stepped out.

17 MR. MCGHIE: So she'll come back to
18 you. Put your language in and we'll see if it's
19 within a hundred words.

20 MR. BUTLER: Sure, thank you. But
21 otherwise I'm satisfied.

22 MR. BENNETT: Okay.

NEAL R. GROSS

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

1 MR. BUTLER: Yeah.

2 MR. BENNETT: Well, let's recess on
3 that point and let you go back to, so she'll come
4 back up and get you and then we'll bring you back
5 in a little bit. Thank you so much.

6 MR. BUTLER: Thank you.

7 MR. BENNETT: Thanks for bringing that
8 up by the way.

9 MR. BUTLER: No problem.

10 MR. BENNETT: Okay, next item.

11 MR. MCGHIE: Okay, the next initiative
12 that's up for formulation is the Money Supply
13 Increase(+3000) Initiative. And can I ask the
14 proposer, Mr. Flippin, to come up and please state
15 your name and address for the record.

16 MR. FLIPPIN: Yes. My name is Ameer
17 Flippin and I'm at 1100 Alabama Avenue, Washington,
18 D.C., SE, 20032.

19 MR. BENNETT: One second, could you
20 repeat your name?

21 MR. FLIPPIN: Ameer Flippin.

22 MR. BENNETT: One second, sir. We'll

NEAL R. GROSS

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

1 come back to you as well, sir.

2 MR. FLIPPIN: Thank you.

3 MR. BENNETT: Ms. Christianson.

4 MS. CHRISTIANSON: Yes.

5 MR. BENNETT: Can you work with Mr.
6 Butler to --

7 MR. MCGHIE: Okay, Mr. Flippin, have
8 you had an opportunity to look at the proposed short
9 title and summary statement?

10 MR. FLIPPIN: Yes, sure. I did take
11 a look at it. I just got it on yesterday. Had
12 some trouble getting with the BOE on a formulation
13 of the short title and the summary statement.

14 There does seem to be -- there are a
15 couple of factors that I'd like to mention to the
16 Board on wording. So from an investor standpoint,
17 one of the big key factors that you have to take
18 into consideration is the definition of assets from
19 the investor perspective versus income.

20 And also in the legislative text it
21 focuses on earned income. And in the investor
22 world, income is usually --

NEAL R. GROSS

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

1 MR. BENNETT: Could you speak up a
2 little bit, sir?

3 MR. FLIPPIN: Yes, sure. So in the
4 investor world there's a distinct difference
5 between earned income and passive income. Usually
6 passive income is something you don't do work to
7 receive.

8 It could be a coupon or a yield on a
9 bond, a debt offering that you may own in your
10 portfolio. It could be dividends. I'm not sure
11 if they technically define that with the IRS as
12 income, but definitely bonds are considered income
13 in terms of the coupon.

14 Assets would probably be considered
15 more along the lines of stocks that have the ability
16 to increase in value as opposed to spinning off
17 income on a monthly or quarterly basis.

18 So part of the problem, or part of the
19 problem here is with the most recent revision that
20 the Board went through is that our focus was on
21 the asset side. So we know that and we think it's
22 very difficult for the Board of Elections and for

NEAL R. GROSS

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

1 voters to go to the polls and pass something that
2 increases earned income \$3,000. That wasn't our
3 intention on the, that's not the intention of the
4 initiative or referendum. Secondly, so
5 there needs to be a distinct change to say that
6 -- I know that the summary statement focuses on
7 assets, but when you get to the legislative text
8 that seems to be reworked. It starts to say down
9 in paragraph, I'm sorry, section 2, subsection A,
10 it says the Mayor shall establish the ruling in
11 the amount and/or percentage of earned income to
12 be disregarded including up to \$3,000 of investment
13 income.

14 So that's a very distinct change from,
15 that's a divergence from our intent on what the
16 initiative is for. The initiative is for not to
17 address the income, really, the issues, but to
18 address the assets.

19 So the idea is that, I don't think the
20 Board understands how powerful the startup
21 community or the ecosystem is, but someone who's
22 receiving social services not just TANF benefits

NEAL R. GROSS

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

1 could reduce, they could reduce their expenditures
2 just slightly and save 5, 10, 15, 20 bucks and say
3 okay, I'm going to buy \$20 of this startup. And
4 five years down the road they could have the
5 equivalent of someone making, you know, having a
6 401(k) of 50 to 100 to \$200,000.

7 So that's the biggest key factor is that
8 assets, the ability for someone who has no income
9 to be able to reduce their expenditures and say
10 okay, I'm going to skim just a little bit of my
11 normal expenses and allocate it towards a startup
12 company. That slight divergence in spending could
13 catapult this person into wealth. So
14 that's the big thing that's happening in society
15 globally right now that Washington, D.C. has to
16 take the lead on in terms of passing laws associated
17 with, you know, neutralizing the situation around
18 job creation.

19 MR. BENNETT: So you'd like to make
20 some modifications to the short title or make some
21 modifications to the --

22 MR. FLIPPIN: Well, I actually sent

NEAL R. GROSS

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

1 through an email and I can get copies for you all
2 if you want. But I actually sent through an email
3 about two weeks ago with a latest revision that
4 I was going back and forth with the staff attorney's
5 office on and I think a better strategy as opposed
6 to the way it reads right now. It says if enacted
7 the initiative will initiate a review.

8 So it sounds like you just want to, you
9 know, we were trying to get the approval of the
10 community to just review what's happening, when
11 in actuality we're actually trying to pass a law
12 to allow citizens and recipients of social services
13 in D.C. to invest up to \$3,000 in startup companies.

14 So we just don't want to initiate a
15 review, we'd actually like to pass a law, we want
16 this to become law so that all citizens and
17 recipients of social services not just TANF
18 benefits, because they are receiving some other
19 type of subsidy so we could run into a civil rights
20 issue, you know, within the subsidy community.

21 But I can give you copies of this if
22 you'd take a look at it.

NEAL R. GROSS

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

1 MR. BENNETT: Sure. If you'd hold on
2 one second, let me just -- so some of us, we're
3 not ready and so we need to go back to the staff
4 attorneys and to your office and kind of rework
5 the language.

6 I understand your point and I
7 appreciate the documents, but I think it's better
8 to work with the General Counsel Office to redraft
9 the language to make sure that we're all comfortable
10 with that. And we could hear it at the next meeting
11 in July.

12 MR. GILL: Well, no, because the law
13 says you have to formulate the language within 20
14 days of a rule.

15 MR. BENNETT: Okay. Well, that means
16 we've got to work it today.

17 MR. FLIPPIN: Yes, that's, I mean I'm
18 glad to stay late. Can I make --

19 MR. BENNETT: Sure.

20 MR. FLIPPIN: I understand that we have
21 to rework the language. Can I make a couple other
22 comments? So one of the things that we're running

NEAL R. GROSS

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

1 against with the biking issue event that the money
2 supply initiative is the time factor. We're
3 running against the clock on your deadlines for
4 petition signatures.

5 And one of the ways that we thought we'd
6 make those rules is to figure out if the Board could
7 pass some type of emergency legislation to
8 implement our strategy and to your app that you're
9 working with on Nextdoor and Democracy Live.

10 If there's some kind of way, because
11 you guys just recently passed legislation that
12 allows, and you hadn't quite defined it
13 specifically, but that allows candidates and it
14 allows initiatives to gather signatures via
15 electronically. And we actually motioned the
16 Board for some allocation to make that happen during
17 the 2018 general elections.

18 So I don't know if right now is the time
19 to make a decision, but I just wanted to mention
20 that. And then also because we're running against
21 the clock we wanted to motion the Board of Elections
22 to possibly suggest to the D.C. City Council to

NEAL R. GROSS

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

1 grasp the initiative and possibly help us move this
2 on the ballot. We're right against the clock on
3 petition signatures.

4 We motioned the Board of Elections to
5 suggest that to the D.C. City Council. If you could
6 make some kind of comment maybe not now, but maybe
7 we would work --

8 MR. BENNETT: Let me go backwards in
9 your point. We can't take a position on the
10 initiative one way or the other. I mean our job
11 is basically to make sure that the citizens have
12 an opportunity to take a position on the
13 initiatives.

14 So to make a recommendation to the
15 Council relative to adopting that and legislate
16 is something that we just can't do. So, but --

17 MR. FLIPPIN: No, we're just at this
18 point we're just trying to make it onto the ballot
19 with some time constraints.

20 MR. BENNETT: No, I understand. With
21 regard to the electronic signatures there are,
22 basically our understanding an electronic pass that

NEAL R. GROSS

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

1 we provide to candidates or persons that have
2 initiatives to receive those signatures. But they
3 still have to go door to door instead of getting
4 them, it's just getting them electronically versus
5 getting them on a piece of paper.

6 MR. FLIPPIN: Right. So part of the
7 lead that likes either suggestions, these are some
8 ideas to help Washington, D.C. stay out of the
9 forefront of what's happening and hopefully
10 creating a transparent election process.

11 But we would like to encourage the Board
12 of Elections to take the lead. It's going to be
13 another two years before I can probably make it
14 to the ballot, so I've got about less than six months
15 to encourage the Board of Elections, the
16 commissioners, to act or to make some very
17 futuristic decisions on how to implement electronic
18 voting or moving towards electronic voting.

19 And I think that the initiatives are
20 a great way to a beta test. You've already passed
21 a law that we need to have some electronic
22 petitioning. That's already, you've already

NEAL R. GROSS

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

1 codified that. If you could take this initiative
2 and the other initiatives on the ballot and have
3 those as your beta test integrated with Democracy
4 Live or Nextdoor social network, we'd have a lot,
5 you'd have a lot more information to make your
6 decisions going forward with the candidates on
7 gathering signatures with tight time constraints.

8 MR. BENNETT: Okay. I appreciate your
9 views. Some of those things we have authority,
10 but some things we don't. Some things are strictly
11 the authority of the Council. Some things the
12 Council doesn't have authority on. But that said,
13 appreciate the views.

14 But let's at this point let's focus on
15 the initiative that we have in front of us. And
16 we're going to recess and let you work with Mr.
17 McGann to construct your language consistent --
18 thank you, Mr. McGann.

19 MR. FLIPPIN: Again, given we had a
20 slight miscommunication with Mr. McGann, the
21 problem is, is that we were having trouble moving
22 from reworking the existing legislative text to

NEAL R. GROSS

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

1 I would like the latest version to simply amend
2 the existing law. That's my suggestion and I can
3 work to make it happen.

4 But have the existing short title,
5 official text, basically just amend the law while
6 you guys, well, while the D.C. government starts
7 to review the TANF and social services process,
8 just amend the law with the short title and the
9 official text and have that supersede the existing
10 law.

11 MR. BENNETT: I hear you and I
12 appreciate that. I'm going to let you work with
13 Mr. McGann for the language on this initiative and
14 then we'll reconvene on this matter once you have
15 a chance to do that.

16 Does that make sense?

17 MR. GILL: Yes, sir.

18 MR. BENNETT: Mr. Gill, do you have an
19 issue? You okay, Ms. Lewis?

20 MS. LEWIS: Yes.

21 MR. BENNETT: Okay, you're all right.

22 Okay.

1 All right, Mr. McGann?

2 I'm sorry.

3 MR. MCGHIE: Yes. I was going to say
4 Mr. McGann can work with you after. He's got some
5 matters that we have to attend to first, but then
6 he'll work with you.

7 Okay, Mr. Butler, that first initiative
8 is ready to go forward again.

9 MR. BENNETT: Welcome back, Mr.
10 Butler. Long time no see.

11 MR. BUTLER: Missed you.

12 MR. BENNETT: I love your sense of
13 humor. We really appreciate you. Bring another
14 initiative back next month so we can see you again,
15 please.

16 MR. BUTLER: Once I did.

17 MR. MCGHIE: Okay, Mr. Butler, so
18 you've had an opportunity to include the language
19 that you wanted on the civil fine.

20 MR. BUTLER: Yes. Have you had a
21 chance to review it yet?

22 MR. MCGHIE: Well, I'm going to read

NEAL R. GROSS

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

1 it to everybody. So the short title and summary
2 statement would read as follows: Initiative
3 number 78, short title, District of Columbia
4 Non-Traditional Vehicles Act of 2018.

5 Summary statement, if enacted this
6 initiative will allow individuals with valid
7 driver's license to operate alternative vehicles
8 on public roadways on posted speed limits of 45
9 miles per hour or lower and on shoulder lanes of
10 highways in the District of Columbia; allow persons
11 to register alternative vehicles with the
12 Department of Motor Vehicles; -- this is the new
13 language -- establish a civil fine of \$100 for
14 unauthorized use; and prohibit individuals from
15 parking alternative vehicles on District roadways.

16 Under the initiative, individuals
17 operating alternative vehicles on public roadways
18 and highways in the District shall not be required
19 to obtain a motorcycle endorsement on their
20 driver's license. That is the summary statement
21 in exactly 100 words.

22 Are you satisfied with the --

NEAL R. GROSS

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

1 MR. BUTLER: I am.

2 MR. BENNETT: Okay. Ms. Lewis, do you
3 have any questions?

4 MS. LEWIS: No.

5 MR. BUTLER: I do have questions
6 though.

7 MR. BENNETT: I'm going to get to you.

8 Mr. Gill, do you have any questions?

9 Mr. Butler, do you have anything?

10 MR. BUTLER: Yes. So last week, as I'm
11 aware the language that we have here will take place
12 if we are to collect the signatures required, get
13 the vote needed to pass the law. My
14 question is, since I submitted this in January,
15 last week several amendments to the current law,
16 which is the law I'm amending, have been made from
17 the Mayor. I think two were emergency acts. The
18 other actually as I've been sitting here does not
19 relate. It's just related to parking and are not
20 allowed in parking.

21 But I do want to know if that will have
22 any effect on how I'll be proceeding as far as

NEAL R. GROSS

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

1 getting the actual petitions in hand and the
2 collection process. These emergency acts that
3 were just put in place, I think they were going
4 to last for 200 days, 220 days. I just had a
5 question about that. That was it, really.

6 MR. MCGHIE: All right. Let me see if
7 can give you the whole process on how it works.
8 So after the Board adopts this language we have
9 to publish it in the DC Register so this is not
10 the final say. So anybody, after we publish it
11 in the DC Register, anybody can challenge the
12 language.

13 MR. BUTLER: Right.

14 MR. MCGHIE: You might have some people
15 that are opposed to this or whatever and they can
16 challenge it, challenge the language and they would
17 go to, they have to do that within ten days to the
18 D.C. Superior Court.

19 MR. BUTLER: All right.

20 MR. MCGHIE: If nobody challenges your
21 language it's deemed approved on the tenth day and
22 that's when the Board will issue you your petitions,

NEAL R. GROSS

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

1 like a day or two days following. And then you
2 have 180 days to circulate it.

3 And so if you get the signatures, which
4 is five percent of the registered voters, you get
5 the signatures, then we put it on the ballot.

6 MR. BUTLER: Right.

7 MR. MCGHIE: Then it's a question of
8 whether or not it passes or not. If it passes then
9 it becomes an act of the Council like any other
10 law. And so whatever the law is at that time in
11 the District of Columbia your initiative would
12 amend the law.

13 So if it says amends section 5 or
14 whatever --

15 MR. BUTLER: Right, right.

16 MR. MCGHIE: -- then that's what it is.

17 That's the act of the Council and that's what
18 they're going to be looking at. Whatever the law
19 is after it passes and we send it over that's what
20 it's going to amend.

21 MR. BENNETT: Same page, got you.

22 Thank you.

1 MR. BENNETT: Okay. Any questions
2 from anyone else or any other interested parties
3 that may be present?

4 Okay, can I get a motion.

5 MS. LEWIS: I'll again move, Mr.
6 Chairman, the Board to adopt this short title,
7 summary statement and legislative form as the
8 proposed initiative as read by the General Counsel.

9 MR. MCGHIE: Second.

10 MR. BENNETT: All right. All in
11 favor?

12 Ayes, it's unanimous.

13 Thank you, Mr. Butler.

14 MR. BUTLER: Thank you both.

15 MR. MCGHIE: Okay, I am waiting on some
16 witnesses up for the next matter, so I'll just move
17 to the Office of Campaign Finance Petitions for
18 Enforcement. And, Mr. McGann has those matters.

19 CHAIRMAN BENNETT: Okay.

20 MR. MCGANN: Can you cut it down
21 to -- just do that to the back, a little bit.

22 (Off the record comments.)

NEAL R. GROSS

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

1 CHAIRMAN BENNETT: Thank you. Oh, I
2 think that's it. Maybe up a little bit, I don't
3 know. Do you hear --

4 MR. MCGANN: Good morning. As I already
5 said, I'm Terry with the Board of Elections. I
6 have 12 orders, or petitions for enforcement of
7 Champion Finance Orders and I will list all of them
8 and then, ask for a motion, at the end.

9 The first one is 15C-031 Bell from Ward
10 8, the OCF ward presented on May 29th and the amount
11 of fine is \$2,500. The next one is Gaston in 2015,
12 15C-033.

13 The other was entered on May 29th and
14 the amount of the fine was \$2,500. The next is
15 Whittaker 4 for Ward 4, 15C-036. The order was
16 entered on July 23rd of last year and the amount
17 of the fine is \$2,500.

18 The next order is 15C-039 Bell for Ward
19 8, the amount of the fine is \$2,000 and June 16th,
20 last year. The next one is Robert J. Whittaker,
21 Sr., 15C-045A, the amount of the fine is \$2,000.

22 The next is Bell for Ward 8, again,

NEAL R. GROSS

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

1 15C-045B, the amount of the fine is \$2,500. The
2 next one is 15C-046, Whittaker for Ward 4, and that
3 amount of fine is \$2,500.

4 The next for this Committee to elect,
5 Natalie Williams 15C-071. The amount of the fine
6 is \$1,650. The next this Committee to elect,
7 Khalid Pitts 2014 15C-072, and the amount of the
8 fine is \$1,650.

9 The next is Bell for Ward 8, 15C-088,
10 the amount of the fine is \$2,100. The next one
11 is Whittaker 4 Ward 4, 15C-089, and that fine is
12 in the amount of \$2,100.

13 The next is Trayon White, for Ward 8
14 2015, the amount of the fine is \$550, and the Docket
15 Number is 15C-093. The next one is 15P-026,
16 Gertrude Stein, Democratic Political Account, the
17 amount of the fine is \$600.

18 The next one is 15P-033, again,
19 Gertrude Stein, the amount of the fine is \$1,400.

20 And the last one is, Morgan for D.C., 15R-003,
21 and the amount of the fine is \$350. And those are
22 the matters for enforcement.

NEAL R. GROSS

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

1 CHAIRMAN BENNETT: Okay.

2 MR. MCGHIE: So we're asking for the
3 Board to entertain our motion to adopt the, the
4 Office of Campaign Finance for this, as Orders of
5 the Board, for purposes of enforcement in D.C.
6 Superior Court.

7 CHAIRMAN BENNETT: Okay.

8 MEMBER LEWIS: I move to adopt the
9 OCFO's Orders for enforcement, for the rest of
10 everything you just said.

11 (Laughter.)

12 MEMBER LEWIS: Okay.

13 CHAIRMAN BENNETT: Okay.

14 MEMBER GILL: And I'll second that.

15 CHAIRMAN BENNETT: All right. I was
16 wondering, if you were going to set up a quorum --

17 (Simultaneous speaking.)

18 MEMBER LEWIS: I wasn't. I wasn't.

19 CHAIRMAN BENNETT: We have a motion and
20 a second and, all in favor?

21 (Chorus of Ayes.)

22 CHAIRMAN BENNETT: So it's unanimous.

NEAL R. GROSS

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

1 MR. MCGHIE: Thank you, Mr. Bennett.

2 Okay, and we'll bring up now the following making
3 to amend Chapters 1, 2, 4, 5, 7,8, 17, and 33. The
4 Board adopted these, as proposed rulemaking in
5 April and it was published in the D.C. Register.

6 There were no comments.

7 The purpose of the amendments is to
8 Chapters 1 and 4, is to make minor conforming
9 amendments, as a result of the passage of the Board
10 of Ethics and Government Accountability
11 Establishment and Comprehensive Ethics Reform
12 Amendment Act of 2011, which repealed the Campaign
13 Finance Reform and Conflict of Interest Act and
14 the additional amendments to the Chapter that are
15 just organizational and stylistic.

16 So I'm asking the Board, at this time,
17 to adopt this, as final rulemaking, or to entertain
18 a motion that adopts this final rulemaking.

19 (Off the record comments.)

20 MEMBER LEWIS: I will move to adopt it
21 for final rulemaking.

22 MEMBER GILL: Second.

NEAL R. GROSS

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

1 CHAIRMAN BENNETT: And properly moved
2 and seconded. Do we have a, all in favor?

3 (Chorus of Ayes.)

4 CHAIRMAN BENNETT: That was unanimous.
5 Thank you, Mr. McGhie.

6 MR. MCGHIE: Okay. The next matter on
7 my agenda is, oh boy, Proper Subject Matter Hearing
8 on the Delegate Voting Rights Act of 2018
9 Initiative.

10 Can I ask the proposer of the
11 initiative, to step forward and take a seat at the
12 table? And if you have any counsel with you, tell
13 them to take a seat, as well. And would you, would
14 you, gentlemen, please state your name and address,
15 for the record?

16 MR. SMITH: Yes, my name's Walter
17 Smith. My address is 700 7th Street, Southwest,
18 Washington, D.C. 20024.

19 MR. MCGHIE: Okay.

20 MR. FLYNN: My name's Aaron Michael
21 Flynn. My address is 1621 T Street, Apartment 206,
22 Washington, D.C. 20009.

NEAL R. GROSS

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

1 MR. McGHIE: Okay. Briefly,
2 for -- either of you gentlemen know the, the
3 procedure, but just for the audience's sake, what
4 we're here is for a determination of whether this
5 initiative is a proper subject matter for the
6 District of Columbia.

7 Now, the people in the District of
8 Columbia can put forth the initiative on, on,
9 really, any matter, or any issue that they want
10 to, with certain exceptions.

11 And it's, it's, those exceptions that
12 the Board is looking at, right now, to see, whether
13 or not this is a proper subject. Like, you cannot
14 have an initiative that appropriates funds.

15 You cannot have an initiative that the
16 gates are limits of Budget Act, there's
17 unconstitutional that violates the Home Rule Act
18 that violates the Human Rights Act.

19 So there are eight, eight limitations,
20 and so the Board, like I said, is looking to see,
21 whether or not your initiative violates any of those
22 eight limitations. With that said.

NEAL R. GROSS

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

1 CHAIRMAN BENNETT: All right, if I
2 could ask, the two gentlemen, which one is Proponent
3 and which one is Counsel?

4 MR. SMITH: Proponent. Counsel.

5 CHAIRMAN BENNETT: Okay. And,
6 Counsel, you're from, you're, you're --

7 MR. FLYNN: Counsel. My
8 identification --

9 (Simultaneous speaking.)

10 CHAIRMAN BENNETT: Okay, great. Thank
11 you. Then, the next question is, Mr. General
12 Counsel, did the Proponent meet all the
13 requirements, statutory requirements, for this
14 initiative?

15 MR. McGHIE: Yes, they met all of the
16 following requirements with the Office of Campaign
17 Finance and expect they're filing a Statement of
18 Organization.

19 CHAIRMAN BENNETT: And do we have legal
20 opinions associated with this initiative?

21 MR. McGHIE: No we do not have any legal
22 opinions associated with this.

NEAL R. GROSS

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

1 CHAIRMAN BENNETT: Okay. While
2 first, let me ask, if there are any opponents that
3 would like to -- that are here that would like
4 address this particular initiative?

5 (No response.)

6 CHAIRMAN BENNETT: Seeing none,
7 hearing none, is my opportunity, our opportunity,
8 to now hear from the Proponent for this initiative.

9 MR. SMITH: I'll try. Well --

10 MR. MCGHIE: Oh, I'm sorry, not the
11 Proponents of the initiative, anybody that would
12 like to speak out in favor of the initiative, first,
13 and then we'll hear from proposer.

14 CHAIRMAN BENNETT: Okay. Any
15 witnesses like to speak out in favor? Sorry.

16 (No response.)

17 MR. SMITH: Do you, you want Counsel
18 to talk?

19 (Laughter.)

20 CHAIRMAN BENNETT: You gave -- that's,
21 that's too much of an open question.

22 (Simultaneous speaking.)

NEAL R. GROSS

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

1 MR. SMITH: Do you want the real
2 answer?

3 (Laughter.)

4 CHAIRMAN BENNETT: No we'll let the
5 Counsel speak, once, once you've had an opportunity
6 to --

7 MR. MCGHIE: Okay.

8 CHAIRMAN BENNETT: -- to come forward.

9 MR. MCGHIE: Well, well, for the, for
10 the record, we do have one witness that submitted
11 her name to speak out in favor of the initiative,
12 it's Council Member Mary Cheh, so is it possible
13 to --

14 CHAIRMAN BENNETT: What we'll do is
15 we'll, is we'll hear from the --

16 MR. SMITH: Offer her a chair.

17 (Simultaneous speaking.)

18 CHAIRMAN BENNETT: We'll hear from the
19 Proponent and, and Proponent's Counsel, and then,
20 if, like, what witnesses we have, we'll certainly
21 be willing to alter the process, to allow that
22 witness to speak.

NEAL R. GROSS

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

1 MR. MCGHIE: Okay.

2 MR. SMITH: So do you want me to offer
3 what it is about the proposal?

4 CHAIRMAN BENNETT: Yes. However long
5 you want. Well, not however long you want, but,
6 I meant --

7 MR. SMITH: We knew that.

8 (Laughter.)

9 CHAIRMAN BENNETT: -- for a couple of
10 minutes, sure.

11 MR. SMITH: So as you probably know --
12 (Off the record comments.)

13 MR. SMITH: -- we have submitted a
14 memorandum from our, from our lawyers, laying out
15 what we have proposed and why we think it meets
16 the requirements of the Home Rule Act.

17 The proposal, itself, is really quite
18 simple. We are proposing that the Delegate Act,
19 which was passed by the Congress, in the early '70s,
20 which gave the District of Columbia a non-voting
21 delegate, be amended to change the delegate to a
22 voting delegate, but limited to issues that apply,

NEAL R. GROSS

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

1 exclusively, to the District of Columbia.

2 And, Mr. McGhie mentioned that this
3 proposal would need to meet requirements of the
4 Home Rule Act, because there are certain exceptions
5 and limitations to what can be proposed, as an
6 initiative, as you know.

7 And, as we read the Home Rule Act, the
8 only provision that is even arguably a limitation
9 here, is 602(a)(3), which is, as you know, requires
10 that, any time an initiative would amend a
11 Congressional enactment, it has to do so in a way
12 that applies, exclusively, to the District of
13 Columbia.

14 That's the limitation, both, on the
15 Council, as well as, on voters, through an
16 initiative, which is why have proposed the
17 initiative the way that we have. We propose to
18 give voting representation to District residents,
19 but only on issues that apply, exclusively, to the
20 District.

21 The other limitation in 602(a)(3),
22 limits the ability of the passage of an amendment,

NEAL R. GROSS

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

1 to a, a matter that concerns a federal function.

2 As I'm sure you know, there's lots of cases on
3 this issue.

4 In our view, our proposal does not
5 concern a federal function, because it will apply
6 only in the situation, where the delegate is voting,
7 with regard to issues that apply, exclusively, to
8 the District of Columbia.

9 And, under the governing precedent,
10 which we think, begins with Greater Washington
11 Labor Council, which I know is a case you know,
12 even if our initiative would involve other federal
13 officials that is to say Members of Congress, still
14 what we're proposing would not concern a federal
15 function, because those Members of Congress would
16 be effected only where they too are voting on
17 matters that apply exclusively to the District of
18 Columbia.

19 Now, all of this is laid out in, in the
20 legal memo that we have submitted and, I know, I
21 and my Counsel, would be happy to talk about it.

22 So, so from our viewpoint, any issue

NEAL R. GROSS

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

1 that might have, at first light, looked like is
2 presented here, with regard to the Home Rule Act,
3 is answered by the significant case law that is
4 construed, 602(a)(3), which is as mentioned.

5 The second point that I, that I want
6 to mention to you, has to, to do with, whether or
7 not, the Delegate Act, itself, was, or was not,
8 a locally passed issue.

9 Because, as you know, there is case law,
10 which is, involve this lore, but still comment on
11 other cases, where initiatives were proposed to
12 amend what the Court said was national legislation.

13 So the other issue that you will want
14 to look at is, whether or not, the Delegate Act,
15 itself, was a local issue, or was a matter of
16 national scope.

17 We think, and the memo addresses this,
18 it's quite clear that, as between being a local
19 law and a national law, the Delegate Act, itself,
20 was a local law.

21 It was enacted by the Congress,
22 pursuant to its District of Columbia authority and

NEAL R. GROSS

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

1 by its very terms, was limited, exclusively, to
2 affording a non-voting delegate to residents of
3 the District of Columbia.

4 So to the extent there is an issue
5 about, whether or not, the Delegate Act, itself,
6 was a matter of national scope, we think that it
7 was not.

8 The final point that I want to make,
9 given how long the memo is, and how long Mary Cheh's
10 article is, why again, at first blush, all of this
11 looks complicated. In our view, in the end, once
12 the precedents are considered, it's not
13 complicated, at all.

14 In our view, we have put forth
15 reasonable persuasive arguments, why the people
16 of the District of Columbia do, indeed, have the
17 authority to amend the Congressional enactment that
18 was directed, exclusively, to the District, so long
19 as they amend it, in such a way that the change,
20 itself, still applies, exclusively, to the District
21 of Columbia, and that's what, I think, we have
22 proposed.

NEAL R. GROSS

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

1 That, the final point that, I think,
2 is important, again, I know this is the stuff that
3 you know, but I'm speaking, for the record, here,
4 that in our view, even if the issue were close,
5 and we don't think it is, but even if it were close,
6 the Court of Appeal's precedents quite clearly
7 provide that, the right of initiative is to be
8 liberally construed.

9 And, if one is to look at any limitation
10 to that, to that right, the Board is instructed
11 to find no limitation, unless that limitation is
12 expressed, or whether it is clearly and
13 compellingly written into the law.

14 And we think that that stand, under that
15 standard, this initiative that we propose, is not
16 only well-within the authority of D.C. voters, but
17 to me it's important that, it's clearly in the
18 interest of D.C. voters, to find a way, at long
19 last, to take some step towards the voting
20 representation that, in our view, they have been
21 way too long denied.

22 So I'm very hopeful that the Board will

NEAL R. GROSS

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

1 find this a proper subject matter for an initiative
2 and I've very hopeful, also, it was discussed, by
3 an earlier individual that since our view and plan
4 and hope is that you approve this and we get the
5 signatures to put it on the November ballot.

6 That, if you can see your way clear,
7 to approving this quickly and helping us move this
8 along, we would love to do that. I should mention
9 one other thing, and I think Mary would agree with
10 what I'm about to say.

11 We think this is such an important
12 proposal, we and others, who are working with us
13 on it, are moving on what we have come to call a
14 two-track strategy.

15 As I'm sure you know, the substance of
16 what we have proposed, by initiative, is also the
17 substance of a bill that is pending before the
18 Council that Mary Cheh has introduced and for which
19 she has nine, or ten, sponsors, or co-sponsors.

20 My preference would be that the voters,
21 themselves, pass this law. But that's an arduous
22 undertaking. There may not be time to get the

NEAL R. GROSS

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

1 signatures, for the November ballot, and if there
2 is not, I'm hoping and I know Mary Cheh hopes this,
3 as well, we'll race with her, to see who can first
4 pass this law.

5 But it's such an important law. Our
6 strategy is to find more than one way to get there.

7 We think this is the right year to be doing this.

8 We think this particular election year
9 is the moment to raise the visibility, about the
10 lack of democracy for D.C. residents, which is why
11 we have brought this to the Board.

12 And, I'm happy and my Counsel is happy,
13 to answer any questions you may have. And I hope
14 Mary walks in real soon, to second everything I
15 have said.

16 CHAIRMAN BENNETT: That's okay.
17 Counsel, would you like to make a statement?

18 MR. FLYNN: Sure. Mr. Smith spoke so
19 eloquently, I, I won't go through all of these
20 written remarks that I have, I'll just make a couple
21 high-level points, maybe, three points.

22 First of all, by way of introduction,

NEAL R. GROSS

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

1 again, I'm Aaron Flynn and my partner is Laurie
2 Masters, who, unfortunately, couldn't be here
3 today.

4 And I have been working on various
5 voting rights issues, for about ten years now,
6 together, and I'm sure Laurie's history goes back
7 even further than mine does.

8 And we, along with the other law firms
9 that we've been working with on these issues, have
10 been studying this and we, we do agree with
11 everything Walter just said.

12 That, that Congress has clearly
13 delegated to the District Counsel, under Home Rule
14 Act, the authority to amend, even federal
15 legislation, like, like the Delegate Act, to allow
16 the Delegate to vote on measures that I apply,
17 exclusively, to the District, and that's, really,
18 for three reasons, when we talk of legal reasoning,
19 just to summarize the memo that we submitted to
20 you.

21 First, is that the U.S. Constitution
22 best gunnery authority, in the Council and in, the

NEAL R. GROSS

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

1 citizens of the District, when they are voting on
2 referenda, to -- or, excuse me, the Constitution
3 best gunnery authority in the Congress, over the
4 District of Columbia, including the authority to
5 grant voting rights to the delegate, and Congress
6 has, in fact, twice, acted to do that.

7 In fact, in 2007 and 2009, voted to get
8 the District full voting rights on all issues, or
9 measures, much more limited that it applies under
10 your matter of scope, applied exclusively to the
11 District.

12 Second, the Home Rule Act broadly
13 delegates Congress' authority over the District,
14 under the District clause, to the D.C. Council and
15 the citizens of the District, when they're voting
16 on referenda.

17 And, as a Home Rule Act exclusively
18 states and its numerous court decisions have held,
19 this authority allows the District to amend, or
20 repeal, Congressional legislation that applies,
21 exclusively, to the District.

22 Third, the proposed amendment of the

NEAL R. GROSS

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

1 Delegate Act, is aimed solely at the delegates'
2 involvement in local matters, when the Congress
3 is, is acting, as the District's local legislature.

4 Thus, it is consistent with the Home
5 Rule Act's limitation of acts implying,
6 exclusively, to the District and does not concern
7 any property, or function, of the United States.

8 (Off the record comments.)

9 MR. FLYNN: And for those reasons --the
10 baby agrees with me. Our partner office, including
11 (unintelligible) and Goldblatt, Martin, and Pozen,
12 have all concluded that this action is legally sound
13 and deserving of the District's support, the
14 Board's support, and the people of the District
15 of Columbia's support. So I thank you, for giving
16 us the time to offer testimony on these initiatives.

17 CHAIRMAN BENNETT: Thank you, so much
18 for that. Any questions, although -- Mr. Gill.

19 (Simultaneous speaking.)

20 MEMBER GILL: A couple. So our world
21 is proper subject matter, so the issue is, is not
22 for, you know, whether it's good, or bad. That's

NEAL R. GROSS

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

1 not for us to worry about. But a quick question,
2 for General Counsel, did the Office of Attorney
3 General provide an opinion on this?

4 MR. MCGHIE: No they did not.

5 MEMBER GILL: So that's disappointing.

6 We had six, or seven, different referendums that
7 have been brought to the Board, while I've been
8 here.

9 (Off the record comments.)

10 MEMBER LEWIS: Initiatives.

11 MEMBER GILL: Initiatives. And in
12 each one of those, the Office of Attorney General
13 has provided an opinion that, usually, on the major
14 matters, was an agreement with the Board of
15 Elections, but always had a nuance to it that, I
16 thought was helpful.

17 I'm, I, sort of, think of the parable
18 of the Footsteps in the Sand, on those other
19 initiatives that were a little bit more clear cut,
20 they were with us.

21 PARTICIPANT: Yes.

22 MEMBER GILL: And, yet, here we are

NEAL R. GROSS

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

1 and, and I respect your comment that it's, it's
2 obvious, but, but these are pretty predominant law
3 firms and it's 23 pages and it's taken ten years,
4 at least, before the gentleman at the table came
5 up with it.

6 I feel like the Attorney General's is
7 missing and we are left to carry the Attorney
8 General through this portion of the legal hurdles
9 that we, that we face here.

10 So that's no reflection on the
11 Proponents, but I just wanted to make folks aware
12 that, at least, from my personal perspective, I'm
13 disappointed that the Attorney General didn't weigh
14 in.

15 When it comes to the, the memo, itself,
16 which is, which is -- I just got a chance to read,
17 last night. Very, very well done. And I, I, you
18 know, you've, you've raised a lot of, obviously,
19 good points.

20 Some of the court cases that, you know,
21 if you, if you read the memo, what you're
22 describing, in terms of the precedents and the

NEAL R. GROSS

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

1 actions that have previously been done, it starts
2 from the Congress, it flows to the Council, and
3 then, to the extent that it's a District-related
4 matter, the Council's been able to prevail in court
5 on decisions, the City's been able to perform, so
6 we can close the streets, traffic tickets, things
7 like that.

8 But it seems, the initiative and, and
9 as, and I don't get into the merits of the
10 initiative, itself, I get into whether it, it,
11 conflicts with the Home Rule Act, seems to reverse
12 the process.

13 So in this case, the Council would make
14 a decision on a congressional law that would affect
15 the voting of the Congress. Now, it would affect
16 the voting specific to the District, but when we
17 get to that question of the operations of Congress,
18 this is the Council telling the Congress what it
19 can do, in terms of how it votes on things, and
20 so I, I, I, I observe that, and, and I'd be curious
21 of your reflections on it.

22 MR. FLYNN: Well, I think, and I'll let

NEAL R. GROSS

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

1 Walter speak, as well, I think that the, the first
2 thing to think about is that the Congress, of
3 course, would always have the authority to change
4 this, to disapprove it, if they don't agree with
5 what the Council says, so we are in no way binding
6 the Congress, so that's important to think about.

7 Second, in our view, the Congress has
8 specifically delegated this particular authority
9 to the Council, through the Home Rule Act, so we
10 are not doing something that Congress has told us
11 we're not allowed to do, or, we're talking about
12 carrying out a function that is specifically
13 contemplated, or, not specifically contemplated,
14 but in the ambit of the things that are contemplated
15 in the Home Rule Act.

16 And, it's, this is, sort of, it almost
17 feels like I'm at the physical question, at some
18 point, because yes, we're talking about voting
19 rights in the conference.

20 And the Congress is, clearly, a federal
21 institute. That is the way the country thinks
22 about the Congress. But we are talking about a

NEAL R. GROSS

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

1 very state-type of activity that the Congress is
2 undertaking, when it's acting, as a local
3 legislature, which is, it's a very interesting and
4 potentially unique function of our federal Congress
5 that it takes on this characteristic of being a
6 local legislature.

7 So we are in effect talking to, in that
8 respect, a body that, that is, that has authority
9 to carry out the same types of activities that the
10 D.C. Council has authority to, to, to legislate
11 on.

12 That's unique to the District of
13 Columbia. The Congress does not have an ability
14 to undertake the local police powers of any other
15 locality, or jurisdiction that this, the Council
16 and the Congress, when it's acting as its local
17 legislative capacity, or, in some sense, co-equals.

18 So we believe we are talking about doing
19 something that, while it may seem, on its face,
20 somewhat surprising, it's actually something that
21 is contemplated by the Acts that Congress has
22 passed, contemplated by the Home Rule Act. And,

NEAL R. GROSS

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

1 Walter, if you'll --

2 CHAIRMAN BENNETT: In what way, in what
3 way does it -- that, that's interesting, a correct
4 point. So what way, I'm probably going to
5 recommend, but, but --

6 MR. FLYNN: That's all.

7 CHAIRMAN BENNETT: So, so what way,
8 what aspect of the Home Rule Act do you think that
9 the Home Rule Act contemplates this?

10 (No response.)

11 CHAIRMAN BENNETT: Is that what you
12 said, or am I --

13 MR. FLYNN: Yes, and, and, what I --

14 (Simultaneous speaking.)

15 MR. FLYNN: -- what I mean by that is
16 that, the Home Rule Act contemplates that the --
17 the entire overriding purpose of it was to, to take
18 the local legislative responsibilities off of the
19 Congress, off, so that they would, perhaps, to
20 undertake all of those activities, where, and this
21 particular initiative, the legislation that we're
22 talking about here, is a local, a pure local act.

NEAL R. GROSS

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

1 In that respect, the Home Rule Act
2 contemplates that the, that the Council were the
3 citizens, through a referendum, would enact such
4 a measure.

5 MR. SMITH: I'll just add one thought.

6 And I take your question seriously. But, every
7 time that, neither the Council, or the voters,
8 purport to amend the congressional enactment, which
9 the Home Rule Act contemplates we can do.

10 You will almost, by definition, telling
11 the Congress what to do, and we can do that, here,
12 locally, so long as we, otherwise, meet the
13 requirements of the Home Rule Act.

14 The Home Rule Act has authorized the
15 Council and the people, to amend what Congress has
16 done, so long as it, otherwise, meets the
17 requirements, including, it has to be an amendment,
18 with regard to something that applies exclusively
19 to the District of Columbia.

20 And Counsel is right, if we pass this,
21 and they don't like it, they can overturn it. But
22 they've done something good to the, for the District

NEAL R. GROSS

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

1 of Columbia here, because they've made it hard for
2 them to overturn it.

3 Because if they don't overturn it
4 within 30 days, and the President signs it, this
5 opportunity they have given to us, it will become
6 law.

7 And so even though it does sound odd
8 and counterintuitive that this can be done, it is
9 the nature of the system that we have been given,
10 because of the District clause and because of the
11 terms of the Home Rule Act, as had been construed
12 by the court.

13 CHAIRMAN BENNETT: So, so what I'm
14 hearing you say is that, because -- I mean, in
15 essence, this, this initiative would be telling
16 Congress what to do, but because of the way the
17 process is set up that, Congress ultimately,
18 because it's a, a law in the District that they
19 have to approve anyway, in essence, Congress would
20 be telling themselves that they, or, yes, telling
21 themselves that they're giving the District the
22 right to vote on -- is that, is it, is that, your

NEAL R. GROSS

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

1 point?

2 MR. SMITH: Well, they will
3 effectively ratify it. That is the word that some
4 of the court cases have used, when they, when they
5 review this, they will have ratified it. And to
6 pick up on another point --

7 CHAIRMAN BENNETT: So it's not the
8 District telling Congress what to do, it's Congress
9 telling themselves what to do, through the
10 ratification process?

11 MR. SMITH: That's exactly right.

12 CHAIRMAN BENNETT: All right.

13 MR. SMITH: Congress had already told
14 themselves, how they must behave, any time that
15 we try to amend one of their enactments.

16 CHAIRMAN BENNETT: Right.

17 MR. SMITH: They have set out the
18 blueprint for that in the Home Rule Act.

19 CHAIRMAN BENNETT: Right.

20 MR. SMITH: But, when you say, telling
21 Congress what to do, this, by the way, was the
22 argument that was made against the Budget Autonomy

NEAL R. GROSS

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

1 Referendum that we could not do that, because the
2 effect of the Budget Autonomy Referendum, or so
3 it was argued, was we were telling Congress how
4 the whole process will work for the Budget of the
5 District of Columbia.

6 And the answer that was given, and of
7 course, ratify what I'm about to say, the answer
8 that was given was that's the way Congress has set
9 it up. Congress has said we can do that very thing,
10 unless and until they exercise their prerogative
11 to have the last word and will return it.

12 But the only way we can make these
13 improvements that the voters, otherwise, want, is
14 to the start the process. We have got to first
15 amend what they have done and do it in a way that's
16 consistent with the Home Rule Act. And we believe
17 this proposed initiative done.

18 MEMBER GILL: Okay. So I, I'm, I'm,
19 you -- we're listening. I'm not, I don't want to
20 put forth --

21 MR. SMITH: I'm watching you listen.
22 You're doing a --

NEAL R. GROSS

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

1 (Simultaneous speaking.)

2 (Laughter.)

3 MEMBER GILL: All -- no, no, because,
4 because, as I said --

5 CHAIRMAN BENNETT: This is a good
6 meeting today.

7 MEMBER GILL: Ultimately, where
8 initiatives usually fail here, is on the
9 incorporation of District funds. And, and,
10 usually, that's, that's the hang-up and, and we,
11 sort of, have to hang our hat on that, no matter
12 how good the idea is, we, we, we have to reject
13 it.

14 Here, there's, it's not an issue, at
15 all, but it comes down to, sort of, operations.
16 You know, is this contrary to the congressional
17 intent, operations of the Congress?

18 And, and I'm just, I'm not, I want to
19 hear from you that, that, that this idea that, that
20 Congress, if they don't overturn this in 30 days,
21 would have another voting member, granted on only
22 certain very, very specific matters, but that

NEAL R. GROSS

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

1 voting member now is a part of the operations of
2 the Congress and could conceivably effect how a
3 particular vote goes.

4 Now, granted, if they don't do
5 anything, then they've made that choice. All, all
6 we have to figure out is, whether or not that, that
7 there's a problem with what you're proposing, in
8 terms of the operations of Congress and of the Home
9 Rule Act.

10 MR. SMITH: Right.

11 MEMBER GILL: So, so I just, I raise
12 it. Now, I think you've given a very -- you've
13 hit all the points. Now --

14 MR. SMITH: Yes, can I just make one
15 quick point, though?

16 MEMBER GILL: Sure.

17 MR. SMITH: Well --

18 MEMBER GILL: This is, this is usually,
19 when you've made the sale, you walk --

20 (Simultaneous speaking.)

21 (Laughter.)

22 CHAIRMAN BENNETT: That's not ---

NEAL R. GROSS

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

1 that's not fair.

2 MR. SMITH: So what is the key point
3 we're trying to make today? This initiative will
4 affect the operations of Congress, only, with
5 regard to issues that apply exclusively to the
6 District of Columbia.

7 The only change the this initiative
8 will make, with regard to how Congress operates,
9 is that, our delegate will get to vote on issues
10 that apply exclusively to the District and that
11 does not violate the Home Rule Act, because that
12 is not a federal function, within the meaning of
13 the case law that the memo cites.

14 CHAIRMAN BENNETT: But it still
15 changes the way Congress operates.

16 MR. SMITH: It does.

17 CHAIRMAN BENNETT: Yes.

18 MR. SMITH: Deliberately so. And,
19 Congress has given us the authority to do that,
20 so long as --

21 (Simultaneous speaking.)

22 MR. SMITH: -- we go along --

NEAL R. GROSS

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

1 (Simultaneous speaking.)

2 MR. SMITH: But the other thing is
3 really important, remember, Congress, in '07 and
4 '09, by very large majorities, passed a bill that
5 goes even further than our initiative does.

6 So I don't think you should start with
7 the proposition that Congress will object to this,
8 or will think we're overreaching. They already
9 passed bills, in both houses that gave us full
10 voting representation, full voting representation,
11 not just with regard to issues that apply
12 exclusively to the District.

13 CHAIRMAN BENNETT: Yes, but we're not,
14 we're not, we're not, we're not starting that, we're
15 just trying to make sure it's a process.

16 MR. SMITH: Oh I know that.

17 CHAIRMAN BENNETT: So.

18 MR. SMITH: I know.

19 MEMBER LEWIS: I actually have a
20 question, based on this discussion, for our General
21 Counsel. So I think what Board Member Gill is
22 getting to, is whether or not this, as it's written,

NEAL R. GROSS

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

1 is in violation of the Constitution, right,
2 particularly, Article 1, whether or not it grants
3 improperly legislative power, whether or not we're
4 pushing forth something that does. So my question
5 for General Counsel McGhie, is, in terms of our
6 assessment, is it based on the intent, or the
7 effect?

8 MR. MCGHIE: I don't think we made an
9 assessment.

10 CHAIRMAN BENNETT: No. We haven't
11 made an assessment, yet.

12 MEMBER LEWIS: Well, no, what I'm
13 saying is, based on what we're trying to move
14 forward, the language, as its written, are we
15 assessing it, based on the intent, or the effect
16 of whether or not it violates the U.S. Constitution,
17 when we're doing our assessment?

18 CHAIRMAN BENNETT: It has to be the
19 effect.

20 MEMBER LEWIS: Okay.

21 CHAIRMAN BENNETT: It has to be the
22 effect.

NEAL R. GROSS

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

1 MEMBER LEWIS: Okay. And so then, to
2 their point, they're basically saying that, because
3 this is Congress' bailiwick, then they can decide
4 to overturn it, or not, then the effect is in,
5 essentially, what they want it to be. So if they
6 want to pass this, they'll pass it, if they think
7 that it's overreaching, then they won't. Does
8 that, if I'm following correctly?

9 CHAIRMAN BENNETT: That's what I
10 heard. But I --

11 MR. SMITH: That will be the effect.

12 MEMBER LEWIS: Okay.

13 MR. SMITH: I mean, they will have an
14 opportunity to overturn this, pursuant to the Home
15 Rule Act, so. And, if they don't overturn it, it
16 will be ratified. If they do overturn it, then
17 that will be the last word. That's how the District
18 clause is supposed to work.

19 MR. FLYNN: And as a starting point,
20 I think it's important to also remember that, in
21 our view, we think it's the right view, the Home
22 Rule Act has -- Congress has already acted to

NEAL R. GROSS

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

1 delegate this particular type of authority to the
2 District, to the Council and to the people, by
3 enacting the Home Rule Act.

4 So there's that initial congressional
5 action that gives us the authority to take this
6 action, in the first place, followed up by a chance
7 for Congress to, to double-check what we've done,
8 in order to make a second decision about this, this
9 very action.

10 CHAIRMAN BENNETT: Great. Mr. Gill,
11 anything else?

12 MEMBER GILL: No more questions.

13 CHAIRMAN BENNETT: Ms. Lewis?

14 MEMBER LEWIS: No. But, the memo was
15 done very well.

16 MR. SMITH: Thank you.

17 CHAIRMAN BENNETT: I don't have any
18 others. Mr. McGhie, how would you --

19 MR. MCGHIE: I would just --

20 CHAIRMAN BENNETT: --- like to
21 proceed?

22 (Simultaneous speaking.)

NEAL R. GROSS

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

1 MR. MCGHIE: I would just like to leave
2 the record open for any written statement from Ms.
3 Cheh.

4 CHAIRMAN BENNETT: Okay.

5 MR. SMITH: Or, or anybody.

6 MR. MCGHIE: Or anybody.

7 CHAIRMAN BENNETT: Okay.

8 MR. MCGHIE: How long do you want to
9 keep the record open?

10 CHAIRMAN BENNETT: I don't want to keep
11 the record open, only for a couple of days.

12 MR. MCGHIE: All right, so --

13 CHAIRMAN BENNETT: All right, so
14 just --

15 MR. MCGHIE: -- another week?

16 (Simultaneous speaking.)

17 CHAIRMAN BENNETT: Yes, another week.

18 Yes. At most. All right, and so --

19 MR. MCGHIE: Well --

20 CHAIRMAN BENNETT: I'm sorry, go
21 ahead.

22 MR. MCGHIE: I know they want to move

NEAL R. GROSS

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

1 this, eventually, to vote, so can we just keep the
2 record open, until the end of the week?

3 CHAIRMAN BENNETT: That's fine with
4 me.

5 MR. SMITH: You have Mary Cheh's
6 article, right? That was submitted to the record?

7 MR. MCGHIE: Yes.

8 MR. SMITH: Okay.

9 CHAIRMAN BENNETT: Okay. If, if -- I,
10 you know, I -- quite honestly, I'm completely open
11 to, to ending the record, or closing the record
12 today, if that's what you'd like to do?

13 MR. SMITH: If that would expedite
14 matters, I think that would --

15 CHAIRMAN BENNETT: Why don't we just
16 close it then?

17 MR. SMITH: -- be okay with us.

18 (Simultaneous speaking.)

19 CHAIRMAN BENNETT: Thank you.

20 MR. MCGHIE: All right, All right, it's
21 closed.

22 CHAIRMAN BENNETT: Done. All right.

NEAL R. GROSS

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

1 MR. MCGHIE: And we can -- and that'll
2 expedite. That'll, that'll, certainly, shorten
3 the time, in which we're able to get a decision
4 out to you.

5 MR. SMITH: Perfect. And if you have
6 any further questions about this, because I know
7 it's complex, I know that we and our Counsel would
8 be happy to hear from you.

9 CHAIRMAN BENNETT: And you guys have,
10 have done a really good job and I think you earned,
11 you earned your point to that, and while it appeared
12 to be relatively complex, it really narrows down
13 to about three or four different matters and, and
14 you've done, done a great job of making sure that
15 we heard those and we're all there. So it shouldn't
16 be hard for us to make a decision, like, with regard
17 to, to the initiative.

18 MR. SMITH: All right.

19 CHAIRMAN BENNETT: Okay?

20 MR. SMITH: Thank you, much.

21 CHAIRMAN BENNETT: Thank you, so much
22 for your time and thanks for taking the time to,

NEAL R. GROSS

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

1 for coming in. We are circling back. Mr. McGhie,
2 you have really gotten us going today. So we're
3 circling back to --

4 MR. MCGHIE: The culmination of the
5 initiative money supply increase. Mr. Flippin.

6 MR. MCCULLY: Mr. Flippin, we, we have
7 gotten the reformulation and Mr. McGhie is going
8 to move, move forward on that and we'll, we'll
9 continue with the process, are you good with that?

10 MR. FLIPPIN: Yes, we're really happy
11 with the, with the --

12 CHAIRMAN BENNETT: Okay.

13 MR. FLIPPIN: -- revisions.

14 CHAIRMAN BENNETT: That's okay, we'll
15 go --

16 MR. MCGHIE: I, I, --

17 CHAIRMAN BENNETT: But -- we'll go
18 ahead and move right past.

19 MR. MCGHIE: All right.

20 CHAIRMAN BENNETT: I just don't want
21 to waste anybody's time, so go ahead.

22 MR. MCGHIE: All right. So the, the

NEAL R. GROSS

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

1 new language reads, Initiative Measure Number 79
2 Short-term Money Supply Increase, plus \$3,000
3 Initiative Summary Statement, if enacted, this
4 Initiative will allow all citizen and recipients
5 of Social Services in the District to invest up
6 to \$3,000 in startup companies and to retain the
7 assets, without losing state, federal subsidies
8 and benefits. Are you satisfied with that
9 language, Mr. Flippin?

10 MR. FLIPPIN: Yes, I suppose. Good
11 language.

12 CHAIRMAN BENNETT: Okay. There any,
13 see, any suggestions from any interested parties,
14 relative to any changes in the language, from the
15 Board, first?

16 MEMBER GILL: No suggestions here.

17 MEMBER LEWIS: No.

18 CHAIRMAN BENNETT: Okay. Any other
19 interested party? And, Mr. Flippin, said you're
20 satisfied.

21 MR. FLIPPIN: Yes.

22 CHAIRMAN BENNETT: So we're at with

NEAL R. GROSS

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

1 that. Okay. Now it's time for a motion on the,
2 on the language of this Initiative.

3 (Off the record comments.)

4 CHAIRMAN BENNETT: Yes.

5 MEMBER GILL: Yes.

6 MEMBER LEWIS: I move to that the Board
7 adopt the short titled Summary Statement and then
8 in place form of the proposed initiative, as duly
9 read by our General Counsel.

10 CHAIRMAN BENNETT: Okay.

11 MEMBER GILL: Second.

12 CHAIRMAN BENNETT: It's been properly
13 moved and seconded, and I'll call for a vote, all
14 in favor?

15 (Chorus of Ayes.)

16 CHAIRMAN BENNETT: And it's unanimous.
17 I vote, as well, yes. So, Mr. Flippin.

18 MR. FLIPPIN: Yes, sounds great.

19 CHAIRMAN BENNETT: Okay. Move
20 forward. All right thank you so much. Mr. McGhie,
21 anything else before the Board?

22 MR. MCGHIE: No.

NEAL R. GROSS

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

1 CHAIRMAN BENNETT: You are working us
2 today.

3 MR. MCGHIE: Just like I, I indicated
4 earlier, the new, the formulated language will be
5 published in the D.C. Register and anybody can
6 challenge the formulation within ten days.

7 CHAIRMAN BENNETT: I need to say, for
8 the record, great job to you, Mr. McGhie and your
9 staff, that was very interesting, began for a lot
10 of relatively significant items for the District
11 of Columbia that required a fair amount of work
12 today, and so thank you, so much, for that. It
13 is now on the agenda, time for any -- I think, let
14 me find my agenda.

15 (Off the record comments.)

16 CHAIRMAN BENNETT: There we go. Okay.
17 Any public matters?

18 MR. SINDRAM: Yes.

19 CHAIRMAN BENNETT: Okay. We're going
20 to, we're going to hear Mr. Sindram, we had one
21 person, who's telling people they're here, I want
22 to hear from them, first, and then I'll go to you,

NEAL R. GROSS

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

1 is that okay?

2 MR. SINDRAM: Yes, sir.

3 CHAIRMAN BENNETT: Okay. Yes, sir,
4 please.

5 MR. SPECK: Good morning, Mr.
6 Chairman.

7 CHAIRMAN BENNETT: Good morning.

8 MR. SPECK: I'm Randy Speck. My
9 address is 2940 North Hampton Street, Northwest,
10 20015. I'm the Chair of ANC 34G.

11 CHAIRMAN BENNETT: Yes, sir.

12 MR. SPECK: But I'm here on behalf of
13 myself and a number of other ANC Commissioners,
14 who've got a total, I think, of about 45 ANC
15 Commissioners, who signed a letter to the Board,
16 asking you to move up the date for circulating
17 petitions.

18 So that, rather than starting on July
19 9th and leaving only one month for gathering 25
20 signatures, for ANC candidates, it would begin on
21 June 15th, like all other District candidates.

22 And I realize this is very late in the

NEAL R. GROSS

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

1 process, we've only learned there was going to be
2 this problem, recently, but it really does create
3 a problem for a lot of the ANC Commissioners. And,
4 as you know, the ANC Commissioners that are
5 voluntary and we frequently get a lot of flak for
6 the job that we do, but --

7 CHAIRMAN BENNETT: Can I --

8 MR. SPECK: -- I --

9 CHAIRMAN BENNETT: Can I stop you?

10 MR. SPECK: Yes, absolutely.

11 CHAIRMAN BENNETT: And let me let the
12 other person --

13 MR. SPECK: Sure.

14 CHAIRMAN BENNETT: -- introduce
15 themselves for the record.

16 MR. FROMBOLUTI: Yes, I'm Chris
17 Fromboluti, I'm the Vice Chair of the ANC 3/4G,
18 I live at 503012 38th Street, Northwest.

19 CHAIRMAN BENNETT: Great. Thank you,
20 sir. And, and for the record, let me say, I, I,
21 I've been locked out of my pass, due to technical
22 problems, I've been locked out of my email for about

NEAL R. GROSS

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

1 week. I just saw your email, just maybe two hours
2 ago, and so my apologies for not having responded.

3 I'm generally a lot better at --

4 MR. SPECK: Well --

5 CHAIRMAN BENNETT: -- getting back to
6 people, so --

7 MR. SPECK: Thank you. I realized we
8 would have an opportunity today, to speak with you,
9 as well. But this is an important issue for a lot
10 of Commissioners, many of the Commissioners are
11 away over part of the summer, particularly, the
12 time of July and August.

13 Many of our constituents are away, as
14 well, and as you know, we only represent about 2,000
15 residents, which is a lot fewer voters and we've
16 got to get 25 signatures from those and it does
17 present a problem, for a lot of the ANC
18 Commissioners.

19 And it's our view that, we ought to be
20 encouraging people to run for the ANC.

21 CHAIRMAN BENNETT: Absolutely.

22 MR. SPECK: Rather than providing

NEAL R. GROSS

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

1 barriers for that. I think we should just have
2 an additional period of time, just like all the
3 other candidates in the general election, from June
4 15th to August 8th that would be a significant
5 improvement for a lot of ANC Commissioners.

6 I will mention one other specialized
7 problem that was raised to me, as I circulated this
8 among ANC Commissioners, there are few
9 Commissioners, who represent university students
10 and one, in particular, I know, at American
11 University, represents exclusively students.

12 And that presents a particular problem.

13 I don't think you need to address that, at this
14 point, but I do want to raise that, that it's very
15 difficult, impossible, actually, for a student
16 commissioner to gather 25 signatures from
17 residents, on the campus, once school is out.

18 CHAIRMAN BENNETT: Right.

19 MR. SPECK: And so from the period from
20 about mid-May, until the end of August, those
21 Commissioners have a very, very difficult time and
22 it's resulted in some instances of not having an

NEAL R. GROSS

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

1 ANC representative for that area.

2 So this is really a significant issue
3 for a lot of Commissioners. We did have, again,
4 a total of 45 Commissioners, who have now signed
5 the letter, and that's gathered in only about a
6 week, and so it was a significant number of
7 Commissioners, who realizes that this is a big
8 problem for them.

9 CHAIRMAN BENNETT: Okay. I, I -- let
10 me just stop. I haven't had a chance to, to confer
11 with anyone, relative to, to your letter, actually
12 I just saw it recently, and what I'd like to do
13 is, to see if any other Board Members have any
14 questions, or anyone, but if Ms. Miller has any
15 questions, or, or Ms. Montgomery, and Mr. McGhie,
16 and, and then we'll take this under advisement,
17 so we have the opportunity to flush it out.

18 MR. SPECK: Okay.

19 CHAIRMAN BENNETT: But your point's
20 well-taken and, and, certainly, I, I understand
21 the, the argument. All right, Mr. Gill, do you
22 have any questions?

NEAL R. GROSS

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

1 MEMBER GILL: No.

2 CHAIRMAN BENNETT: Ms. Lewis?

3 MEMBER LEWIS: I have a question,
4 Department Counsel, would this require a
5 legislative change?

6 MR. MCGHIE: No this is totally a, a
7 regulatory -- well, I mean, the Board, this would
8 be a Board decision.

9 MEMBER LEWIS: Oh.

10 MR. MCGHIE: Because the law only gives
11 a date on that it has to be, petitions have to be
12 submitted by, it doesn't state when you can start.

13 So it's only, only --

14 MEMBER LEWIS: Oh great.

15 CHAIRMAN BENNETT: So this is an issue
16 that's within the discretion of the Board?

17 MR. MCGHIE: Yes.

18 CHAIRMAN BENNETT: Okay.

19 MS. MILLER: I'm sorry, and --

20 CHAIRMAN BENNETT: Ms. Miller, do you
21 have any questions?

22 MS. MILLER: I believe the, and I could

NEAL R. GROSS

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

1 be wrong, the last date's no earlier than a certain
2 date. I'm sure what the date is.

3 MR. SPECK: No later.

4 MS. MILLER: No later --

5 MR. SPECK: No later than, yes.

6 CHAIRMAN BENNETT: Okay.

7 MR. SPECK: And it doesn't specify when
8 it can be begin.

9 CHAIRMAN BENNETT: Ms. Montgomery,
10 anything from the Office of Campaign Finance's
11 perspective?

12 MS. COLLIER-MONTGOMERY: No.

13 CHAIRMAN BENNETT: Okay. We'll,
14 we'll take this under advisement and I will assign
15 Ms. Miller to get back to you, as soon as possible.

16 MS. MILLER: I think we've been
17 discussing this with Mr. McGhie.

18 CHAIRMAN BENNETT: Have you?

19 MS. MILLER: Yes.

20 CHAIRMAN BENNETT: Okay, well, the son
21 is still, it didn't get back with you.

22 (Laughter.)

NEAL R. GROSS

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

1 (Simultaneous speaking.)

2 MR. FROMBOLUTI: Mr. Chairman, if I
3 could say something about this?

4 CHAIRMAN BENNETT: Yes, sir. I'm
5 sorry.

6 MR. FROMBOLUTI: At the end of this
7 year, I will have been an ANC Commissioner for ten
8 years. I recently retired a year-and-a-half ago,
9 which means that I don't have to stay here all summer
10 long.

11 And I also prefer a small house up in
12 Cape Cod and I'd like to spend the summer up there.

13 I should intend to spend the summer up there, which
14 is, you know, end of June through, you know,
15 beginning of September.

16 Under this provision, I'm going to have
17 to take off some time, either, fly or drive back
18 to D.C., you know, go through this whole process,
19 which is a real hardship for me.

20 I mean, the other option is to find
21 somebody, who will do it for me, but I, I find that,
22 in the position I'm also, it gives somebody a reason

NEAL R. GROSS

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

1 to have some say over what I, what I say, or, you
2 know, you know, I help you keep you in office, so
3 you need to pass this thing for me, so I, I don't
4 want to, I'm not going to do that, I'm going to
5 stay, you know, totally clean, so to speak.

6 So I find this, and, you know, I find
7 this an unfair imposition, considering all other
8 offices in the District of Columbia can pick up
9 their ballots on June 15th, which will work fine
10 for me, so I appreciate your consideration, as to
11 --

12 CHAIRMAN BENNETT: Yes. But thank
13 you, I appreciate that. Any, anything else, on
14 that, on that matter?

15 (No response.)

16 CHAIRMAN BENNETT: All right, thank
17 you, both, and we'll, we'll get a, between Mr.
18 McGhie and Ms. Miller, we'll get a response to you,
19 as soon as possible. And, and again, my apologies
20 for not getting back to your --

21 MR. SPECK: No problem.

22 CHAIRMAN BENNETT: -- email faster.

NEAL R. GROSS

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

1 Technical difficulties.

2 MR. SPECK: Thank you though.

3 CHAIRMAN BENNETT: Thank you. One
4 more person, I think, we had, did you waive your
5 hand, sir?

6 (Off the record comments.)

7 CHAIRMAN BENNETT: I haven't forgotten
8 about you, Mr. Sindram.

9 MR. SINDRAM: Thank you, Mr. Chair.

10 CHAIRMAN BENNETT: All right, sir.

11 MR. THORNTON: Good afternoon. And,
12 for the record, my name is Charles Thornton and
13 I reside at 1400 Carrollsburg Place, Washington,
14 D.C. 20004.

15 And I'm here today, I don't want it to
16 be done enough and that is to commend the Board,
17 as well as, the Director, Ms. Miller, on its
18 outreach efforts to educate previously
19 incarcerated individuals, on their right to vote,
20 in the District of Columbia.

21 She mentioned earlier that there was
22 an outreach event took place at the Federal

NEAL R. GROSS

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

1 Institution of Cumberland, Maryland. And, again,
2 I can't say it enough, how, you know, within the
3 District.

4 Not only educating, but, you know, the
5 opportunity for, you know, pretrial individuals,
6 whoever's been sentenced of anything, cast their
7 ballot, is, you know, is just something that needs
8 to be commended, as well as, you know, detained
9 misdemeanors.

10 You know, I don't know if it's
11 understood, but that's a right that does not exist
12 with three other cases in this country and that's
13 mainly Vermont and the District of Columbia.

14 And for us to go into, you know, our
15 jail and make sure that anyone, anyone, who is
16 eligible to vote, who wants to vote, get the
17 opportunity to do that, I think it is commendable.

18 And I, again, I just wanted to come up
19 and do that, you know, calling your name on the
20 record. And I realize one other thing, you know,
21 you know, there is, really, a push to try to get
22 our supervision agency to follow suit and

NEAL R. GROSS

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

1 educating, you know, there are 15,000 clients
2 owning their right to vote, as well, in the District
3 of Columbia.

4 And, you know, so with that, any, any
5 kind of assistance from the Board, or, as well as
6 from the, the Agency, to help do that, you know,
7 would really, really be, again, you know, helpful,
8 so thank you.

9 CHAIRMAN BENNETT: Thank you. What's
10 your last name, again, sir?

11 MR. THORNTON: Thornton.

12 CHAIRMAN BENNETT: Mr. Thornton, I
13 just want to thank you, for, for, for putting it
14 on the record and, and, and thanking that the, this
15 incredible Agency that we have that actually does
16 all that.

17 One of the things that's really import
18 to, to me, and I know the other Board Members, too,
19 is to make sure that every citizen, who's eligible
20 to vote in the District of Columbia, one, is
21 encouraged to vote, is registered to vote, but also
22 has an opportunity to vote.

NEAL R. GROSS

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

1 And so -- and that includes
2 incarcerated persons. On a personal level that's
3 a, a matter that I feel pretty strong about,
4 relative to persons who, often times, are forgotten
5 in our society, in general.

6 Voting is the tip of the spear of the
7 American Democracy and it's important, if you have
8 the right to vote that you have every opportunity
9 to vote.

10 So we thank you for letting us know that
11 we are doing a decent job. We want to do even
12 better, to that population, as, as well as other
13 populations that, often times, are forgotten. So
14 thank you, for that, really appreciate it,
15 sincerely.

16 MR. THORNTON: Okay.

17 MS. MILLER: Two seconds?

18 CHAIRMAN BENNETT: Yes.

19 MS. MILLER: Before you go, Mr.
20 Thornton, we want to thank you for working with
21 us and giving us the information that you have,
22 with respect to all the outreach efforts that you've

NEAL R. GROSS

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

1 made.

2 Because we worked closely with Mr.
3 Thornton and the agencies that he's associated
4 with, to try and get the effort out and to educate
5 the attorneys, citizens and those who are
6 incarcerated for other than a felony that are
7 eligible to vote, and he's been very forthcoming
8 to working closely with us and we couldn't do it
9 without his help, it's a, it's a partnership.

10 MR. THORNTON: Thank you.

11 CHAIRMAN BENNETT: Thank you, Mr.
12 Thornton. Any, any other public matters?

13 MR. SINDRAM: Yes.

14 CHAIRMAN BENNETT: Hold on one second,
15 Mr. Sindram. Is this a public matter, or is it
16 still on the Initiative, sir?

17 MR. FLIPPIN: Oh, I'm sorry. Can you
18 just address the timetable image in 108 days versus,
19 do we have to have petition signatures in within
20 a 90-day period, assuming we succeed through the
21 rest of the process?

22 MR. MCGHIE: No you have 100 and -- once

NEAL R. GROSS

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

1 you're given the petition sheet, you're have 180
2 days to circulate. If you want to turn it in
3 earlier, it's up to you.

4 MR. FLIPPIN: All right, so if we're,
5 we're close to the no number election date in
6 completing that, that's how -- is, is your time
7 frame before the November elections that we have
8 to have all ballots in?

9 MR. MCGHIE: It's what -- Alice, is
10 that longest --

11 MS. MILLER: I'll have to check the
12 calendar, but we can do that at lunch.

13 MR. MCGHIE: Oh, thank you.

14 CHAIRMAN BENNETT: Okay. All right, any
15 other public matter? Mr. Sindram, I think I'm to
16 you, sir. My apologies for making you last, but
17 you're certainly not least.

18 MR. SINDRAM: Thank you, Mr. Chair.
19 The first will be last, the last will be first.
20 My question is directed to Mr. McGhie, regarding
21 formulated language, short titled Introduction to
22 a Given Initiative, Referendum, Measure, if you

NEAL R. GROSS

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

1 will, the hundred-word rule. And my question is
2 this, the District of Columbia, is that construed,
3 considered as one word?

4 MR. MCGHIE: Yes.

5 MR. SINDRAM: How about the United
6 States of America?

7 MR. MCGHIE: Yes.

8 MR. SINDRAM: I didn't hear you.

9 MR. MCGHIE: Yes.

10 MR. SINDRAM: Yes. How about the
11 Republic United States of America?

12 MR. MCGHIE: No.

13 MR. SINDRAM: Say again.

14 MR. MCGHIE: No that would not be one
15 word.

16 MR. SINDRAM: That would not be. And,
17 what about articles, like, soft, or a, or an --

18 MR. MCGHIE: Yes that's --

19 MR. SINDRAM: -- are they construed as
20 a word, as well?

21 MR. MCGHIE: Yes. The is a word. All
22 would be a word, too.

NEAL R. GROSS

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

1 MR. SINDRAM: Okay. And, if I
2 understand you correct, there, there is ten days
3 in which the challenge to formulate a language,
4 where was that done, at the Board, or --

5 MR. MCGHIE: That's in -- that's --

6 MR. SINDRAM: -- or where?

7 MR. MCGHIE: Yes. That would be
8 Superior Court. You have ten days to challenge
9 the formulation of initiative language at Superior
10 Court.

11 MR. SINDRAM: Why would it not be done
12 at the Board level?

13 MR. MCGHIE: Because that's what the
14 law states. It says appeal should be to the
15 Superior Court.

16 MR. SINDRAM: Okay. All right, thank
17 you, Mr. Chair.

18 CHAIRMAN BENNETT: Thank you. Any
19 other matters, any other public matters?

20 (No response.)

21 CHAIRMAN BENNETT: I think we have
22 gotten through that. We will get back to those

NEAL R. GROSS

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

1 persons that we indicated we would, as soon as
2 possible.

3 MR. MCGHIE: I think, yes.

4 CHAIRMAN BENNETT: And we, kind of, go
5 with that. We, we will actually talk about it,
6 once we conclude here, in a minute, and make some
7 assessment. And we'll ask them to get back to you,
8 as soon as possible. Thank you. Thank you, so
9 much. We've got a lot of business to take --

10 MS. COLLIER-MONTGOMERY: I'm just
11 waiting, Mr. Chair.

12 CHAIRMAN BENNETT: I'm sorry.

13 MS. COLLIER-MONTGOMERY: Yes. I
14 would just like to say that, one benefit of the
15 Office of Campaign Finance being in the same
16 building with the Board of Elections is that, my
17 staff can attend the Board meetings. So I would
18 like to acknowledge my staff that are present.

19 CHAIRMAN BENNETT: Wonderful.

20 MS. COLLIER-MONTGOMERY: Wesley
21 Williams, who is our Public Affairs Manager,
22 Leonard Mohammad, as well as, Austin Franklin, who

NEAL R. GROSS

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

1 are attorneys in our Office of the General Counsel.

2 CHAIRMAN BENNETT: Wonderful. Thank
3 you so much for attending and welcome to the
4 building. And at some point, we'll get all the
5 audio and everything else down, nailed down.

6 PARTICIPANT: We've just got a very
7 good crowd today.

8 CHAIRMAN BENNETT: Anyway, thank you
9 so much. The meeting is adjourned.

10 (Whereupon, the above-entitled matter
11 was concluded at 12:27 p.m.)

12

13

14

15

16

17

18

19

20

21

22

1

2

3