GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY
AUGUST 5, 2020

The District of Columbia Board of Elections convened via Video Teleconference, pursuant to notice at 10:38 a.m. EDT, Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
KARYN GREENFIELD, Member
BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director

TERRI D. STROUD, General Counsel

SYLVIA GOLDSBERRY--ADAMS, Operations Manager

KAREN F. BROOKS, Registrar of Voters

CECILY COLLIER-MONTGOMERY, Director, Office of Campaign Finance

LINDA JOHNSON, Assistant to the Executive Director

WILLIAM SANFORD, General Counsel, Office of Campaign Finance
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(10:38 a.m.)

1) CALL TO ORDER

CHAIR BENNETT: Let me call the meeting to order. This is the August meeting for the DC Board of Elections. We've got quite a few matters today. And, as we all know, we're still doing this virtually.

2) ASCERTAINMENT OF QUORUM

CHAIR BENNETT: I'm need to ascertain a quorum, so can I have board member Gill please acknowledge your presence.

MEMBER GILL: Hi. This is Mike Gill. And I'm on the call.

CHAIR BENNETT: Okay, Mike. What's your phone number, so we can identify you?

MEMBER GILL: It's 202-997 of the 33 numbers. Hopefully, that's good enough.

CHAIR BENNETT: Got it. Yes, I've got it.

Board Member Greenfield -- in fact if you'd leave Mr. Gill's line open. Board Member
Greenfield, can you identify yourself and acknowledge your presence on the call.

MEMBER GREENFIELD: Yes. This is Karen Greenfield. I'm on the call.

CHAIR BENNETT: Okay. So, and your phone number Ms. Greenfield --

(Telephonic interference.)

MEMBER GREENFIELD: There's a lot of disturbance on the line. I can't hear you, Chairman.

CHAIR BENNETT: We need your first four numbers.

MEMBER GREENFIELD: Oh. 703-795.

CHAIR BENNETT: Okay. We've got it. Okay. And we're going to mute everybody else.

And if indeed as we get through this, I think if you press star-3, that will let us know that you'd like to speak. And that will be important in the, particularly in the public matters. Okay, so the meeting has been called to order.

3) ADOPTION OF AGENDA/APPROVAL OF MINUTES
CHAIR BENNETT: I need to adopt the
minutes for today, and also the -- and also the
minutes -- sorry, the minutes from last week and
also the agenda for today, for the last meeting.

I also want to modify the agenda to --
so that we are going to take a vote after public
matters to go into executive session to discuss
the matter associated with Aaron Landry and David
Warwick -- I'm sorry, Daniel Warwick, sorry,
versus DC Office of Campaign Finance.

So, can I get a motion from Ms.
Greenfield to approve the agenda for today as
well as the minutes from last meeting?

MEMBER GREENFIELD: Yes. I move that
we approve the minutes from the last meeting and
the agenda for today.

CHAIR BENNETT: Mr. Gill, can we get
a second?

(No response.)

CHAIR BENNETT: Mr. Gill, can we get
a second?

MEMBER GILL: Yes. This is Mike Gill.
I second that.

CHAIR BENNETT: Okay. It's been properly moved and seconded. And I vote yes. And the Board vote's unanimous. We'll move on. And we have adopted the agenda and -- as modified, and the minutes of the last meeting.

4) BOARD MATTERS

CHAIR BENNETT: Any board matters, Ms. Greenfield?

MEMBER GREENFIELD: No, I don't have any today.

CHAIR BENNETT: Mr. Gill, any board matters?

MEMBER GILL: No board matters. But can Alice Miller in her report talk about the council's actions or things that have been happening in terms of briefings and such.

CHAIR BENNETT: Yes, she will.

MEMBER GILL: Okay. Then no, no board matters.

CHAIR BENNETT: Okay. And for me, I don't have any board matters as well. So, we
I would like to have the report from the Office of Campaign Finance, Ms. Collier-Montgomery.

We need to know your number. Ms. Montgomery?

MS. COLLIER-MONTGOMERY: Yes. Can you hear me?

CHAIR BENNETT: What are your first four numbers, Ms. Montgomery?

MS. COLLIER-MONTGOMERY: Hello?

CHAIR BENNETT: What are your first four numbers?

Can everybody else mute themselves?

We had to unmute everybody.

Four four one nine, if we have it.

Okay, we've got it. Ms. Montgomery, it's your line.

MS. COLLIER-MONTGOMERY: Okay. Are you ready?

CHAIR BENNETT: Yes.

5) CAMPAIGN FINANCE REPORT --

CECILY COLLIER-MONTGOMERY

MS. COLLIER-MONTGOMERY: Okay. The
first thing I would again like to indicate on the record for members of the public is that the Office of Campaign Finance continues to operate under a modified status. All of our services are being provided remotely by email and telephone at 202-671-0547.

All candidates' and committee reports are being received online at our website, on the required deadline. Candidates may contact the office for instructions concerning the registration process.

Before I provide the production report for the Fair Elections Program, I would also like to note for members of the public and for the Board that the Office of Campaign Finance, under the Fair Elections Act, has the responsibility to conduct at least one debate in each contested citywide race. And the debate process requires that all participating candidates who have been certified in the Fair Elections Program participate in the debate.

Also, any candidate in the traditional
programs who have qualified for ballot access may also participate in the debate. At this point we currently have two citywide elections with the potential for debate.

The first one is with the citywide race for members of the council elected at large. We have eight certified candidates in the Fair Elections Program who will be required to participate in the debate. And we have 13 candidates who have registered in the traditional program. And, of course, we've also assumed that these candidates will qualify for ballot access.

We also have the potential for a debate in the race for the at-large member of the State Board of Education. We currently have two Fair Elections Program candidates who are seeking certification. And we have four candidates who are registered in the traditional program. What we would intend to do is to schedule the debate before the beginning of the in-person early voting period.

Last, I would note that with respect
to the debate process we are currently in the process of trying to solicit a public relations firm to assist us with the development of the campaign -- of the debate process as well as with the publicity campaign that we would launch to make sure that members of the public are informed as to the date on which we would be holding the debates. More than likely, also, the debates would be held in a virtual format.

Now I will continue with the stats from the Fair Elections Program Division for the month of July. In the Fair Elections Program as of this date, as of July -- as of July 31st, 2020, the Office of Campaign Finance has authorized for the disbursement of the total sum of $2,864,679.35 in base amount and matching payments to the 27 candidates who are certified in the program who participated in the June 2nd, 2020 primary election; the June 16th, 2020 Special Election; and the November 3rd, 2020 General Election.

That figure represents the total
amount of public funds that have been disbursed so far since the implementation of the Fair Elections Program. There are currently 29 candidates who are registered in the program for the November the 3rd, 2020 general election, and 11 of these candidates have been certified as participating candidates.

Twelve candidates were certified -- and this is just background information for you -- 12 candidates were certified as participating candidates in the June primary election. And 10 of the 11 candidates who achieved ballot access were defeated and will not continue to participate in the general election.

The four candidates who were certified as participating candidates in the June Special Election were defeated.

During the month of July 2020, the total sum of $298,755.35 was distributed in base and matching amounts to the following FEP participating candidates:

First, on July the 1st to Chander for
Council, $375 in matching payments was distributed or authorized for disbursement.

On July the 1st to the Committee to Elect Jeanne Lewis, who was certified in the program, the base amount of $20,000 was authorized, and $65,303 was authorized in matching funds.

On July the 7th, to Franklin Garcia for DC 2020, the base amount of $20,000 was authorized, and $67,785 was authorized for disbursement in matching funds.

On July the 7th, to Monica Palacio for City Council, the amount of $20,000 was authorized for disbursement in the base amount, and the amount of $66,205 and $4,250 was authorized in matching funds disbursement.

On July the 17th, to the Friends of Christina Henderson, the amount of $16,810.35 was authorized in matching fund payments.

On July the 17th, to Chander Jayaraman, $500 was authorized in disbursement for matching payments.
On July the 28th, to Fraser for Ward 4, the amount of $6,700 was authorized in matching payments.

And on July the 28th, to the Elect Karen for 7 State Board of Education 2020, the amount of $5,800 was authorized in matching payments. And the amount of $5,000 was authorized in a base amount payment.

During the month of July, five candidates were certified as participating candidates in the program. And these candidates were certified to participate in the November the 3rd, 2020 General Election. And they are:

Jeanne L. Lewis, Committee to Elect Jeanne Lewis for City Council, on July the 1st; Franklin Garcia, Franklin for DC 2020, on July the 7th; Monica Palacio, Monica Palacio for City Council, on July the 7th; Frazier Lewis O'Leary, Frazier for Ward 4, on July the 28th; and Karen L. Williams, Karen for 7 State Board of Education 2020, on July the 28th, 2020.

And I would also mention on the record
for the members of the public that today, which
is August the 5th, is the deadline date for
meeting the professional requirements for
participation in the Fair Elections Program for
the November the 3rd, 2020, General Election.

Also, the other activity in the Fair
Elections Division during the month of July, the
Division conducted 31 desk reviews of the
financial reports which were filed during the
month. The Division issued 15 requests for
additional information as a result of those desk
reviews. The Division also issued ten status
reports for candidates who are seeking
certification in the program but have not yet met
the threshold requirements.

On July the 5th, 2020, the Fair
Election Program Division issued notification of
post-election cycle audit to the following
principal campaign committees, and these were
campaign committees who organized in support of
candidates in the June 16th, 2020 Special
Election:
Fanning for Ward 2 Special Election;

Jordan Grossman for Ward 2 Special Election;

Patrick Kennedy for Ward 2 Special Election; and


In the Public Information and Records Management Division of the Office of Campaign Finance during the month of July -- and, of course, as you know, the Public Information and Records Management Division is the first contact that the public has with the agency, and receives the registrations as well as the online filing of reports. So, during the month of July, the following reports of receipts and expenditures were filed:

In our Constituent Service Program, July the 1st was the deadline for the filing of the report of receipts and expenditures in this program. We had nine required filings, all nine timely filed. And, also, they electronically filed their reports.

There were two requests for extension which were received, and also granted.
In our Senator Representative Statehood Funds, July 1st again was the filing date for the filing of the report of receipts and expenditures. We have three required filers. All three timely filed, and also electronically filed their report.

In the Fair Elections Program Division, July the 10th was an optional date for the filing of reports of receipts and expenditures. Nine timely filed their reports, and they also electronically filed the report.

July the 31st was the filing date for the filing of the report of receipts and expenditures by principal campaign committees as well as by political action committees. We have 52 required filers. Twenty-six timely filed, and all of the 26 who timely filed also electronically filed their reports. And we're in the process of determining the number of filers who will be referred to the Office of the General Counsel due to the failure to file the report that was due.
July the 31st was also the deadline for the filing of the report of receipts and expenditures by the legal defense committees that are registered with the office. We have one required filer who timely filed, and also they electronically filed their report.

July 31st is also the deadline date for the filing of reports by independent expenditure committees. We have seven required filers; three timely filed. We again are in the process of determining who will be referred to the Office of the General Counsel for the failure to file, timely file the report. And all of the three, the three timely filers electronically filed their report.

With our Initiative Referendum Committees, again July the 31st was the deadline for filing of the report of receipts and expenditures. They have nine required filers; five timely filed. And also, they electronically filed their reports and we're still, again, in the process of determining the number of filers.
who will be referred to the Office of the General Counsel based on the failure to file.

During the month of July, we also have 14 new candidates and committees who registered with the Agency. We had four who registered in the traditional Campaign Finance Program. And they are:

A'Shia Howard for At-Large City Council, on July the 10th; Kathy Henderson, Committee to Elect Kathy Henderson At-Large City Council on July the 24th -- I'm sorry, 21st; Fria Moore for Ward 8 City Council on July the 22nd; Chris Martin, Chris Martin for State Board of Education --

(Dog barking.)


We also had eight candidates who registered in the Fair Elections Program. And they are:

Keith Silver, Keith Silver for DC At--
Large City Council on July 7th; Patricia Stamper, Friends of Patricia Stamper, Ward 7, State Board of Education she registered on July the 8th, but she withdrew on July the 27th; Dontrell Smith, Committee to Elect Dontrell Smith, Ward 7, State Board of Education on July 9th; Ryan Washington, Washington for Ward 8 DC, Ward 8 State Board of Education, on July 9th; Mysiki Valentine, the Committee to Elect Mysiki Valentine, At-Large State Board of Education, July the 13th; Eboni Rose Thompson, Committee to Elect Eboni Rose Thompson for DC State Board of Education, Ward 7, on July the 17th; Randy Downs, Randy Downs for Ward 2, Ward 2 City Council, July the 21st; Alister Chang, Friends of Alister Chang, Ward 2 State Board of Education, on July 31st.

We had two Initiative Committees who registered. The first one was Modern Day Cannabis Justice Reform. They registered on July the 8th, and then they terminated on July the 14th; The New Day Modern Day Cannabis Justice Reform Act of 2020 registered on July the 31st.
We also had 19 candidates and treasurers who were newly registered who completed the OCF conference, entrance conference presentation online during the month of July. I will not read their names into the record, but we will post all of our stats today at our website.

In the Reports Analysis and Audit Division, during the month of July the Audit Division conducted 46 desk reviews of the reports of receipts and expenditures that have been filed with the Agency. And also, issued ten requests for additional information as a result of the desk reviews of those reports.

We also have ongoing audits. And during the month of July the first one is a full scale audit, and that is of the Jack Evans Legal Defense Fund. The final audit report has been completed for that particular investigation -- investigative audit.

We have, also, ongoing periodic random audits. And these are basically random audits of the candidates in the upcoming 2020 election of a
January 31st filing. The Friends of Robert White, the audit records were received on March the 16th, data for Ward 7. The audit was initiated on March 2nd, and the Committee to Elect Rogers for Council was initiated on March the 2nd.

We also had a periodic random audit (telephone interference) committee, their January 31st filing; the Verizon Communications, Inc. Good Government Club PAC, which was initiated on March the 2nd; the DC Libertarian Party which was initiated on March 2nd; and the Firefighters Committee on Political Activity which was also initiated on March the 2nd.

With the Constituent Service Program of the April the 1st, 2020 report we have one periodic random audit which is ongoing, and that is of the Ward 4 Constituent Service Program. An extension was granted until July the 3rd, 2020. And that's basically for the submission of the records. An additional request for records was issued on July 19th, 2020.
There were two more requests during the month of July. The first was the Our Ward 5 Constituent Service Program, which was issued on July the 29th. And Mayor Bowser Constituent Service Program report, which was issued on June the 30th, 2020. The final audit report, which has been issued, has been posted at our website. And that would conclude this portion of our report,

And I would now ask that William Sanford provide the report for the General Counsel of the Office of Campaign Finance.

CHAIR BENNETT: Mr. Sanford, can you push Star-3 so we know which, what the number is. I think he's actually -- Mr. Sanford? Mr. Sanford, you may be on mute. I think we have you. Maybe not.

MR. SANFORD: Okay. Good morning.

CHAIR BENNETT: Yes, we can hear you.

We got it.

MR. SANFORD: Okay. Good morning, Mr. Chairman, distinguished board members. My name
is William Sanford, General Counsel for the
Office of Campaign Finance.

During the month of July 2020, the
Office of the General Counsel did not receive any
referrals. We completed six informal hearings,
and issued six orders, which included the
following:

One order was issued that imposed a
fine of $150.

Five orders were issued that did not
impose fines.

In addition, we also (telephonic
interference) Fair Elections Program in the June
2nd, 2020 primary election; and four orders
requiring principal campaign committees of formal
fair election candidates in the June 16th, 2020,
Ward 2 Special Election, to remit all remaining
fair election funds and to have made equipment
purchased for the committees valued at $50 or
more to a non-profit organization in accordance
with DC Official Code Subsection 1-
1163.32(h)(a)(1) and (2) (telephonic
interference) initiative funds and donation of equipment.

Mike for Ward 8, Michael Austin, candidate; Kelvin Brown for DC Council Ward 7; Evans 2020, Jack Evans, candidate; John Fanning for Ward 2; Green for Ward 7, Anthony Lorenzo Green, candidate; Jordan Grossman for Ward 2; Patrick Kennedy for Ward 2; Kishan for DC 2020, Kishan Putta, candidate; and William John for Ward 2.

The following Fair Elections Committees in the June 16th 2020 special elections received (telephonic interference) purchase of equipment:

Patrick Kennedy for Ward 2 Special, June 16th, 2020; Jordan Grossman for Ward 2, Special Election; Kishan Putta for Ward 2, Special Election; and John Fanning for Ward 2, Special Election.

During the month of July 2020, the Office of the General Counsel imposed a fine of $150 against the Committee to Elect Perry Redd.
During the month of July 2020, the Office of the General Counsel maintained the five following open investigations: (telephonic interference) filed a complaint on February 3rd, 2020. The respondent was the DC legal Defense Committee for Jack Evans. The allegation: the use or the unlawful use of the Defense Committee. It was referred to the Reports Analysis and Audit Division. And as the director indicated, during her presentation that order has been completed and will be issued.

Complaint No. 2, filed by Complainant Jennie Malloy, received on the 19th of May, 2020, was filed against the Carla (telephonic interference) investigation is pending.

Complaint No. 3, also filed by Jennie Malloy on May 19th, 2020, was against the Ed Lazere for DC Principal Campaign Committee. The allegation was inappropriate use of Fair Elections funds. That investigation is pending.

Complaint No. 4, filed by Chuck Base on May 28th against the Anthony Lorenzo Green
Principal Campaign Committee. The allegation was the inappropriate use of a government use resource. And that investigation is pending.

June the 12th by Laura Wolf against candidate Brooke Pinto. And the allegation is failure to report extensive contribution. And that investigation is also pending.

During the month of July 2020, there were no requests for -- and there were no show cause proceedings conducted.

And that should complete my report.

CHAIR BENNETT: Thank you, Mr. Sanford. Ms. Montgomery, any other matters from you?

MS. COLLIER-MONTGOMERY: That concludes my report.

CHAIR BENNETT: Okay. Mr. Gill, any questions for Ms. Montgomery?

MEMBER GILL: Are you asking me, Michael?

CHAIR BENNETT: Yes.

MEMBER GILL: No, I have no questions.
CHAIR BENNETT: Okay. Ms. Greenfield, any questions for Ms. Montgomery?

MEMBER GREENFIELD: No, I don't have any questions.

CHAIR BENNETT: Okay. I just have one. It's not a question actually, it's a request.

And that is, since the program on the debates is so new, and I think we probably want to make sure people get as much information as possible, prior to our next meeting, maybe mid to late August, third, fourth week of August, if you could put something on the website to give the public status of where we are with regard to the debates.

And the only reason, you know, to get information out is, one, there's going to be a whole lot more activity around debates for a number of positions. And I think probably the one that is most prominent is the at-large council race. But I think some of the School Board seats may also have debates. But at any
rate, because it's such a new program I want to
make sure people have information. So, if you
could put something, just a status on the website
at some point between now and the next meeting,
that would be great.

MS. COLLIER-MONTGOMERY: I sure will
do that. And I'd like to point out, too, that we
will be in a better position to do that prior to
the next board meeting because, as I indicated,
August the 5th is the deadline date for anyone to
qualify in the Fair Elections Program. And I
believe it also is the deadline date for the
filing of the nominating petitions.

So, thereafter we would know who has
in fact achieved valid access in both the
traditional program as well as in the Fair
Elections Program. And that would narrow the
number of persons who would be eligible to
participate in the debate. But, again, we do at
this point expect to have two potential debates:
one for the at-large seat on the Council; and the
other for the at-large seat on the State Board of
Education.

CHAIR BENNETT: Great.

MS. COLLIER-MONTGOMERY: Okay.

CHAIR BENNETT: And I understand, it wasn't a question of doing a report today, I just want to make sure we do give the people in the public as much information as possible as that information is available. So, thank you for that.

The next item on the agenda is the report of the executive director on the Board of Elections. Ms. Miller.

6) EXECUTIVE DIRECTOR'S REPORT --

ALICE P. MILLER

MS. MILLER: Thank you, Mr. Chairman.

The first matter on the agenda for me is proposed certification of petition signatures for Initiative Measure No. 81, Entheogenic Plant and Fungus Policy Act of 2020. I will go through the report, highlighting what we've done to review the initiative signatures as they were submitted and the results of that review.
The Board staff, pursuant to DCMR 1009.11 of the Regulations, reviewed the petition signatures as they were submitted. They had a standard process for verifying registered voter signatures that were contained in the initiative. And they worked on some of those in the Office of Planning and State -- Office of Planning State Data Center.

And based on their conduction of that review of Office of State Planning and Data Center, it has determined that it does meet the statutory requirements for certification of the ballot pursuant to the regulations.

I will briefly give an overview of the verification process that the staff undertook, and indicate what Wards were verified as meeting the random sample process.

The first thing that staff did was to verify that the circulator was a resident of the District of Columbia or resident of another jurisdiction who is properly registered as a petition circulator. Then they had to verify the
address of each petition signer. And that was
checked against our voter registration system to
determine that the petitioner was a registered
voter and fell into the verified signature
groupings to be checked.

Second -- third, I'm sorry, third, the
totals of the verified signatures are compiled by
the registration system to determine whether the
petition contains a sufficient number of
registered voters to proceed to the signature
verification stage in which the actual signatures
are examined. And then the total number of
verified signatures determine to have met the
minimum signature requirement are placed in a
random sample, and those names are then run for
comparison on our original voter registration
file. That random sample comes from the Office
of Planning.

In summary, what we found was that the
signature requirements were met in Wards 1, 2, 4,
5, and 6. With respect to Ward 3, it was
rejected. Ward 5, there was no decision. And
Ward 8 there was no decision. The total number of signatures needed to qualify the measure for ballot access, 25,477 -- I'm sorry, 24,835. The number that were submitted that were verified is 25,477. So, they were about 642 signatures over what they needed in terms of the number of signatures requirement.

So, I would say based upon the review of the staff and that of the Office of Planning with respect to sample, the petition for Initiative Measure No. 81, Entheogenic Plant and Fungus Policy Act of 2020, is determined to have met the signature requirements for certification to the ballot for the November 3rd General Election. And I would ask for a motion from the Board to accept the report and to certify the Initiative Measure No. 81 for ballot access for the November 3rd General Election.

CHAIR BENNETT: Great. Can I get a motion from Mr. Gill to use her report from Ms. Miller with regard to the certification of the petition for Measure No. 81. I won't go through
the full name. But if I can get a motion from
Mr. Gill for the certification. And I'll get a
second from Ms. Greenfield.

MEMBER GILL: Mr. Chairman, I make a
motion to accept the Executive Director's Report
on certification.

CHAIR BENNETT: Of Measure No. 81?

MEMBER GILL: I'm sorry. On the
Executive Director's Report on Measure 81 for
certification.

CHAIR BENNETT: Thank you.

Ms. Greenfield, can I get a second?

MEMBER GREENFIELD: Yes. I second it.

CHAIR BENNETT: Okay. It's been
properly moved and seconded. Can we take a roll
call vote. Mr. Gill? We're voting. You can say
yes or no.

MEMBER GILL: Sorry about that. Got
myself on mute there.

Yes.

CHAIR BENNETT: Okay. Ms. Greenfield?

MEMBER GREENFIELD: Yes.
CHAIR BENNETT: Yes for me as well.

So, it's unanimous. Measure 81, Entheogenic Plant and Fungus Policy Act of 2020 is certified for ballot access.

MS. MILLER: Thank you. I just want to recognize and thank the staff for all the time and effort that they put into compiling information and verifying the signatures. As you know, it's a short window within which we had to do this. And under the circumstances, with reduced force and not having everyone in the office at the moment, it was indeed a pretty heavy lift and challenging.

But, as to be expected, they did it. And it was done within the time frame that was required without need for an extension. So, we are grateful to the staff for doing it. And I just want to recognize and thank them for that.

CHAIR BENNETT: Great. Thank you.

And congratulations to those persons that put forth that initiative. Okay.

6. B.) GENERAL MATTERS
MS. MILLER: With respect to general matters, we've been working to finalize a number of names for the November election, including procurement of a mailhouse for ballot delivery for all the by-mail ballots for the General Election. The procurement was finalized on Monday. And the mailhouse that has been awarded the contract is K&H Election Services. They will perform the full-scale duty of mail-in ballots, of their process, also provide the mail status of both outbound and inbound ballots, allowing voters to track the ballot delivery and return to the Board's office.

Our ballots are scheduled to begin arriving to voters the first week in October. This date is backed up to include both the challenge period that would begin on Saturday, and our ballot lottery, which is scheduled for the middle of September. From that we will then be able to develop the ballot and have the ballot provided to the mailhouse for delivery to voters.

Also, I want to put on the record that
a postcard is scheduled to be sent to all active
registered voters, that's 450,000 voters. The
postcard will be mailed beginning on Friday, this
Friday, to all registered voters. It provides
information to voters that they will receive a
ballot by mail and requests that they update any
information, if necessary, on their voter
registration status. If nothing needs to be
done, it says there's nothing more information
to let them know that a ballot will be sent to
them without the need to request.

If a voter would like to have their
ballot sent somewhere other than the address that
we have on file, the card will also reflect that
the voter provide that address and mail it back
immediately. That is only if they want the
ballot sent to an address other than the address
that we have on file for them to receive a
ballot.

We're also working to procure about 40
or 50 mail dropboxes that will be placed in
locations throughout the District of Columbia.
The mail dropboxes will allow voters to deposit their ballots any time between the date they receive the ballot and 8:00 p.m. on election night. It's something that's quite popular and found to be successful in jurisdictions that have full-blown mail elections that have that in place in the period of time, as Washington State, Denver, and the State of Colorado generally, Oregon, and California.

The boxes are extremely large and hard to move. They are containers that provide a slim slot for the voters to deposit their ballots.

Poll worker training began yesterday. We currently have about 2,500 new applicants that are being scheduled for training. These are individuals who have recently indicated, at least since I think the end of May maybe through the beginning of June if they were interested in working the November election. That still leaves us about 2,000 workers short from what we need, what we are trying to recruit to have workers for the November election.
This does not include, however, any of our veteran workers who are very important to this process because they will know the ins and outs and we're relying on their participation. It's our hope that a significant number of our experienced workers will be working to work this election. But, of course, we're happy to have all of our volunteers. The training will go through the first week in October.

Also in the process of finalizing our polling locations. More recently passage by the Council requires the Board to operate 80 polling places on election day. And that was a minimum. In fact, we will have more than 80. We will also operate 16 early vote centers. And, as always, it will be two per ward.

And then an additional 74 on election day, which will include two at the jail, which is also in the law there's one at DOC and one at SCPS, provided the health emergency allows us to get there.

We have had interest from members of
the public with respect to polling locations, and
incorporated those suggestions. We intend to use
those polling places where it's possible to do
so. On that note, I will indicate that we are
trying to identify large sports venues that will
be able to accommodate large number of voters and
process them on Election Day with additional
equipment and workers, more so than our smaller
and confined venues.

    We know that all of the social
distancing guidelines will still be effective in
October and November. Therefore, we have to
operate with the 6-foot space restrictions in
place. That pertains to both our workers and
voters alike.

    We know that Monumental Capital Sports
Arena has offered their space to us for the full
eight days, which includes early voting and
Election Day. And we're excited about that
partnership, and think that it will be of great
assistance to both individuals going to cast
their ballots in person, and our workers as well.
Hopefully, anyone who is electing to vote in person will do so before Election Day to avoid what may be a very, very long line on Election Day.

Outreach. Our outreach in voter education division has been extremely busy during the month of July. They've hosted a number of events throughout the city. And I don't want to get into all of them. But there were approximately 10 or 11 events that they have hosted, beginning the first week through July and to July 30th.

All of those, all of those events are posted on our website for anyone who's interested.

I will also note that on Friday -- on Saturday, this Saturday, August 8th, the division will host a drive-through, voter registration drive at St. Thomas Moore Catholic Academy in Southeast DC. The event will feature music from DJ Little Bacon Bear from WKYS. Encouraging all 2020 graduates from high schools and colleges,
universities, all of our citizens and seniors, or anyone who needs to register or update their registration to drive through to register to vote.

We do have other events planned that include a virtual poll worker open house to take place in August. I believe it's August 12th from 11:00 to 1:00. Additional virtual open houses for poll workers will also be scheduled through the end of August and also the month of September.

And with respect to the other things that were made a part of the legislation that was going on last week, well, the mail ballot was part of that also. We will provide voter guides to households this time.

And we'll have a process, which we had in place for a while, to track wait times in order to make that just a little bit more visible, wait times via a link on the website. And we'll also indicate that information in the voter guide. That's for early voting only. That
is not for Election Day. But the wait times at
early voting centers can be tracked. And we do
that and we will continue to do that, make it
known for voters so they'll have an idea of what
the wait time is at the early voting centers.

And our deadline, as Ms. Montgomery
indicated, for the direct access candidates in
our ANCs is today at 5:00 p.m. So, anyone who is
filing a nominating petition has until 5:00 p.m.
today to do that.

And, also, I do want to just thank
everyone who has stepped up to provide support
and assistance to the Board. As we navigate this
November General Election under our "unusual
circumstances" as they exist, it's been a
challenging process. But we are indeed thankful
to everyone who has continued to work with us in
a constructive and productive manner.

We are looking forward to continue to
work with all of you, with the ANCs, the party
members, the other civic organizations, and many
groups, and voters, to make the November election
as seamless as possible.

I want to emphasize that at the end of the day I think we all know that we all want the same thing, and we're working hard to make that happen. And that's essentially what -- we want to have a positive voting experience for all our voters, just as they want for themselves.

And that concludes my report.

CHAIR BENNETT: Great. Thanks, Ms. Miller.

Any questions for Ms. Miller from Ms. Greenfield?

MEMBER GREENFIELD: No. I don't have any questions.

CHAIR BENNETT: Okay. Any questions from Mr. Gill?

MEMBER GILL: I have just a few really quickly.

Just the procurement contract for the mailhouse, is that publicly available? And if so, is that DC Board of Elections website or is that, like, the DC Procurement Office where you'd
find that information?

MS. COLLIER-MONTGOMERY: Right. It would be at the Office of Contracts and Procurement.

MEMBER GILL: Okay. The 2,000 that we're under right now, is that based on the 40 precincts that we were planning or is that based on the 80 precincts that were decreed by the Council?

MS. COLLIER-MONTGOMERY: We were always trying to recruit 4,000 poll workers. So, it's just a matter of distribution as in how we will do it differently now. So, yes, I mean, 4,000 is the minimum. That's how we'll mail them out, the more we get, the more we can use. Our goal was to have not less than 4,000.

MEMBER GILL: Okay. But we're 2,000 short as of now?

MS. COLLIER-MONTGOMERY: Well, I would say we have poll workers in our database, we're just not certain of their willingness to work this election. The 2,500 that we are now in the
process of scheduling for training, are
individuals that they have positively indicated
that they will be available for the November
election.

MEMBER GILL: All right. Thank you.

Oh, and I guess the last thing is I
want to give kudos to the staff. I know it's a
big, a big chore for the proponents of 81 to get
the signatures in light of the social distancing,
but for us to turn it around in a timely manner
and make sure it gets on the ballot accordingly,
just I want to echo your comments of cheers to
our staff for doing that in trying circumstances,
with everything else we've got going on.

MS. COLLIER-MONTGOMERY: Thank you.

MEMBER GILL: That's it, Michael.

CHAIR BENNETT: Okay. The other thing
I have, I have two things.

One, to your comment about the number
of persons we're trying to recruit, the reality
is that we don't know what's going to happen when
it comes to the pandemic come October and
November time frame. And so as many people as we can get we want to try to bring on, because the reality is, you know, there will be some people that will drop off.

And so, and I just put this out there for the public in general for us to, you know, keep sending people to us because we really need to bring on in excess of 4,000 just to cover those persons that at the last minute will decide that they're not going to participate. So, that's the first thing.

The other thing is, is we will be -- we're at a place right now where I think we're at the final draft, I'll call it, of the locations of the -- the polling locations for the 80, and also the early voting centers. And so, we would -- we want to provide that final draft to council members that are in the various wards, really all the council members just to get final input. And they'll also be listed on the website.

So, if indeed there are comments, or concerns, or whatever, please tell us now
relative to the locations of these polling places
so that we can adjust. One thing that we don't
want to happen is we don't want to come to
October and then have a -- and then have disputes
over the locations.

So, and we're flexible, but we have to
be flexible now versus a couple days before
casting ballots.

The last thing that relates to Ms. Miller's report -- I want to get this out -- is
the fact that, one, sending out ballots early,
sending out ballots to every voter is really
designed to try and make sure that there are as
few persons that have to vote in person as
possible.

There is a, also a realism in that we
recognize that there will be some percentage of
persons that will not get ballots. And so, after
a particular date, probably just a few days after
we determine that the Postal Service should have
a ballot to you, if you don't have a ballot then
that means the person will be an in-person voter.
And we also would be encouraging people to vote early because if you don't vote early then there will be lines. And so, we're going to have lots of media focus on that and to make sure that ensuring people are using their ballots they receive in the mail. And if they do not receive one in the mail, for whatever reason, then they should vote early to ensure that the process goes smoothly.

So, that's a message that we're going to be putting out long and hard and to the point of an annoyance. I saw a news report the other day on Channel 9 where the reporter indicated that if you decide to vote on the last day, then bring your lunch, so, or something to eat and drink.

But, at any rate, we are really pushing the use of the ballot you receive by mail, but making sure we have polling places available for in-person voting if the mail-in ballot doesn't work for any particular person.

Anyway, that's the gist of my comments.
on that.

The next item on the agenda is the General Counsel Report. And the way we're going to do this is Ms. Stroud is going to give her report, and then at the end we're going to go to have the hearing on Aaron Landry and Daniel Warwick v. Office of Campaign Finance matter. And then we're going to take public matters.

And then after public matters, which I'm going to try to hold to 3 minutes each, after public matters we're going to go into executive session and deliberate with regard to that hearing. And then we're going to come back and come out of executive session and, hopefully, be in a position to take a vote on the matter associated with Aaron Landry and Daniel Warwick.

Okay. Ms. Stroud.

7) GENERAL COUNSEL'S REPORT --

TERRI D. STROUD

MS. STROUD: Yes. Good morning, everyone.

The first item on my agenda is the
litigation status.

The first case is William V. Hunt v. The Board. This matter was filed in the United States District Court for DC in October of 2018, and it was a complaint regarding counting of write-in votes cast in the 2018 General Election.

Mr. Hunt filed a complaint to request that the Board count write-in votes cast in the mayoral contest, but the Board did not do so and was not obligated to do so because the number of write-in votes cast in that contest was not sufficient to elect a write-in candidate.

The Board filed a Motion to Dismiss on Wednesday, April 24th, 2019. And that motion was granted on March 10th of this year. Mr. Hunt appealed to the DC Court of Appeals but he did so outside of the 30-day period for doing so, and the court gave Mr. Hunt ultimately until July 1st to show cause why the case should not be dismissed.

Mr. Hunt filed a brief on June 25th, but did not address the question of why the
appeal should not be dismissed. We are awaiting the court's decision on this matter.

Grant v. Board of Elections is the second case. This matter involved the Board's appeal of a permanent injunction entered by the Superior Court in December of 2018 that prohibited the Board from taking any action on a referendum, on the Referendum 8 petition.

On yesterday, the Board's appeal in this matter was dismissed.

The third and fourth cases are Phillip Hammond v. -- Phillip Hammond v. The Board of Elections, and Robert Marlin v. The Board of Elections. These matters were filed in the DC Court of Appeals. And they were appealed from Board order upholding the resolutions of ANC 7B that found no vacancy in single member District 7B04 and 7B05 on the basis that the candidates -- the elected officials holding those offices did not meet the residency requirements necessary to serve as ANC commissioners for those single member districts.
These cases were consolidated in September 2019. And all papers in this matter have been filed, and we are expected the court to decide the cases on their merits.

I neglected to include on this agenda a new case, La Riva v. The Board of Elections. This matter was filed in the Federal District Court for DC on July 17th. And it is a complaint for declaratory judgment and permanent injunctive relief, alleging that the elections statute or certain provisions in the elections statute are unconstitutional because they provide ballot access for candidates for all offices, save for the office of president.

Specifically, the requirement for ballot access would warrant to 250 signatures for all at-large offices, and less than that for single-member district offices, while the requirement for president remained at 1 percent of District voters for the Office of President.

This case is being handled by the Office of the Attorney General because it is a
challenge to the elections statute. And there is actually currently legislation pending that would lower the signature requirement for the Office of President to 250, which is the same for at-large elected offices.

So, those are -- that's the litigation status. And now we will conduct the public hearing.

CHAIR BENNETT: Okay. So, I think I need to determine if the parties are here. So, if you are here for this hearing, if you could press Star-3 so we can identify you and get your mic on.

Unmute yourself if you would. As we cut your mic on, if you could identify yourself, that would be great.

MR. WARWICK: Hi. This is Daniel Warwick, one of the Respondents in the case.

CHAIR BENNETT: Thank you, Mr. Warwick.

MS. STROUD: He's actually the Petitioner.
CHAIR BENNETT: Okay. Next person, if you could press star-3 we can unmute you.

Okay, if you could make -- if you could identify yourself? We have unmuted everybody, so press star-3.

MR. HANLON: Good morning. This is Edward Hanlon.

CHAIR BENNETT: Who is it? Did you say Edward -- ?

MR. HANLON: Edward Hanlon. Mr. Hanlon.

CHAIR BENNETT: Hanlon?

MR. HANLON: Yes.

MS. STROUD: Mr. Hanlon, so you're a witness and not a party to the matter. Correct?

CHAIR BENNETT: Mr. Hanlon, you're a witness. Right?

MR. HANLON: Yes. Yes.

CHAIR BENNETT: Okay. Next person? Do we have other persons?

MS. STROUD: Mr. Landry, are you on the line?
CHAIR BENNETT: If you could unmute yourself, that would be great. We've unmuted you, so if you could unmute yourself.

MS. BEDARD: Okay, thank you. I'm sorry. Kerry Bedard.

MS. STROUD: Okay. Ms. Bedard, you are a witness as well?

MS. BEDARD: That's correct.

MS. STROUD: Yes.

MR. SACCO: This is Peter Sacco. I am also a witness.

MS. STROUD: Okay, thank you.

And, Mr. Landry, are you on the line?

CHAIR BENNETT: If you could unmute yourself, we didn't hear you, Mr. Landry, if you're there.

MR. LANDRY: Hi.

CHAIR BENNETT: Is that you, Mr. Landry?

MR. WARWICK: This is Daniel Warwick.

Mr. Landry says that he has pressed star-3 but he's not unmuted yet.
CHAIR BENNETT: Okay. Can you give me his number, at least four digits?

MR. WARWICK: Yes. 612-747.

CHAIR BENNETT: Okay.

MR. LANDRY: This is Aaron Landry. Can you hear me?

CHAIR BENNETT: Mr. Landry, yes.

MR. LANDRY: Yes. This is Aaron Landry. Let me know if I'm unmuted.

CHAIR BENNETT: You are.

MR. LANDRY: All right, thank you very much.

CHAIR BENNETT: Anybody else?

Ms. Stroud, anybody else taking part?

MS. STROUD: I think that Gottlieb Simon, and Randy Downs, and Natasha Alexander are the other witnesses.

CHAIR BENNETT: So, can those -- Go ahead, please.

Ms. Stroud it looks like we have unmuted everybody. Maybe other persons are unmuted.
MS. STROUD: Is Mr. Downs on the line?

MR. WARWICK: This is Daniel Warwick, Petitioner. We removed Mr. Downs as a witness last week.

MS. STROUD: Mr. Simon?

MR. MUHAMMAD: Hello. This is Leonard Muhammad, assistant to -- assistant counsel to Mr. Sanford.

MS. STROUD: Oh. Hi, Mr. Muhammad. Is Mr. Gottlieb Simon on the line? And Ms. Alexander from the Office of Campaign Finance?

MR. SANFORD: Hello. This is William Sanford.

MS. STROUD: Hi, Mr. Sanford.

MR. SANFORD: Yes, good morning. Ms. Alexander will not, will not appear. We will just offer a proffer on her behalf, then she will explain the information she provided in her written submittal.

CHAIR BENNETT: Okay. What I'm going to do now is I'm going to get started. And then
I'm going to ask those, when Ms. Stroud conducts
the hearing, and persons prior to speaking if you
could identify yourself for the record. That
would be good for this hearing process but I
think we can try to get through as people speak.

7. B.) PUBLIC HEARING, "AARON LANDRY AND
DANIEL WARWICK V. D.C. OFFICE
OF CAMPAIGN FINANCE"

CHAIR BENNETT: Okay. At this time we
will conduct the hearing on the appeal by Aaron
Landry and Daniel Warwick from OCF Order No.
2019-001.

It was found that the Petitioner had
violated D.C. Official Code 1-1163.36(a) and 3
DCMR 3301.1(a) when the ANC 2B Twitter account
retweeted a tweet from ANC 2B Commissioner Aaron
Landry's personal Twitter account that:

A) Contained a statement that read, "I
love the 17th Street Festival," and a photograph
that showed activity taking place during the 17th
Street Festival to include Patrick Kennedy's
campaign, and;
B) Since Patrick Kennedy sets up the tags if it were clicked going to Patrick Kennedy's Twitter page which indicated that he was running for Ward 2 City Council in 2020.

DC Official Code 1-1163.36(a) states in pertinent part that "no resources of the District of Columbia government, including the expenditure of funds, the personal services of employees during their hours of work, and nonpersonal services, including supplies, materials, equipment, office space, facilities, and telephones and other utilities, shall be used to support or oppose any candidate for (elected) office, whether partisan or nonpartisan, or to support or oppose any initiative, referendum, or recall measure, including a charter amendment referendum conducted in accordance with Section 1-203.03."

3 DCMR 3301.1(a) provided that "No District of Columbia government resources shall be used to support or oppose...a candidate for elected office, whether partisan or
nonpartisan..."

And I can ascertain that the parties are here. And so, thank you for that.

At this time I will lay out the format for the proceeding.

First, the General Counsel will provide the procedural history for this matter for the record.

Then we will hear from the Petitioners who have the burden of proof in this matter.

Next we will have the response from the Office of Campaign Finance.

Finally, we will hear again from the Petitioners who may rebut to what they have heard from the Office of Campaign Finance.

After that, we will proceed with such questions as Board members might have.

At such point, as we have received as much information both -- from both parties, both sides, as we deem necessary we will withdraw and deliberate the Board's resolution of this matter.

Once we have reached a resolution, a written
order will be issued.

And what I've indicated that we're going to try to do is once we get through public matters we will -- I'm going to ask for a vote to go into executive session to deliberate and then, hopefully, be able to come out with a verbal decision today. If not, then the order will be issued in a timely manner.

So, Ms. Stroud.

MS. STROUD: Thank you. So, what will also happen is that we will give the Petitioners 10 minutes to make their statement, the statement of their case; and then the response from Office of Campaign Finance will be allotted 10 minutes; and then the Petitioners Landry and Warwick will have 5 minutes to respond to the Office of Campaign Finance.

So, on September 2nd, 2019, Mr. Edward Hanlon filed a complaint against ANC 2B alleging that it violated DC Official Code 1-1163.36(a) and 3 DCMR 3301.1(a) when it retweeted the tweet that was described by the chair.
On September 6th, 2019, OCF informed the affected ANC -- oh, and the complaint is Exhibit 1.

On September 6th, 2019, OCF informed the affected ANC 2B commissioners that an investigation into the complaint had been begun and indicated that they could provide the responses they deemed appropriate. This response from the OCF, or this email from OCF is also an exhibit, and it's No. 3 in the record.

On September 6th, 2020, Mr. Warwick contacted the DC Board of Ethics and Government Accountability, Office of Government Ethics Attorney Sonya King regarding the ANC 2B postings.

On September 9th, Ms. King informed Mr. Warwick that the OGE would not take action regarding the postings, but provided OGE's advisory opinion regarding social media and the District's Code of Conduct and suggested that Mr. Warwick share the opinion of anyone with access to the ANC 2B Twitter account.
That correspondence and the opinion are Exhibit No. 4 in the record.

On September 11th, Mr. Warwick filed a response to the complaint. And the response indicated that the postings conformed with the Beta OGE opinion. It noted that sharing information about the neighborhood is a legal practice that are common across District government-run accounts. The statement indicated that the retweet was done with the sole intent of sharing the same sentiment about the 17th Street Festival, as the ANC 2B commissioners formally supported the 17th Street Festival numerous times over the years.

It indicated that anyone who retweets comments that is clearly about the 17th Street Festival, then it automatically would find endorsement or the election of anyone specifically contained in the Tweet.

On October 4, 2019, Mr. Landry responded. The response stated that the ANC 2B Twitter account was not used to support or oppose
a candidate for elected office, that the tweet in
the complaint was about the 17th Street Festival
and contained content tweeted about that
festival.

   It stated that an end user who've used
the postings is required to engage in a series of
manual, intentional decisions action before its
access to obtain related content, which is
completely unrelated and not directly connected
to the government resource.

   Those responses and guidance of Mr.
Warwick and Mr. Landry are Exhibits 5 and 7 in the
record.

   On November 24, 2019, OCF conducted an
interview of Aaron Landry with regard to the
complaint.

   On December 17, 2019, OCF issued its
order No. 2019-001. The order sustained the
allegation that ANC 2B allowed a Twitter page to
be used for campaign-related activity. It
concluded that the inclusion of the Patrick
Kennedy tag, which when clicked led to Patrick
Kennedy's Twitter page which indicated that he was, "running for Ward 2B DC Council in 2020," rendered the retweet offensive as a violation of the pertinent provisions.

The order cited the following language in the BEGA OGE opinion in support of a finding that the retweet constituted prohibited political activity.

That language reads:

"...linking to a partisan political group's social media account in a post is political activity because it demonstrates support for the group as does posting the picture of a partisan political candidate or a political cartoon. And the same is true for linking to or sharing a link to a partisan political group's website or an article advocating for or against a partisan political candidate."

The order noted that it did not matter that there was no intent to promote Kennedy's campaign because the prohibition on the use of government resources for political purposes does
not require the intent to violate that provision of the statute. And it imposed a fine of $4,000 against the named commissioners, which would be reduced to $1,000 if the Petitioners attended ethics training at BEGA within 60 days of the issuance of the order.

On December 22, 2019, Commissioners Landry and Warwick each filed a motion for reconsideration of the OCF order.

On March 2, 2020, OCF denied the motions for reconsideration.

On March 17, Commissioners Landry and Warwick filed a request for a hearing de novo with the Board, timely filed request. Over the course of two sessions on April 22nd and May 11th, the Board's Office of the General Counsel held a prehearing conference in this matter.

During the prehearing conference, or as an outcome of the prehearing conference, the commissioners conceded that ANC 2B's Twitter account for (telephonic interference) commissioners were absolved pursuant to the
representations made by Commissioners Landry and Warwick.

The Petitioners also maintained the request that OCF vacate the order, and rescind the fine, and provide guidance regarding prohibited social media activity on government social media platforms.

On April 23, OCF sent a message to all named 2B commissioners, managers, informing them that they were absolved of the prohibited activities cited in the order pursuant to representations made by Commissioners Landry and Warwick.

Does anyone have any questions for the parties specifically? Mr. Sanford and the Office of Campaign Finance, and Commissioners Landry and Warwick have any questions at this time about the procedural history as it was laid out?

MR. SANFORD: This is William Sandford. The counsel has no questions.

MR. LANDRY: Yes, this is Aaron Landry. I want to point out for clarification
that the orders were against six commissioners,
not just Warwick and Landry. Even though that
it's implied, I just want to make sure it's clear
that the initial order was against six
commissioners.

MS. STROUD: Yes, that is correct.
The initial order was against other additional,
four additional ANC 2B commissioners. But,
because of representations made by Commissioners
Landry and Warwick, they were absolved by the
Office of Campaign Finance.

MR. WARWICK: And this is Daniel
Warwick.

A question about Chair Bennett's
introduction where it was stated that Petitioners
have the burden of proof. I was of the
understanding that in contested case hearings, in
all cases involving violations of the Campaign
Finance Reform and Conflict of Interest Act, the
Office of Campaign Finance has the burden of
proof.

Apologies if I misread that part of
the regulation.

MS. STROUD: This is an appeal from the order of Campaign Finance, and so, as you're appealing, the demonstration has to be that the Campaign Finance order was incorrect.

MR. WARWICK: Understood. Thank you.

MS. STROUD: And so, we will first hear from Petitioners. And you will have 10 minutes to present your case, including any testimony from your witnesses.

MR. WARWICK: Great. Thank you.

Again, this is Daniel Warwick, Petitioner for the case. I really appreciate the Board's time here in this hearing de novo. Aaron Landry and I are representing ourselves pro se.

ANC 2B used to have a Twitter account. We used it to interact with members of the public regarding commission business and the neighborhood. It's one of hundreds of official DC Government Twitter accounts. Unfortunately, as a result of this order we have had to delete that Twitter account.
We believe this order is incorrect, and we would like to go back interacting with members of the public and our constituents in the way that pretty much every other DC Government agency interacts with them.

In addition to this order being incorrect, there is no case law or precedent that suggests the retweet or tweet are in violation, and no guidance provided by the District of Columbia that suggests the retweet or tweet would be impermissible.

On Question 1, regarding the retweet, the closest guidance regarding retweets is in the 2017 social media guidance letter from BEGA, which on page 9 states, and I quote, "The social media recommendation or endorsements usually take the form of a 'like,' 'thumbs up,' or a phrase 'Employee endorses skill.' Social media recommendations or endorsements, however, usually do not include narratives. Accordingly, there would be no violation of the Code of Conduct during most social media recommendations or
endorsements."

This guidance explicitly carves out likes or recommendations without narratives, such as retweets. By itself, retweeting a tweet about the 17th Street Festival is not a violation.

Additionally, even if was construed that the retweeted materials were actually from ANC 2B instead of from Mr. Landry's personal account, the narrative is still clearly about the 17th Street Festival, a beloved neighborhood event.

Regarding Question 2, the tweet in the initial complaint, at no point did OCF's order refer to that tweet in the complaint. At no point did a statement from OCF indicate that that was investigated. We are of the understanding that that tweet was permissible.

Next I would like to call Peter Sacco, Executive Director of ANC 2B.

Mr. Sacco, are you on the line?

MR. SACCO: I am.

MR. WARWICK: Great.
What is your role with Advisory Neighborhood Commission 2B, and how long have you been in this role?

MR. SACCO: I have served as the Executive Director of ANC 2B since the fall of 2015.

MR. WARWICK: And what was your relationship with the ANC 2B twitter account?

MR. SACCO: I was the person who handled all of the postings, as well as any retweets from the account.

MR. WARWICK: Since you became executive director, through the time of the 17th Street Festival, how was the Twitter account operated?

MR. SACCO: I was the sole operator of the account. We traditionally posted any important meeting notices, such as the meeting agendas for the ANC's regular meetings, any special meetings, any press releases or any newsworthy items that were sent out, as well as just any newsworthy items about the neighborhood.
in general, and all that is great about Dupont.

I always tried to avoid anything that was controversial and would focus instead of things that were centered on commonly agreed-upon traits of the commission, and that's the neighborhood, similar to how the DC Council operates their Twitter account.

MR. WARWICK: Did you operate the Twitter account during the 17th Street Festival on August 24th last year?

MR. SACCO: Yes. I was the only person operating the account.

MR. WARWICK: And what did you tweet and retweet that day?

MR. SACCO: I tweeted and retweeted several tweets that were supportive of the 17th Street Festival, including tweets that included commissioners, then Council Member Jack Evans, a representative from the Mayor's Office, and others.

MR. WARWICK: Great.

And did you retweet the tweet from
Aaron Landry which states, "I love the 17th Street Festival"?

MR. SACCO: Yes, I did.

MR. WARWICK: Did anyone at the Office of Campaign Finance reach out to you regarding the complaint?

MR. SACCO: No.

MR. WARWICK: Were you mentioned in the order?

MR. SACCO: Not to my knowledge.

MR. WARWICK: Okay. Thank you.

Is Gottlieb Simon on the line?

MR. SIMON: Yes, I am.

MR. WARWICK: Great. Can you describe your role as Executive Director of the Office of Advisory Neighborhood Commissions?

MR. SIMON: Well, I oversee the operations of our office, which is to provide technical, administrative, and financial reporting assistance and oversight to the Advisory Neighborhood Commissions.

MS. STROUD: I'm sorry to disrupt.
I'm going to go back to Mr. Sacco.

If you could state your name and
address for the record and, Mr. Gottlieb, if you
could do the same?

MR. SIMON: Certainly.

MS. STROUD: Mr. Sacco, if you could
do so first and then Mr. Simon.

MR. SACCO: Yes. My name is Peter
Sacco, S-A-C-C-O. And I am the Executive
Director of ANC 2B.

And, I'm sorry, was there something
else I needed to state?

MS. STROUD: Do you swear or affirm
that the testimony that you're providing is the
truth, the whole truth, and nothing but the
truth?

MR. SACCO: I do.

MS. STROUD: Mr. Simon, could you
state your name and address for the record?

MR. SIMON: Gottlieb Simon, Executive
Director of the Office of Advisory Neighborhood
Commissions.
MS. STROUD: And if you could swear or affirm that the testimony that you are providing today is the truth, the whole truth, and nothing but the truth.

MR. SIMON: I do so affirm.

MS. STROUD: Thank you. You can continue with your testimony.

MR. WARWICK: As part of your duties as Executive Director of the Office of Advisory Neighborhood Commissions, do you provide training to advisory neighborhood commissioners?

MR. SIMON: I'm sorry, Mr. Warwick, I didn't have a good reception. Could you repeat the question for me?

MR. WARWICK: As part of your duties do you provide training to advisory neighborhood commissioners?

MR. SIMON: Yes, we do provide training, and we serve as the primary source of advice regarding pursuant to the ANC statute.

MR. WARWICK: Are you aware of the complaint to OCF that we are talking about and
the resulting orders?

MR. SIMON: I am.

MR. WARWICK: And are you aware of DC Official Code 1-1163.36(a) and 3 DCMR 3301.1(a)?

MR. SIMON: Yes, I am.

MR. WARWICK: And if this order is upheld, what would you advise advisory neighborhood commissions regarding use of Twitter?

MR. SIMON: Well, it will -- well, if the order is upheld as it states, I have come to the conclusion that it will be necessary for me to advise commissioners to delete accounts if they have them and to refrain from establishing new accounts that they have, as there would be considerable liability in their continued operation.

MR. WARWICK: Thanks. And are you aware of commissioners already deleting their social media accounts because of this order?

MR. SIMON: Yes. I'm aware that three commissions have so done.
MR. WARWICK: Thank you. End of my questions for you.

Commissioner Landry, do you have anything to add?

MR. LANDRY: Yes. I just want to talk about a little bit in plain English.

So, if the Office of Campaign Finance used the method that they used in this case with other examples that were provided to them in this process, or examined the wider body of District Twitter and social media accounts, it would have shown that a significant portion of DC Government, including Office of Campaign Finance and the Board of Elections' own social media accounts are also in "violation" when they're actually in compliance.

And there's dozens of examples of usage with provisos in this process, and to the Board as exhibits. So, I'm just going to give four quick examples.

On October 15th, 2019, the Office of Planning retweeted a tweet from Patrick Kennedy
sharing that his amendment to the Comprehensive
Plan he offered was being recommended for
adoption.

On October 18th, 2019, the State Board
of Elections -- or Education retweeted from
Markus Batchelor showing photos of a rally he
attended at Anacostia Senior High School.

On May 28th, 2020, the Board of
Elections retweeted a tweet from my personal
account showing a photo of my Special Election
ballot.

And just this last Sunday, on August 2, the Board of Elections retweeted a
tweet from Pete R. Hasmentori, a tweet about
registering seniors to vote.

So, now this is -- these four examples
are normal and legal engagement on Twitter.
However, reading off of the Campaign Finance's
methodology, if you took the steps on those
tweets to reach, for example, Patrick Kennedy's
personal Twitter account, you'd find at the time
that he was running for office. If you took
steps to examine Markus Batchelor's account you'd find that he's running for office.

If you dug into my tweets, you'd find candidates for the District that I supported.

If you dug into Pete Hasmentori's (telephonic interference) tweet from last Sunday, you would see a link to his website which has campaign literature and a donation link.

So, in these four examples were the Office of Planning, State Board of Education, and the Board of Elections using Twitter accounts to support or oppose any candidates for elected office? No. Those tweets were clearly about the Comprehensive Plan, a rally at a school, promoting mail-in voting, and registering seniors to vote.

And that's what these tweets are about. And because of the contents of these tweets that are not political, and because they are supportive and aligned with the government, that's arguably why the government agencies
retweeted them using a government resource.

And that's how Twitter as a communications platform functions, it functions within the law.

So, August 24th, 2019, when the ANC 2B retweeted my tweet about the 17th Street Festival, was it to support or oppose any candidate for elected office? No. It was abundantly clear that the tweet was completely about the 17th Street Festival.

MS. STROUD: Mr. Landry, your time has concluded, but you will have the opportunity to speak again after the Office of Campaign Finance presents its case.

MR. LANDRY: All right. Thank you very much.

MS. MILLER: Now we will hear from the Office of Campaign Finance.

MR. SANFORD: Thank you. Good morning.

This is William Sanford from the Office of Campaign Finance.
Just a few brief responses, and then was there someone else speaking? Just a few brief responses.

I think the issue here is not whether or not the commissioners from ANC 2B are allowed to retweet any tweet. This was not a casual tweet about the 17th Street Day Festival. If one examines the tweet, there's a very small image of Commissioner Landry in the upper lefthand corner (telephonic interference) tweet is a photograph of Candidate Patrick Kennedy.

Beneath the photograph on the tagline it indicates Patrick -- it indicates 17th, Dupont Circle Main Street and Patrick Kennedy. The (telephonic interference) and link to Mr. Kennedy's Twitter page which identified him as a candidate for Ward 2 City Council.

Why that is significant, because Patrick Kennedy is standing in front of his campaign booth during that (telephonic interference) and campaign literature. If the Commission was only concerned about celebrating
the 17th Street Day Festival, why aren't there other candidates in the photograph?

Of all the eight candidates that ran for that particular seat, only Patrick Kennedy is prominently featured; only his Twitter page was linked to the ANC 2B Twitter account. And that is because Mr. Landry, and Warwick, and others, were supporting Mr. Kennedy's campaign virtually.

They have every right to do that. But what they do not have a right to do is to use government resources to facilitate the candidate or candidates of their choices.

At this point I would like to hear from Commissioner Edward Hanlon, who is also a member of Advisory Neighborhood Commissioner --

Commissioner Hanlon, are you there?

MR. HANLON: Yes, I am. Can you hear me okay?

MR. SANFORD: Yeah, I hear you fine.

MS. STROUD: And I'm going to have you state your name and address for the record, and
then I will swear you in.

MR. HANLON: Okay, thank you.

My name is Edward Hanlon. I live at

1523 Swann Street, Northwest, Washington, DC

20009. And I am ANC Commissioner for ANC 2B09.

MS. STROUD: 2B09. Okay, thank you.

And if you, do you swear or affirm to
tell the whole truth, to tell the truth, the
whole truth, and nothing but the truth?

MR. HANLON: Yes.

MS. STROUD: Okay. Continue, Mr.
Sanford.

MR. SANFORD: Thank you.

Mr. Hanlon, do you acknowledge that
you filed the complaint or several complaints
with the Office of General Counsel against ANC
2B?

MR. HANLON: Yes. I filed the
original complaint on September 2. And I also
followed up with several letters to the -- to
your office after that.

MR. SANFORD: And why did you file the
MR. HANLON: Because I was very concerned about the misuse of government property. The ANC Twitter account is a government resource that belongs to ANC 2B. And the Policy and Procedures Manual makes clear that it's supposed to be used for commission business only.

And there was concern that it was in fact being used to promote the candidacy of Patrick Kennedy. And I didn't think it was right. And I think it's a horrible precedent. And so, I filed the complaint concerning the posting on the ANC 2B official Twitter of this photo.

The photo is a picture of Patrick Kennedy campaigning in front of his campaign election booth during the 17th Street Festival and you can see his campaign sign behind him, "Patrick Kennedy for Ward 2."

When I first saw the photo on the ANC Twitter account I just happened by accident to
move my cursor over the photo. And as I moved
the cursor over the photo, not even clicking on
it, immediately came a drop-down screen that
said, "Patrick Kennedy running for Ward 2." So,
I didn't even have to click anything, I just had
to move my cursor on top of the photo.

And when I clicked on his name under
the photo it turned out to be an embedded link
and it led directly to his campaign Twitter
account where his campaign literature was and
where you can donate money to him.

And I thought that this was just wrong
to use this government resource in this way. The
only, the only camp -- the only person
campaigning for election whose name appears under
the photo is Patrick Kennedy. And it's not just
his name that's under the photo, it's an embedded
link under the photo that takes you directly to
his campaign Twitter account.

And I was concerned that this is just
wrong, that government resources should not be
used in this way. This is not about ANC 2B being
able to post tweets or retweets. They can post
tweets and retweets, just not advocating
candidates for election.

And I would point out that Mr. Landry, and Mr. Warwick, and Mr. Sacco were all very
active in the Patrick Kennedy campaign. They
endorsed Patrick Kennedy. They had a fundraiser
for Patrick Kennedy. They set up meet and greets
of Patrick Kennedy. They were all on Patrick
Kennedy's election campaign website. They are
holding up signs for Patrick Kennedy.

So, this is not a mistake. This was
deliberate. And I was shocked when after I filed
the complaint they refused to take it down. On
September 5 -- on September 4 there was a meeting
(telephonic interference) I'm sorry?

MS. STROUD: Mr. Hanlon, if you could
mute yourself so that we can hear him. Thank
you.

MR. HANLON: Are you able to --
there's a lot of background. Are you able to
hear me now?)
MS. STROUD: If you could mute yourself if you are not Mr. Hanlon.

Continue, Mr. Hanlon.

MR. HANLON: Thank you.

On September 4 there was a meeting of the ANC's Transportation Committee, and 7 of 9 commissioners were there, including Mr. Warwick, and Mr. Landry.

And I remember at the end of that meeting Ms. Bedard stood up from the audience, and she was upset, and she was very loud about it. And she wanted to know why this posting was on the ANC Twitter page. And she wanted them to take it off the Twitter page because she said it was not right to be there, putting this candidate on the ANC's Twitter page.

And I remember Aaron Landry telling her that it was not wrong to do.

And I remember Aaron Landry directly across the table as he was getting up because he was trying to adjourn the meeting, but everyone was still in the room, and I said, Aaron, she's
right. This is -- She is right. This needs to be deleted from the ANC Twitter account; it's not legal.

And he said, yes, it is.

And so I was just, I was just shocked. And I did a follow-up letter on September 5, the next day, to the Office of Campaign Finance recounting this.

On September 11, Mr. Landry posted --

on September 11, Mr. Landry posted on the Dupont Forum, which is a listserv that goes out to over 15,000 people in the Dupont Circle area, that this complaint was "completely frivolous."

I should have noted that the original tweet on the ANC's Twitter page went out to over 1,500 people in the Dupont Circle area. Mr. Landry's post described that it went out to 15,000 people. And the next day the City Paper did an article in which Mr. Landry was quoted in which he said, "they had done nothing wrong" with respect to his post.

MS. STROUD: You have one minute left
in your presentation?

MR. HANLON: One more time?

MR. SANFORD: Hello?

MS. STROUD: One minute left.

MR. HANLON: Okay.

MR. SANFORD: Commissioner Hanlon.

Hello, Commissioner Hanlon?

MR. HANLON: Yes.

MR. SANFORD: I think right now I'd like to hear from Ms. Bedard if she is still available.

MR. HANLON: Okay.

MR. SANFORD: Ms. Bedard.

MS. BEDARD: Yes. I have to unmute.

I'm sorry.

I'd like thank you all to begin with for not just having this hearing, but for doing such a spectacular job with the Board of Elections, all of the things that you do, all the elections that you run, and doing such a wonderful job.

I'd like to explain that I had raised
my hand during the meeting and Mr. Warwick had
refused to acknowledge me. I raised my hand
several times. The meeting was getting ready to
adjourn. Mr. Warwick still refused to
acknowledge me.

And I stood up and started speaking
anyway because I've been to many of the ANC
meetings and I find that Mr. Warwick does not
want to hear from the community at large about
anything that he does not agree with. And there
are many things that he has done that I find
offensive, and many in the neighborhood find
offensive.

But let's just talk about this matter.
I had brought up the fact that I thought it was –
–

MS. STROUD: One second.

MS. BEDARD: Okay. I thought it as
wrong. I thought that if they were going to
promote one candidate, they needed to promote all
candidates, or take down Mr. Kennedy's posting or
the posting they had put on on behalf of Mr.
Kennedy. It was erroneous, it was wrong. And they refused to acknowledge me.

They continued to adjourn the meeting without hearing what I had to say other than my speaking up. And I'm offended by both Mr. Landry and Mr. Warwick's continued response to the neighborhood.

If there's any questions, happy to answer them.

MS. STROUD: Okay, thank you.

MR. SANFORD: Thank you.

MS. STROUD: At this point the Petitioners may respond. And they will have 5 minutes to do so.

MR. LANDRY: Hi. This is Aaron Landry. I will lead on response to this.

I just want to be really clear that this tweet specifically was very closely if not exactly like the other examples that I gave and the other examples that I provided the Office of Campaign Finance.

The tweet is clearly not advocating
for Patrick Kennedy. And what I'd like to
clarify, too, is that neither Daniel, that Daniel
Warwick or I conducted the tweet, that
(telephonic interference). And then the question
was brought up about the placement of the photo.
And this is something I said under oath to Mr.
Sanford, is that the reason that the photo is
what it is, is because I was working at the ANC
booth. If you take a few steps in front of the
booth and take a photo, that's what was done. It
wasn't about promoting --

MS. BEDARD: How are you?

MR. LANDRY: Excuse me?

MS. STROUD: If everyone can mute that
is not speaking. Thank you.

MS. BEDARD: I'm muting my cell
because on this web with the D.C. Board of
Elections.

(Simultaneous speaking.)

MS. STROUD: Go ahead, Mr. Landry.

Mr. Landry, if you could proceed.

MS. BEDARD: Okay, that sounds fine.
And then, and then send me the information for
this woman I need to have a con --

MS. STROUD: Mr. Landry, if you could

proceed, I've assigned you the extra time that

was taken. Mr. Landry?

MR. LANDRY: Hi. This is --

MS. STROUD: Mr. Landry?

MR. WARWICK: This is Daniel Warwick.

He might still be muted.

MS. STROUD: Okay.

MR. LANDRY: This is Aaron Landry. Am

I on speaker now?

MS. STROUD: Okay. You may proceed.

MR. LANDRY: All right. So, I forget

where I was cut off but I will make sure I go

through that.

All of the examples made today, we
listed dozens of examples that also are in
compliance and aligned with the guidance that we
received.

The other thing if you analyze this
(telephonic interference) you will see that we
actually included Jack Evans as well, who at the
time was also running for election. And he was
not that -- Jack Evans' (telephonic interference)
booth that was targeted. And I don't believe,
and (telephonic interference) Office of Campaign
Finance booth to (telephonic interference) the
second tweet that we're talking about was never
in the order. So, I mean, we're not really
talking about that other tweet in this
classification. So (telephonic interference).

So, I wanted to make the point that I
just want to reiterate that we've done everything
that we possibly can to follow the law and not be
pushed off by somebody who has a political
interest that would attack me. And so that's why
we wanted clear guidance from as many people as
we could and to offer the Office of Campaign
Finance to (telephonic interference) to provide
us guidance. And it's our understanding the
tweet is still in compliance, always has been in
compliance.

And I am open to take your questions
or clarify anything further.

MS. STROUD: Mr. Warwick, do you have anything further?

MR. WARWICK: Yes. This is Daniel Warwick.

Just want to reiterate, appreciate taking the time. You know, Commissioner Landry and I, we're volunteer neighborhood elected officials. We do this because we love our Dupont Circle neighborhood, and that's why we do it. But the photo that Mr. Landry took on his personal account is from immediately outside of the ANC's booth looking at the crowd. Actually, if you'll look at the photo and really examine it, you'll see another candidate for Ward 2 at the time; Daniel Hernandez was in the photo. But I understand from Mr. Landry that he wasn't following Daniel Hernandez at the time, so didn't tag him on that.

When the ANC -- a retweet is really different than a tweet. A retweet is just pressing a button and having it show up,
elevating the discourse about the 17th Street Festival.

The 17th Street Festival is something that the ANC financially supports. 17th Street Festival is something we support closing the street for. And I would have loved to go this year, but it's canceled due to the public health emergency.

I just want to reiterate, you know, this is something that really is a bit broader than just what is in front of you. It's about whether the District Government can even maintain Twitter and social media accounts.

When social media is about interaction, interaction in the digital era, and links and hyperlinks, something that links to something else, you can't hold a government agency responsible for what is on someone else's page. That's just not something that is practical in the internet era.

So, again, we'd really like to thank the Board for their time. This has been a long
process, almost a year for us. And I really hope
that the order is vacated. Thank you so much for
your time. And, again, we're open to questions
if the Board has any.

MS. STROUD: Thank you, Mr. Warwick.

MS. BEDARD: This is Kerry Bedard

again. May I speak for a moment?

MS. STROUD: No. The time for the

presentation of the cases for both sides.

MS. BEDARD: Okay. I'd just like to

(telephonic interference).

MS. STROUD: Say your name and

address.

MS. BEDARD: Kerry Bedard, 2023 N

Street, Northwest.

MS. STROUD: Okay, thank you.

CHAIR BENNETT: This is Michael

Bennett, Chair of the Board. What we're going to
do now is we are not going to deal with this in
executive session because I know we have a large
docket with one of the boards at 1:00 o'clock.

So, what I am going to do is ask
Member Greenfield if she has any questions for anybody on the matter.

MEMBER GREENFIELD: Sorry. I was on mute.

No, I don't have any questions. I've heard the testimony, I've read all the documents.

CHAIR BENNETT: Okay, great.

Mr. Gill.

MEMBER GILL: Okay. So, I just saw a tweet that said the quote for 2020 is "You're on mute."

(Laughter.)

MEMBER GILL: Bill Sanford, real quickly.

MR. SANFORD: Sure.

MEMBER GILL: So, if BEGA chooses not to pursue a case that doesn't mean -- is that an absolution, is that a there's nothing wrong? Or did it just not pursue a case?

MR. SANFORD: Oh, absolutely not.

Thank you for asking that question.

Actually, BEGA did not have
jurisdiction. If someone comes to the Office of Campaign Finance and asks us about filing (telephonic interference) jurisdiction over filing a financial disclosure statement, and so we would take no action.

And that was the position of BEGA, they did not have jurisdiction, and so they took no action because they did not have the jurisdiction to take action.

The commissioners received notice from the Office of Campaign Finance that we were -- we had initiated an investigation. And instead of contacting us, they went to BEGA.

That would be like someone receiving a notice from the police department that they're being investigated and going to the fire department to ask, Are you investigating me? They don't have jurisdiction. So, of course the fire department would tell them, no, we will take no action.

CHAIR BENNETT: Thank you. Any other questions?
MEMBER GILL: Just one more, Bill.

On the, you know, in terms of you open investigations when you get complaints. So, the comment about I went to OCF's website, retweeting things and tweeting out stuff, so I think if you haven't done an investigation on those it's because no one has brought it to your attention. Is that the case?

MR. SANFORD: Well, we, we never -- our choice was not retweet any campaign information that would support any particular candidate. If (telephonic interference) only information (telephonic interference), registration information, filing information as required by statute and regulations.

MEMBER GILL: So that, the question here, Michael, this is my last question.

So, the question on the other ANC folks who were on the original order, and then they were taken off the complaint based on, I think what I read in the record was testimony from Mr. Warwick and Mr. Landry.
And then the executive -- not executive director -- the gentleman who retweeted this, he's not a candidate so he doesn't fall under your jurisdiction. Is that true? Or is not -- what's his relationship in this, to your -- to Bill Sanford?

MR. SANFORD: You mean Mr. Sacco, or the ANC? Because the tweet's coming from Commissioner Landry, and that's the reason why Commissioner Landry was the only person who was required to come in and make a statement to us, because it was his, the tweet, he was the originator of the tweet that ended up being posted at the ANC 2B Twitter account.

My understanding about Mr. Sacco, I understand he's an employee of the ANC 2B. He's employed as their executive director.

But I think for the record if you look at the policy manual, there are three people who have the authority to access the Twitter account, and they are Chairman Warwick, Secretary Landry, and Mr. Sacco. Only those three can post at that
particular account according to the policy manual.

MEMBER GILL: Okay, thanks, Bill. Michael, I don't have any more questions.

CHAIR BENNETT: Okay, thank you.

MEMBER GREENFIELD: Michael, I do have a question.

CHAIR BENNETT: Ms. Greenfield.

MEMBER GREENFIELD: Yes. Mr. Bill.

MR. SANFORD: Yes?

MEMBER GREENFIELD: So, just for clarity for me, and I thought this, the order that you issued on the complaint is based on not the initial tweet that was done by Landry, but the retweet to the ANC or done on the ANC 2B account. Is that correct?

MR. SANFORD: Yes. Yes. Mr. Landry was the originator of the tweet and it was posted to the ANC 2B account.

MEMBER GREENFIELD: Okay. And just for clarity, the issue I thought was not just
about the picture or not the picture of Patrick Kennedy, but it was the name with the link that when you hovered over it, it took it back to his campaign page? Or just the picture with the name?

MR. SANFORD: Yeah. It's the name, the photograph and the name.

And I'm glad you asked that question because one can post (telephonic interference) the Twitter account without an embedded link. One could pull up a photograph at a Twitter account and tag William Sanford, but it would not automatically go to any information on whoever does unless there is an embedded link.

And that's what happened in this case, there was an embedded link that linked to Patrick Kennedy's Twitter account which identified him as a candidate for Ward 2 City Council. There were seven other candidates; none of them were linked to that ANC 2B Twitter account.

MEMBER GREENFIELD: So, Mr. Sanford, I have a question. So, you're distinguishing
between a tag and an embedded link?

MR. SANFORD: Right, a tag and an embedded link. The name was Patrick -- if you read the, if you look at it, it shows Dupont Circle Main Street (telephonic interference), and Patrick Kennedy.

And glossing over it, as Mr. Hanlon indicated, it reveals that embedded link and the name of Patrick Kennedy.

MEMBER GREENFIELD: Thank you.

MR. SANFORD: There's no embedded link on Dupont Circle Main Street. It does not produce anything if you take the cursor across it.

MEMBER GREENFIELD: Okay. Thank you.

MR. SANFORD: Sure.

CHAIR BENNETT: Okay. Any other questions, Mr. Gill?

MEMBER GILL: No more questions, Michael.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: No more questions.
CHAIR BENNETT:  Okay, great.

What we are going to do, though, is we are not going to go -- I'm not going to ask for a motion to go into executive session. And we are going to deliberate on the matter.

And we will give you an order certainly prior to our next meeting, if not before, as long as we're able to make sure that we are on the record with regard to our vote on the matter.

Let me compliment both the Petitioner and the Respondent, both parties rather, on their presentations. They were excellent. And I think I received a lot more data and a better understanding through both of the presentations.

MS. STROUD:  Mr. Chair, if I could.

I just want to note for the record that the Board has the entire record that was before the Office of Campaign Finance. And certainly everything that came after, all of the documents we have, from the complaint, to the motion for reconsideration, to email correspondence that was
exchanged, to the interview transcripts.

So, the Board has the record. And so it's just done on the basis of the testimony that was presented alone, but the entire record that was before the Office of Campaign Finance.

CHAIR BENNETT: Yes.

The other thing I just want to note for the record and for the participants, what we like to do on the hearing is to try and give you a response as soon as possible, which is why we are often going into executive session right after the testimony, so we can try to give you a verbal response.

But I think that we are probably better off in this situation to go ahead and just deliberate on the matter.

So, thank you very much. Well done.

And we will move forward.

8) PUBLIC MATTERS

CHAIR BENNETT: So, with that, no additional input from the parties, what I'd like to do is go to public matters. And we will have
3 minutes each per person. And if you can
identify yourself with the star-3 and we will
unmute you. And if you'll identify yourself with
your name, address, and then provide your public
statement.

Okay. We have one person. What's the
number? Can you identify yourself.

MS. BRIZILL: This is Dorothy Brizill.

CHAIR BENNETT: Okay. Go ahead, Ms.

Brizill.

MS. BRIZILL: I'd like to see if I can
get some information. And I'll try to go as
quickly as I can.

First, can you tell me why the DC
Board of Elections office is still closed, both
for the board staff as well as of the campaign
finance? And why is it still closed and why are
you operating out of the warehouse?

CHAIR BENNETT: Can you give your name
and address, Ms. Brizill.

MS. BRIZILL: My name is Dorothy
Brizill, B-R-I-Z-I-L-L. I'm a deputy director of
DC Watch. Our mailing address is 4005 Wisconsin Avenue, Northwest.

CHAIR BENNETT: Thank you, Ms. Brizill.

Ms. Miller, can you respond to Ms. Brizill, please.

MS. MILLER: I can respond with respect to the Board of Elections.

We are operating pursuant to the mayor's directive that is Phase II. Phase II provides that we can have no more than a certain number of employees in the office at a time. And for us, that's no more than 17. And that's where we are. Our employees are either at the warehouse facility or working remotely.

MS. BRIZILL: I'm sorry, I couldn't hear the last part of what you said. They're either at the warehouse or where?

MS. MILLER: Working remotely.

Ms. Montgomery can answer with respect to Campaign Finance.

MS. BRIZILL: What is the situation
regarding the Office of Campaign Finance?

CHAIR BENNETT: Ms. Montgomery, I think you can unmute yourself.

MS. COLLIER-MONTGOMERY: Yes. Yes, yes.

With respect to the Office of Campaign Finance, the office, as I indicated earlier, is still operating under a modified status. And the office is operating through teleworking. And, also, all of our services are being provided.

We are receiving the financial reports online at our website. We are also registering candidates online. And we also are providing training services online as well. And this is, again, pursuant to the Phase II of the operating status, as indicated by the mayor in terms of --

MS. BRIZILL: Okay, Ms. Montgomery, I appreciate that, but you're running my time.

Ms. Miller, the mayor's order, according to you the mayor's order would limit the manpower at the Board's headquarters to 17 people. Why aren't you and the team senior staff
at the Board of Elections at least operating from
there as opposed to over at the warehouse?

MS. MILLER: Managers are going back
and forth between both places, Ms. Brizill.

MS. BRIZILL: So, when you're telling
people that the office is not open and they have
to transmit their information, such as petitions,
by email, you do have the reg -- the registrar of
voters is operating out of the offices?

MS. MILLER: The registrar of voters
is here and has been here daily.

MS. BRIZILL: Daily you're saying?

MS. MILLER: Daily. Every day.

MS. BRIZILL: Okay. Okay, I have a
couple of other questions regarding the status of
preparations for the election in November.

Mr. Bennett, can you tell me whether
or not the Board has engaged a PR firm or a new
PR firm to handle information to the general
public and community outreach?

CHAIR BENNETT: We haven't concluded
with a PR firm for the community outreach. But
that action is the decision of the OCP.

MS. BRIZILL: Are you retaining the PR firm that managed the June primary?

CHAIR BENNETT: OCP is the one that will be making that decision.

MS. BRIZILL: I thought at the hearing that Mr. Allen had to review the debacle of the June 2nd primary, that you and Ms. Miller indicated that, or implied at least that you were looking for a new PR firm.

CHAIR BENNETT: I'm not sure if I implied that or said that, but my answer is still the same, that's a decision at OCP.

MS. BRIZILL: So, why did OCP make a decision for the Board of Elections PR firm when the PR firm would have to work for the Board of Elections? Don't you have some say?

CHAIR BENNETT: That's what the rules say, Ms. Brizill.

MS. BRIZILL: And they, and you're telling me now that they would make the decision regarding continuation of that contract?
CHAIR BENNETT: Yes, ma'am.

MS. BRIZILL: Okay. Ms. Miller, you went through it very quickly and I could barely hear you. You indicated that you have engaged a mail order firm to do the absentee ballots. Can you give that name again?

MS. MILLER: Sure. The name of the firm is K&H.

MS. BRIZILL: K? Can you --

MS. MILLER: The last --

MS. BRIZILL: K&H?

MS. MILLER: Yes.

MS. BRIZILL: And what is the amount of the contract?

MS. BRIZILL: I think it's about -- I'm not even sure -- about $600,000.

CHAIR BENNETT: That's your time, Ms. Brizill. Thank you.

Next person? Anybody else, press star-3.

All right, mute yourself. Somebody else has pressed star-3. 722, 202-722? Unmute
MR. SINDRAM: Hello?

CHAIR BENNETT: Yes.

MR. SINDRAM: Mr. Chair, can you hear me?

CHAIR BENNETT: Yes. Yes, I can.

MR. SINDRAM: Okay. Am I acknowledged?

CHAIR BENNETT: Yes, you are, sir.

Please go ahead.

MR. SINDRAM: Thank you.

CHAIR BENNETT: Please state your name and your address.

MR. SINDRAM: Certainly. Michael Sindram, disabled veteran, served our country more than most. Ward 4, 6645 Georgia Avenue, Northwest.

I have a question for Ms. Montgomery indicating about the Ward 4 Constituent Fund. It was kind difficult hearing about the documents. It appeared that they had lapsed or expired. So, I wanted to get a update or what --
Ward 4, Constituent Fund, the recall I guess.
Hello?

MS. COLLIER-MONTGOMERY: This is Ms. Montgomery again.

What I said, Mr. Sindram, was that we were conducting a periodic random audit of the constituent service program, the Ward 4 constituent service program and, specifically, I believe, indicated of the -- Let me just find which report it was. It was of a particular report. And that we were awaiting the receipt of the submission of those, the record from the Constituent Service Fund in order to conduct the audit.

MR. SINDRAM: Thank you.

And there was under issues, Verizon was made mention. Can you please clarify? I think was a litany of running for office or a Verizon was made mention in your presentation.

MS. COLLIER-MONTGOMERY: Yes. Again, in the -- in my report what I indicated is that we have several periodic random audits which are
ongoing. And what the office does is basically through our audit branch we provide for periodic random audits of the reports that are filed with us, the financial reports.

And the periodic reports are for a specific published period. And they require the committee that has been selected for audit to submit the documents in support of the transactions that are stated on their report, such as finance records, invoices, and other receipts.

So, what I indicated was that Verizon Communications, Inc., Good Government Club PAC has been selected for a periodic random audit. It is a political action committee that is registered with the agency. And the report that was selected was their January 31st report of receipts and expenditures.

I also indicated that the audit was initiated on March 2nd, 2020.

With the Ward 4 Constituent Service Program, the report that's being -- that is under
audit is the April 1st, 2020 report.

So, when the reports are selected for
audit it's typically for the coverage period of
those particular reports.

MR. SINDRAM: Got you. Thank you for
that clarification.

Last but not least, I listened
carefully, Mr. Chair, and Board members, to the
hearing. And it strikes me that it's a veiled
masked attempt to use Twitter to endorse a
candidate, which ought not be. My understanding
is ANC is not partisan. And in this instance,
clearly the veiled or masked attempt is to
endorse a candidate, which ought not be.

And last but not least, there has to
be a modicum of respect. And so, throughout the
hearing when somebody interrupts, and interjects,
and speaks out of turn, as the witnesses and
parties indicated, it takes you off your square.
It's distracting, can't concentrate.

I'm referring to Ms. Brizill that, you
know, boldly interrupted, which ought not be.
And she did it more than once. She ought to know better. And it's not good because it really is distracting, and it took me, too, off the focus of the gravamen of the witnesses.

So, there ought to be, you know, an admonition given. And then if this continues, to say, you know, you just will not be heard.

And I wanted to conclude, Mr. Chair, if I may. It is the veteran, it is the veteran, not preacher, who has given us freedom of religion. It is veteran, not reporter, who has given us freedom of the press. It is veteran, not poet, who has given us freedom of speech. It is veteran, not campaign organizer, who has given us freedom to assemble. It is veteran, not lawyer, who has given us right for fair trial. It is veteran, not politician, who has given us right to vote. It is veteran who salutes flag and serves under flag. God bless America and our troops.

Thank you so much again, Mr. Chair, disabled veteran. Any questions, I'd be
delighted to field them at this time.

Mr. Gill, we need an elephant in the room.

CHAIR BENNETT: Thank you, Mr. Sindram. That's all the time.

Can I get a motion? And thanks, thanks to everyone. We will be moving forward on the matters that we discussed today.

Can I get -- and thank you for everyone's patience. I do not like the virtual meetings, but we have to do what we have to do in order to maintain the safety of ourselves and the public.

9) ADJOURNMENT

CHAIR BENNETT: So, Ms. Greenfield, can we have a motion to adjourn?

MEMBER GREENFIELD: I move that we adjourn the meeting.

CHAIR BENNETT: Mr. Gill, can I get a second?

MEMBER GILL: I second.

CHAIR BENNETT: The adjournment of the
meeting has been properly move and seconded.

    All in favor? Ms. Greenfield?

    MEMBER GREENFIELD: Aye.

    CHAIR BENNETT: Mr. Gill?

    MEMBER GILL: Aye.

    CHAIR BENNETT: Aye from me as well.

    It's unanimous. This meeting is hereby adjourned. Thank you so much, all.

    (Whereupon, at 12:50 p.m., the above-entitled matter was adjourned.)
This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DCBOE

Date: 08-05-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]

Court Reporter