

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Elections and Ethics
441 4th Street, N.W.
Washington, D.C. 20001

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS
REGULAR BOARD MEETING

MICHAEL BENNETT, Board Chairman

10:38 to 1:17 p.m.
Wednesday, September 7, 2016

One Judiciary Square
441 4th Street, N.W., Room 280 North
Washington, DC 20001

OLENDER REPORTING, INC.
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PRESENT:

Board of Elections and Ethics:

TERRI D. STROUD, Acting Executive Director

MICHAEL BENNETT, Board Chairman

KENNETH J. MCGHIE, General Counsel

MICHAEL D. GILL, Board Member

CECILY COLLIER-MONTGOMERY, Director, Office of
Campaign Finance

ALICE LEWIS, Board Member

DIONNA MILLER, Board Member

ALSO PRESENT:

WILLIAM SANFORD, General Counsel to
Office of Campaign Finance

RUDOLPH MCGANN, JR, ESQ.

KAREN BROOKS

Public:

ABSALON JORDAN

MICHAEL SINDRAM, Disabled Veteran

DAVID SCHWARTZMAN

ARLIN BUDOO

DIANA RAMIREZ

ANTHONY MUHAMMAD

PAUL TRANTHAN

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1 PROCEEDINGS

2 CHAIRMAN BENNETT: Good morning. Sorry
3 we're a little late. Let's call the meeting to
4 order. My name is Michael Bennett. I'm Chair of
5 the Board of Elections of the District of
6 Columbia. To my far right is Cecily Montgomery,
7 Executive Director of Office of Campaign Finance.

8 MS. COLLIER-MONTGOMERY: Good morning.

9 CHAIRMAN BENNETT: To her left is Michael
10 Gill, board member; to his left, my immediate
11 right is Ken McGhie, General Counsel to Board of
12 Elections; to my immediate left is Dionna Lewis,
13 board member; and to her immediate left is Alice
14 Miller, Executive Director of the Board of
15 Elections.

16 First order of business on the agenda is
17 I'd like to get a motion from a board member to
18 adopt the agenda for today.

19 MS. LEWIS: Motion to adopt the agenda.

20 MR. GILL: Second.

21 CHAIRMAN BENNETT: All in favor.

22 [Chorus of Ayes.]

1 CHAIRMAN BENNETT: Motion carries.

2 Number two on the item is adoption of
3 minutes from the last meeting.

4 MS. LEWIS: I move to adopt last meeting,
5 August 3, 2016, meeting notes.

6 CHAIRMAN BENNETT: I need a second.

7 MR. GILL: Second even though I wasn't
8 there.

9 CHAIRMAN BENNETT: Okay. You read them.
10 That carries.

11 Board matters. The only thing that I
12 have anyway today as a board matter is just to
13 note a change on the agenda, which this will be
14 our standard agenda. We move public matters from
15 the end to early on. The reason being is that
16 when public matters do come up or people have
17 questions or items of that nature, we have -- the
18 meetings haven't been very efficient with the
19 back and forth trying to address specific items,
20 various public matters. So we to ask questions
21 and to get some clarifications. At the end of
22 the agenda today, the very last item is a five-

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1 minute recess because we have other hearings to
2 conduct after that, but at the end of the agenda,
3 if anybody has any questions, really
4 clarification questions regarding the reports, we
5 certainly will make time to get those questions;
6 but there won't be any discussions on those
7 questions during the meeting on the current
8 report. So that is a change to the agenda that
9 will be standard.

10 Any other board matters, Mr. Gill?

11 MR. GILL: No.

12 CHAIRMAN BENNETT: Lewis?

13 MS. LEWIS: Not from me.

14 CHAIRMAN BENNETT: Okay. With that, any
15 public matters?

16 Yes, sir.

17 MR. JORDAN: My name is Absalom Jordan.
18 I have a letter from the Board.

19 CHAIRMAN BENNETT: Can you give us your
20 address, please, sir?

21 MR. JORDAN: My address is 4335 4th
22 Street, Southeast, Apartment #3, Washington, D.C.

1 CHAIRMAN BENNETT: Great. Thank you,
2 sir.

3 MR. JORDAN: I'm here today. I had sent
4 a letter to the Board on August 3rd requesting
5 action by the Board. I was told that I was going
6 to be placed on the agenda for today. That
7 letter was sent to me on August 8, 2016. It
8 says, "Your request to amend the rules will be
9 placed on the agenda for consideration by the
10 Board on September 7, 2016, the regular board
11 meeting." I came in today. I noticed I wasn't
12 on the agenda. I did approach the staff, and
13 they told me I would be on at this portion.

14 I have submitted to the Board a request
15 that the Board adopt two things. One is it hold
16 in abeyance consideration of the council
17 resolution dealing with statehood, and that it
18 adopt a rule that would bring it in compliance
19 with the Administrative Procedures Act. As it
20 stands right now, this Board is not in compliance
21 with the Administrative Procedures Act that
22 provides for -- your rules don't provide for an

1 opportunity for petitioners or for anybody to
2 petition the Board to propose a rule, to amend a
3 rule, or to repair the rule. You are not in
4 compliance with that provision of the law.

5 And so I requested that you hold in
6 abeyance any action on the council resolution
7 until such time that you could consider adopting
8 the Administrative Procedures Act requirement or
9 mandate that you have a provision in your rules
10 that would allow residents or person to propose a
11 rule, to amend the proposed amendment to a rule,
12 or propose a repeal of a rule.

13 I did this because in your rules, 1903,
14 you don't have any provision that talks about --
15 what you say is that if a resolution comes from
16 the council proposing an advisory referendum that
17 all you do at a public meeting is that you
18 certify the language for the ballot.

19 The first thing I would note is your own
20 rule says that you must have a public meeting
21 within 20 days of receiving this. As I
22 understand it, the Board received this on August

1 9th, so we're not in compliance with the 20-day
2 requirement there.

3 But in any event, the petition or the
4 request was designed to ask that you adopt the
5 rule that would require that there be some
6 clarification of a council advisory referendum if
7 it had a short title and a summary statement.
8 The reason for that, two things. One is the
9 enabling legislation that 1903 tracks does not
10 require that the Board certify and not have any
11 other review or consideration of an advisory
12 referendum that has a short title and a summary
13 statement. There's nothing in the enabling
14 legislation that says that you can't do that, and
15 I cited that in the letter that I sent to the
16 Board that's DC Code -- I think it's 1-204. I
17 have it someplace, but anyways, it's in the code;
18 and it doesn't require that you -- it just says,
19 you know, you consider it, but it doesn't say
20 anything about you not having a review.

21 The concern I have is that the language
22 that is coming from the council is ambiguous, and

1 it doesn't really give us -- as I said in my
2 request to the Board, it doesn't provide
3 accuracy, and it's not -- does not in any way in
4 form people in terms of what is really being
5 considered by the council.

6 Council says they want to have people
7 adopt the resolution on statehood -- I mean, on
8 constitution. They don't define which
9 constitution they're attempting to address
10 because the constitution of 1987, that is what
11 they use as the base for whatever they're
12 considering, that constitution was never ratified
13 by the voters in the District of Columbia.

14 And so if they're proposing a
15 constitution now, is it to amend the 1987
16 constitution which never received ratification,
17 or is it to amend the 1982 constitution, which
18 was adopted by a constitutional convention and
19 was ratified by the citizens of the District of
20 Columbia?

21 So it's important that we are clear in
22 terms of this resolution that the council wants

1 the Board to place on the ballot regarding what
2 the constitution does or does not mean and which
3 constitution they're referring to.

4 The other thing that has to be noted is
5 that the council will not have a constitution
6 that it has produced by the time of early voting
7 or the November 8th election. So citizens would
8 be asked to vote for something they've never seen
9 before, a pig in a poke. That would not be
10 appropriate for this Board to approve because
11 it's not accurate and wouldn't be clear. So we
12 propose that resolution -- I mean, that you amend
13 your rules, and you said you couldn't do it
14 because you can't apply a rule retroactively to
15 something that you already have in your presence.
16 That is, you had received the council's
17 resolution.

18 My letter came to you -- was sent to you
19 on August 3rd. You responded to me on August
20 8th. I met in this office with Commissioner
21 Patricia Carmen and myself. We had turned in our
22 petitions that day. We came to the General

1 Council's office and met with Mr. McGann, and we
2 asked him pointedly had the council submitted its
3 resolution. He said no.

4 I called four times to this office to
5 talk to someone named Margarita because when I
6 called the council, the city council's office to
7 find out when they had submitted it, they told me
8 to talk to Margarita. I called her four times.
9 She never returned my call.

10 Subsequently though, I did talk to
11 someone. They sent me an email which confirms
12 that the council did not submit it. It wasn't
13 received in your office until August 9th. So the
14 reality is that you're saying to me in a letter
15 that you couldn't deal with something
16 retroactively, when in fact, you had never
17 received the resolution from the city council.
18 You hadn't received it at the time that you
19 received my request.

20 What I'm saying today is I still believe
21 that the issue is a salient issue. That is, one,
22 the Board is not in compliance with the

1 Administrative Procedures Act in terms of having
2 a rule that would have permitted us to propose
3 amendments to 1903. And consequently, any action
4 that the Board may take could be considered
5 arbitrary. I would think that your response to
6 me was arbitrary because you didn't have anything
7 at that -- in place at that point that would have
8 told what the forms should be for submitting it,
9 the means for processing, or considering, or
10 handling, anything else.

11 So I will request again that the Board
12 adopt the rule that it hold in abeyance any
13 action on the city council's resolution until
14 such time that it is received -- I mean, it's
15 promulgated the rule, published it in the
16 register, and had public comments, and adopted a
17 rule that permits us, any citizen, to propose
18 amendments to the rules, propose a rule itself,
19 or propose repeal of the rule.

20 And that's where we are in terms of the
21 matter that I'm presenting to the Board today. I
22 do think though it's very important for us to

1 know that when I requested -- when the Board was
2 going to act upon the council resolution, I was
3 told it was going to be done today, and now I'm
4 told today it's going to be done on the 17th or
5 the 14th, okay. But I would note that even by
6 your present rules, you're not in compliance with
7 the 20-day requirement for considering that.

8 So I would like to see the Board itself
9 be in compliance with its own rules or with the
10 Administrative Procedures Act. An issue for us
11 though is this whole question of a constitution
12 that nobody will have ever seen before they are
13 permitted to vote on it at early elections or
14 vote on it on November the 8th. So my petition
15 to you is to take immediate action to amend your
16 rules to provide for citizens to propose a rule,
17 to propose amendments to the rules, or propose a
18 repeal to the rule, as we're required, as
19 mandated by the Administrative Procedures Act.

20 CHAIRMAN BENNETT: Any questions from any
21 Board members?

22 Yeah. Would you like to -- let me just

1 ask: You're familiar -- you're obviously very
2 familiar with this, and thanks for your
3 appearance today and also thanks for your letters
4 earlier. But you are -- I'm almost embarrassed
5 to ask you the question, but this is an advisory
6 referendum that doesn't carry any weigh; or it
7 doesn't have a rule of law behind it.

8 MR. JORDAN: I understand that.

9 CHAIRMAN BENNETT: Okay.

10 MR. JORDAN: But the concern is we're
11 asking people to vote on it.

12 CHAIRMAN BENNETT: No, I understand.

13 MR. JORDAN: And so even if it's
14 advisory, I mean, that doesn't remove it from the
15 point where it's -- see, you treat advisory
16 resolutions in two different ways coming from the
17 council. If they don't have a short title and a
18 summary statement, you go through an extended
19 process for considering that.

20 CHAIRMAN BENNETT: Uh-huh (affirmative).

21 MR. JORDAN: If one has a short title and
22 a summary statement, then you just certify. So

1 in any event, they're both advisory.

2 CHAIRMAN BENNETT: Uh-huh (affirmative).

3 MR. JORDAN: And they don't have the
4 force or effect of law.

5 CHAIRMAN BENNETT: You're not arguing
6 your point. I just want to make sure we --

7 MR. JORDAN: No. I understood that, but
8 I'm just saying I don't think that's relevant.
9 The reality is that as it stands right now that
10 there needs to be clarification in terms of what
11 constitution the voters would be adopting now.
12 It's clear -- they state in here the boundaries,
13 the date that the boundaries were adopted.
14 People can go and get a copy of that, but people
15 will not be able to -- council has not scheduled
16 hearings at this point.

17 CHAIRMAN BENNETT: Uh-huh (affirmative).

18 MR. JORDAN: There's no way for them at
19 this particular point in time to schedule
20 hearings and adopt a constitution by the time
21 that residents of the city are allowed to vote on
22 this matter.

1 But the other thing I'm saying that I
2 wanted to be understood is that Title 505(b) of
3 the Administrative Procedures Act, you're not in
4 compliance with that. I don't know why. This
5 has been in existence for over 40 years. Very
6 few agencies are in compliance with it. I can
7 understand from a pragmatic point of view why
8 people don't want it, but it's required. And I'm
9 saying you're not in compliance with that now.

10 CHAIRMAN BENNETT: Okay. Ken, did you
11 want to --

12 MR. MCGHIE: Sure. I can try and address
13 some of your questions. I'll start with the
14 first thing you mentioned that citizens cannot
15 propose regulations. Any citizen can propose
16 regulations, and the Board will consider the
17 proposed regulation. Now, whether the Board
18 decides to adopt those regulations or not, that's
19 totally up to the discretion of the board, but
20 anybody can propose regulations to the board.

21 I think when we responded back to you, we
22 indicated that you wanted the board to adopt

1 proposed regulations that would apply to the
2 advisory referendum, which was already approved
3 by the city council, and I'm not certain of the
4 exact date that we got the advisory referendum
5 from the city council; but I'm almost certain
6 that we wouldn't have sent a letter that said we
7 have -- we can't do something retroactively when
8 we never had never gotten anything from the
9 council, but we can check and see what was the
10 exact date that we got this transmittal from the
11 council.

12 As for the 20 days that you keep
13 mentioning that the citizens -- the Board has 20
14 days to conduct a hearing on a short title and
15 summary statement, further up in the regulations
16 it says if the council adopts a resolution which
17 does not state the short title and summary
18 statement, then the Board would have 20 days in
19 which to have a meeting, and the Board would
20 formulate the 20 title and a summary statement.
21 The council resolution included a short title and
22 a summary statement, so the Board, based on its

1 own regulations, could not -- there was no need
2 for the Board to have a hearing to adopt the
3 summary statement. What you're familiar with in
4 the past is like initiatives or if they have some
5 advisory referendum with nothing included. Then
6 we would conduct a hearing, and we would take
7 input from the public to fashion a summary
8 statement, pretty much what we're going to do
9 today. We have an initiative, and we're
10 formulating the short title, the summary
11 statement on a minimum wage initiative; and we
12 will take public comment on the language that
13 should appear on the ballot for that initiative.

14 But since the council sent over a
15 resolution and it was the council's advisory
16 resolution, they did their own summary statement.
17 They did their own title. So by law we're
18 required to just adopt what they sent us.

19 MR. JORDAN: Well, let me do two things.

20 MR. MCGHIE: Uh-huh (affirmative).

21 MR. JORDAN: I'm citing for you the
22 specific law that authorized them to do advisory

1 resolutions. There's no place in the law where
2 it says you must certify. There's no place in
3 the law where it says you have to move it forward
4 without public hearings.

5 The second thing I would note is 1903.1
6 provides that you will hold a public meeting
7 within 20 days for when you don't have -- I mean,
8 you have a summary statement -- I mean, a short
9 title and a summary statement. So I don't
10 understand what you're saying, but I'm saying I'm
11 looking right now and can read to you verbatim.
12 But it says that, "The Board shall conduct a
13 public meeting within 20 days of receipt of the
14 resolution to certify this language for the
15 ballot." So I don't know where you're saying you
16 don't have that 20-day requirement. You're not
17 in compliance with your own rules at this point.

18 Second thing I would note is that when
19 you say that the Board will consider, that's
20 nice. You make it seem like you're doing
21 something for us, but you're not in compliance
22 with the law. The Administrative Procedures Act

1 requires that not only that you consider it, but
2 you have -- you define forms in which the people
3 to submit it; you provide a process, and on, and
4 on, and on. You don't have that. So if you did
5 consider it, whatever you would consider would be
6 in arbitrary process. It is not a structured
7 stratified process, and it's still not in
8 compliance with the Administrative Procedures
9 Act.

10 And finally, when you say you don't know
11 when it was received, I have an email here from
12 Ms. Linda Johnson of your staff, and if you want
13 I can give it to you now; but it says that you
14 received it on the 9th, a day after the letter
15 that you sent to me saying that you had it in
16 your possession. The mere fact that the council
17 adopted something didn't mean that you could act
18 upon it because the council adopted it. If you
19 could take action on it the moment that you
20 received it in your office, then that time
21 started to count. And I'm saying even if we look
22 at the time counting, you're not in compliance

1 with the 20 days. But the more important thing,
2 you did not have it in your possession --

3 MR. MCGHIE: All right.

4 MR. JORDAN: -- on the date that I sent
5 the request to you and on the date that you sent
6 the letter to me. So I'm saying I don't know if
7 you didn't have knowledge of when it came in, or
8 if this was disingenuous, or what. But I'm
9 saying the facts are, by this letter that I have
10 from you -- I mean, this email that I have from
11 Ms. Johnson saying that it was received on the
12 9th.

13 And by the way I think you ought to note
14 the fact, four times I called this office and
15 talked to someone named Margarita. I don't know
16 the last name. She never returned my calls,
17 never once, and I talked to Mr. McGann, Patricia
18 Common. I want that -- this is my direct
19 testimony. On the 9th after we turned in our
20 petitions, I talked to Mr. McGann, and he told us
21 they had not received it as of that date and that
22 time.

1 So I don't want to fudge the facts. The
2 reality is that you sent us something saying that
3 you had it in your possession, and you didn't
4 have it in your possession.

5 MR. MCGHIE: All right. Well, either
6 way, if you would like at the end of the meeting,
7 I can show you the regulations where it says that
8 if the council sends over a short title and
9 summary statement, that we do not conduct a
10 hearing to formulate a short title and summary
11 statement.

12 MR. JORDAN: I'm reading it. It's
13 1903.1.

14 MR. MCGHIE: Yeah.

15 MR. JORDAN: I have it here. It says,
16 "You shall conduct a public meeting." Why would
17 you challenge me on this when I'm looking at your
18 own regulations?

19 MR. MCGHIE: Because it's two or three
20 sections before that one.

21 MR. JORDAN: Two or three sections that
22 says that you don't --

1 MR. MCGHIE: That says if you get a short
2 title and a summary statement from the council,
3 then the Board is to certify that language, and
4 we do not conduct a hearing to do the short title
5 and the summary statement in the 20 days. But
6 I'm still --

7 MR. JORDAN: Even if it says that, I'm
8 saying it says here that when you get an advisory
9 resolution that has a summary statement and a
10 short title, you're to do -- let me make this
11 point -- that's what it says here, but let me
12 make this point because you -- it's not a
13 laughing matter, Mr. McGhie.

14 MR. MCGHIE: No.

15 MR. JORDAN: We're serious. And I'm not
16 -- I'm not here to entertain anybody. The point
17 I'm trying to make is that when you're raising a
18 question about this particular item coming from
19 the Board and what have you, I'm saying we still
20 have not gotten in place regulations, rules, that
21 would have allowed us to come in and to amend
22 your rule that would have said something other

1 than this.

2 So if you're -- and you had time in which
3 to do it. You had time in which to adopt the
4 rule, put it in the register, and have public
5 comments on it, and have it adopted.

6 MR. MCGHIE: That's if the Board -- if
7 you suggested the regulations and the Board said,
8 yeah, that's a good idea; we want to adopt that,
9 we do not just adopt regulations or proposed
10 regulations because you sent it.

11 CHAIRMAN BENNETT: Can I recognize
12 Ms. Lewis? Did you have a question?

13 MS. LEWIS: No. That's okay with answer.
14 Thank you.

15 CHAIRMAN BENNETT: Okay. I'm sorry.

16 MR. MCGHIE: A citizen cannot just send
17 proposed regulations and the Board adopts the
18 proposed regulations. No. If the Board feels
19 there's some merit to the proposed regulations,
20 then they adopt the proposed regulations, and
21 it's subject to a 30-day comment period.

22 MR. JORDAN: Yeah. I understand that,

1 but I'm saying at this particular point in time
2 you don't have in place any process, provisions,
3 any rule that provides for citizens submitting.
4 That's this Board. Because I'm saying any
5 decision that you make at this point can be
6 considered arbitrary, and I need to make that
7 point and subject to legal review.

8 So my question to you is -- you can say
9 -- I realize the law itself doesn't say that you
10 have to affirmatively do whatever a petition asks
11 you to do, but it says you must have in place
12 provisions for them to submit it. And you don't.

13 CHAIRMAN BENNETT: Ms. Lewis?

14 MS. LEWIS: Yeah. Sir, I just wanted to
15 see what you were reading from, the provision of
16 the law that you printed off.

17 MR. JORDAN: Which one are you referring
18 to?

19 MS. LEWIS: 1903.

20 MR. JORDAN: It's right here.

21 MS. LEWIS: Yeah. I'm asking can I see
22 it?

1 MR. JORDAN: Of course you can.

2 MS. LEWIS: Thank you. Thanks very much.

3 [Reviewing document]

4 MR. JORDAN: If he's referring to the
5 general provisions that's 1900, I don't see
6 anything in here that says -- so I don't know
7 which section he's referring to. I have 1900
8 here. I have 1903. There's one and two that
9 would be in there, and then I have 1904 that
10 dealt with situations where the council would
11 submit.

12 MR. MCGHIE: If you would like, I can
13 have my staff attorney walk you through the
14 regulations after the meeting.

15 CHAIRMAN BENNETT: Speak up.

16 MR. MCGHIE: Yeah. I can have my staff
17 attorney walk you through the regulations.

18 MR. JORDAN: I'm saying this one is
19 clear.

20 MR. MCGHIE: Okay.

21 MR. JORDAN: It says that when you
22 receive advisory referendum that does not have --

1 I mean, that has the short title and the summary
2 statement, you certify.

3 MR. MCGHIE: Okay.

4 MR. JORDAN: I don't know if I'm
5 misreading it. Maybe Board member Lewis sees
6 something else, but I'm just saying I'm looking
7 at what the text says.

8 CHAIRMAN BENNETT: Okay.

9 MR. JORDAN: Thanks.

10 CHAIRMAN BENNETT: Thank you. Any other
11 matters associated with that? Any other comments
12 on that matter?

13 Yes, sir.

14 MR. SCHWARTZMAN: I would like to say
15 something on this issue.

16 CHAIRMAN BENNETT: Can you identify
17 yourself and address, please, sir?

18 MR. SCHWARTZMAN: Yes, David Schwartzman,
19 1634 Montague Street, 20011.

20 CHAIRMAN BENNETT: Thank you, sir.

21 MR. SCHWARTZMAN: I notice you remarked
22 that the advisory referendum does not have force

1 of law, but I want to point out that this is a
2 very important referendum. It's taken very
3 seriously by our elected government, by our
4 mayor.

5 CHAIRMAN BENNETT: Uh-huh (affirmative).

6 MR. SCHWARTZMAN: And let me give a
7 little history on this. The new Columbia
8 Statehood Commission, which is comprised by the
9 mayor, the chair, and the Council Mennalsen
10 (phonetic), and the three members of the
11 statehood delegation, so called shadow
12 delegation, took upon themselves to create a
13 constitution. And what was the purpose? Because
14 they anticipated that come November 8th that they
15 expected a possible or hopefully a sweep of the
16 president and Congress. So we could finally get
17 statehood.

18 And I want to say, I'm a member of the DC
19 statehood green party. I joined the statehood
20 party in 1976 when I moved in DC. Our party
21 founded the statehood movement, and we take this
22 goal very seriously. And we want to achieve this

1 full rights, equal rights with everyone else as
2 soon as possible, and that's why we take this
3 referendum very seriously. But what is
4 complicated this whole process is that the
5 commission took upon themselves to create five
6 members to create a new constitution that would
7 be applied to a bill petition for statehood in
8 the coming Congress, assuming they would pass it,
9 even if that was not a probability, I think the
10 process would proceed in any case.

11 And then they conducted what they call a
12 constitutional convention, three sessions. I
13 "testified" at one at Wilson High. Let me be
14 clear, we were not delegates to a constitutional
15 convention because we had -- we were not elected.
16 We had no vote on the product. The five members
17 created this "constitution" ignoring the fact
18 that in 1982 there was a real constitutional
19 convention with elected delegates, and they spent
20 90 days and created a visionary far ahead of its
21 time constitution, which we could take very
22 seriously. The present draft that's being

1 considered by the council lacks many provisions
2 which are -- many of us in the community I would
3 say the great majority of DC residents would
4 value very much, and this was eliminated in the
5 draft, which includes the prohibition,
6 discrimination based on race, sex, sexual
7 orientation, disability. It has a provision on
8 the right to employment and the right to an
9 income if one could not work. This was in 1982,
10 and this was ratified by voters. I voted for it
11 in 1982.

12 Now, this constitution is on their
13 website. That is Statehood.DC.gov. All of the
14 constitution, including the '87 that was
15 mentioned. But the commission took upon
16 themselves to create a draft constitution, which
17 they then transmitted to the council, and the
18 council will be holding two hearings from the
19 public on this advisory referendum, particularly
20 the constitution issue, on September 27th and
21 October 6th. But from what we can tell and we've
22 been told this by aids from the council members,

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1 that the second vote on this constitution will
2 very likely not occur until after November 8th.

3 And now I'm getting to the real critical
4 point, which I hope you take very seriously. The
5 advisory referendum spells out -- the language
6 says that the voters are asked to approve a
7 council process. That's not the exact language.
8 That's the essence that the voters are asked to
9 approve the council approving a constitution.
10 And as Mr. Jordan pointed out, we will not --
11 very likely not see this final product until
12 after November 8th, and I think that in itself is
13 just absurd. It's very un-Democratic, and is a
14 top down -- the whole process recently has been
15 very top down; and it's not respected, a bottom
16 up Democratic process to create our own
17 constitution.

18 And so I hope that you take this issue
19 very seriously because we did -- and I'll
20 conclude now -- we did lobby the council to take
21 out any mention of the constitution before they
22 voted on the bill that became the language for

1 the advisory referendum.

2 We did lobby them, and a broad section of
3 our community participated and from every ward.
4 And we said, please, take the constitution off.
5 We want to vote yes on statehood, and they
6 didn't. And they could have done another way to
7 satisfy us. They could have said, okay, you have
8 a few different votes. You can vote yes or no on
9 the process to approve a constitution, and you
10 can vote yes or no on statehood. But they choose
11 not to do this in the language that you have
12 received. And that's what we really object to.
13 This is a very unwelcome process. I hope you
14 take these issues very seriously.

15 CHAIRMAN BENNETT: Yes. We do. And I
16 appreciate the comment and also yours, Mr.
17 Jordan; is that correct? And that is -- and the
18 procedural matters that this Board has cognizance
19 over, we certainly will deal with those. Much of
20 what you've talked about though is the substance
21 of the referendum amendment of itself, and we
22 don't have any authority over that being of

1 itself. But I do appreciate the comments on the
2 matters that we do have authority over. So thank
3 you for that.

4 Is there any other -- did you have any
5 questions, Mr. Gill?

6 MR. GILL: No, no questions. Just I want
7 to be clear though. The questions that you've
8 raised and the issues that you've raised, we've
9 discussed, and you know, what it comes down to
10 those is just as the Chairman said: We have
11 jurisdiction over the semantics of the referendum
12 as given to us by the council for an advisory
13 referendum, and I think you're arguments are with
14 whether or not this should have ever been an
15 advisory referendum or something more substantial
16 at the start; but that's not for us to decide.

17 MR. SCHWARTZMAN: You have no power to,
18 for instance, separate the questions on the
19 language so voters would have a much clearer
20 picture of what they're actually voting for? And
21 that goes back to my comment that if the advisory
22 referendum had a number of votes yes or no; or

1 council-approved constitution, yes or no;
2 statehood, yes or no, for example, you have no
3 power to divide; is that what you're saying?

4 MR. GILL: That's my understanding. I
5 looked to my general counsel before I say that,
6 but yeah. We sort of -- we can take what we
7 have, but we can't -- unless there's something
8 that doesn't comport with the DC law in terms of
9 -- as we're going to talk about a little bit
10 later on, the minimum wage vote. Minimum wage
11 vote will not affect DC employees because the
12 referendum can't affect the city's budget. So
13 all DC employees, all DC contractors are taken
14 out of that specific, but that's a true
15 referendum.

16 MR. SCHWARTZMAN: Yeah.

17 MR. GILL: This is an advisory
18 referendum.

19 MR. SCHWARTZMAN: Okay. Thank you very
20 much.

21 MR. JORDAN: Mr. Chair, could I just
22 briefly -- quick point.

1 CHAIRMAN BENNETT: Sure. Try to make it
2 quick, Mr. Jordan.

3 MR. JORDAN: It's been raised about we
4 don't have jurisdiction to do this or what have
5 you once it comes from the council. I would just
6 like to note, Title 1, Section 204-12(b), it only
7 reads this, "A special election may be called by
8 resolution of the council to present an advisory
9 referendum vote of the people -- for an advisory
10 referendum vote of the people any proposition
11 upon which the council desires to take action."

12 Now, the point I'm trying to make is
13 there's nothing in this enabling legislation that
14 prohibited this Board from taking jurisdiction to
15 review. You used the term "semantics." The
16 Board chose when it developed its regulations to
17 say that if a resolution is submitted to us that
18 has a short title -- I mean, has a short title
19 and summary statement, that we won't review the
20 language or what have you. But there's nothing
21 in the enabling legislation that prohibited the
22 Board from doing that. That's precisely why I

1 asked the Board to amend its rules to do that.

2 CHAIRMAN BENNETT: Let me be real clear:
3 What I said and the intent was is that the
4 substance of the referendum --

5 MR. JORDAN: I agree with you.

6 CHAIRMAN BENNETT: Okay.

7 MR. JORDAN: I'm not looking at the
8 substance.

9 CHAIRMAN BENNETT: That's all I was
10 saying. No. I understand your point completely.

11 MR. JORDAN: I'm not looking at the
12 substance of the resolution.

13 CHAIRMAN BENNETT: I understand your
14 point.

15 MR. JORDAN: What I'm saying is looking
16 at the short title --

17 CHAIRMAN BENNETT: I'm not suggesting
18 that you --

19 MR. JORDAN: -- and the summary
20 statement, the Board had authority -- still has
21 authority to review that for accuracy and some of
22 the other requirements that it establishes under

1 1904. And that's all we were asking you to do is
2 to review it so that the people would know, at
3 least have some kind of accurate statement about
4 what it is they're voting on.

5 CHAIRMAN BENNETT: I understand your
6 point.

7 MR. JORDAN: Okay.

8 CHAIRMAN BENNETT: Thank you. Thank you.
9 Any other comments on that matter?

10 MR. SINDRAM: Public comment?

11 CHAIRMAN BENNETT: On that particular
12 matter. Are there any -- I just want to make
13 sure there's no other comments on that particular
14 matter.

15 MR. SINDRAM: What matter is that?

16 CHAIRMAN BENNETT: The matters associated
17 with the referendum for the advisory referendum.
18 Yeah, sorry. No other public comment on that.

19 Then, yeah, any other public comment?

20 Yes, sir.

21 MR. SINDRAM: Looks like my timing is
22 good.

1 I'm looking in the audience and I see,
2 again, an armed guard that puts a chilling effect
3 on my constitutionally guaranteed right to speak,
4 not only with what I have to say and my right to
5 say it, and I believe this is spearheaded and
6 targeted at me; and I want it to stop.

7 CHAIRMAN BENNETT: Would you please state
8 your name and your address?

9 MR. SINDRAM: Michael Sindram, disabled
10 veteran, served our country more than most.

11 CHAIRMAN BENNETT: Thank you.

12 MR. SINDRAM: I had to come through a
13 (inaudible) to come down here. I'm cooperative,
14 and I'm unarmed; and I'm tired of harassment by
15 these security folks, tired of it, and it needs
16 to stop. I come to a lot of public meetings. In
17 fact, I was at the council hearing for your
18 confirmation, you'll recall, you know. And you
19 were telling about all kind of results and what's
20 going to happen, and this I the end result where
21 I got so much stalking, and harassing, and
22 haranguing me. I brought it up last meeting.

1 You've done nothing, and you continue not to do.

2 And I look in the audience too. I don't
3 see Ms. Brizill, okay. That's not good. She's
4 one of the voices of the people, and she needs to
5 be treated with respect; and she's not.

6 You recall last meeting, Mr. Chair, I
7 brought up concerns, and actually,
8 Ms. Montgomery, we had an offline chat about
9 constituent services in your words with your
10 bosses, if you will, some heavy-hitters -
11 Councilman Ruby May, Agent Orange, right,
12 Mendleson.

13 And then the meeting, I get up by the
14 general counsel there, Sanford in an earlier life
15 was a Bureau of Traffic adjudication officer. I
16 guess when he was the FBI came down there and
17 closed it down.

18 CHAIRMAN BENNETT: Would you -- please
19 don't make personal attacks.

20 MR. SINDRAM: I'm stating a fact. Did
21 you want to sanitize my testimony?

22 CHAIRMAN BENNETT: No. I'm asking you

1 not to make personal attacks.

2 MR. SINDRAM: When I make a personal
3 attack, you'll know. I'm making a statement, a
4 statement of fact.

5 CHAIRMAN BENNETT: Please continue, sir.

6 MR. SINDRAM: (Inaudible) I don't
7 interrupt you, so why are you interrupting me?

8 So I wrote to Ms. Montgomery on July 9,
9 2016. I have multiple copies here, which I'd
10 like to pass up to the Board actually. May I
11 approach?

12 CHAIRMAN BENNETT: Yes.

13 MR. SINDRAM: And it outlines with
14 particularity and specificity my concerns, which
15 remain pending and unacted upon. Again, in Ms.
16 Montgomery's words, these are constituent
17 services directly and squarely within the belly
18 of campaign finance. I want some action taken,
19 and your words at your confirmation hearing,
20 results count; and I'm still waiting. So help me
21 help you help us, please.

22 So hopefully next go around, you know,

1 I'll get some result, not where I got the general
2 counsel beating me up and, you know, this is
3 something else. It gets old. I ain't stupid
4 pushing 60. I know what I'm entitled to under
5 color of law, and I want it. And I know the
6 promise you made at the hearing, although Ms.
7 Brizill had her concerns. I had my reservation,
8 but the point is you promised results; and I'm
9 still waiting, and that's what counts.

10 There was another issue, Mr. Chair, and
11 that involves, yes, your favorite friend, Togo
12 West, the prior Chair. There was promised a
13 hearing. It was an ANC grant recession, ANC 4-8,
14 and the grant was improvidently rescinded,
15 nothing in writing, which the law requires.

16 Mr. McGann was beating me up over the
17 head saying standing. Well, I know how to stand.
18 I know how to sit down. The bottom line is that
19 the former Chair indicated I was entitled to a
20 hearing with the full complement. Togo West had
21 made a decision, right. Following the meeting
22 last go around, this was handed to me, right, but

1 it doesn't indicate that I submitted in writing a
2 timely appeal on the record, which Chair West at
3 the time indicated, yes, you are entitled, by law
4 a full complement hearing; and it will happen.
5 The problem is Harry Thomas debacle was going
6 down, so it died.

7 Mr. McGhie was here. Mr. McGann was
8 here. You know, there were others.
9 Ms. Montgomery may have been here, but I'm still
10 waiting, results count. So let's have this
11 hearing. Justice delayed is just (inaudible).

12 Wrapping up, there was in the news items
13 of concern that have to do with the voting, and
14 these articles I've been saving for you guys.
15 This was in the Post --

16 THE REPORTER: Sir, could you take your
17 papers off the mic, please. Thank you.

18 MR. SINDRAM: These were articles. This
19 one particularly appeared in the Post, Thursday,
20 September 1. It says, "Could Russian hackers
21 actually tip an American election. Computer
22 experts warn of vulnerabilities at all points in

1 the process." I'm going to pass that up.

2 Additionally, there was a vote for low
3 tech elections. "Paper ballots may be the only
4 way to foil the keystrokes of hackers." This was
5 in the Washington Times on September 1. Again, I
6 will pass it up and give it to the transcriber at
7 conclusion.

8 Another timely article, "Voter fraud in
9 US rare because it is irrational." This appeared
10 in the Post on September 4th. "Efforts to
11 curtail the full occurrences can lead to bigger
12 problems." And in relevant part it says here,
13 "At least one-third of those cases involve non-
14 voters such as election officials or volunteers."
15 None of the cases that were prosecuted were for
16 voter impersonation.

17 And the gravamen of this article was that
18 when you appear to vote, you're required to give
19 ID, and this article points out that's not really
20 an issue. It's others who are involved in the
21 system, you know, that know the ins and outs that
22 are responsible and culpable for this voter

1 fraud. So, again, I'll hold that for you.

2 There was also interesting (sic) in the -
3 - this was in the Daily News out of New York
4 City, September 4th, a timely article that talked
5 about a Bronx primary rigged and a suit filed
6 accordingly. So I, again, will pass it up, and
7 then you can read it, you know, at your
8 convenience and so on.

9 If there's any questions, I'd be
10 delighted to filed them at this time, but once
11 again, Mr. Chair, I want to echo the concern
12 results, results count. And I shouldn't have to
13 come in meeting in, meeting out, along with
14 Ms. Brizill, who is not here, you know, and voice
15 my requests -- and voice my request repeatedly on
16 tin ears. This is not good.

17 Once again, at your oversight hearing you
18 made a promise, and I'm going to keep your feet
19 to the fire and hold you to it, results, results
20 count. And I hope next meeting I'm not going to
21 be harangued by this, you know, stalking of armed
22 guard. This is not good, and it ought not be.

1 Obviously, if there's something -- and I can't
2 even recall in the years I've come where there
3 was need. It is true, on occasion, you know,
4 tempers flare. It gets acrimonious, but that's
5 not been the case, certainly under your watch.
6 So this is unnecessary. There are other bigger
7 fish to fry in this building than stalking and
8 haranguing me, and it needs to stop because now
9 this is a violation of my civil rights,
10 cognizable under US Code 42, Section 1983 et sec.
11 So I'm putting you on notice. If you stop it or,
12 you know, we'll defer to higher authority to have
13 it stopped; but it's going to stop, and it needs
14 to stop. So I'm asking you --

15 CHAIRMAN BENNETT: I appreciate the
16 notice. It is not going to stop. Security is to
17 maintain the order of the meeting. Thank you,
18 sir.

19 MR. SINDRAM: That's why you're the Chair
20 here, to maintain the order. Is the security
21 going to be the Chair now?

22 CHAIRMAN BENNETT: For the record,

1 security is here to maintain order of the
2 meeting. It is not personal.

3 MR. SINDRAM: It is not on orders. It is
4 personal. You've said it from the outset.

5 CHAIRMAN BENNETT: It's not personal,
6 sir. Thank you.

7 MR. SINDRAM: You said from the outset,
8 don't make it personal. You are making it
9 personal, and if you want to make it personal,
10 I'm a veteran; and it's in my blood to fight, and
11 I fight to win.

12 CHAIRMAN BENNETT: So that's a threat,
13 Michael.

14 MR. SINDRAM: You can take it any way you
15 want to take it. There's an elephant in the
16 room. Where's the Republican office in this --

17 CHAIRMAN BENNETT: Thank you. I'm just
18 telling you what you've done.

19 MR. SINDRAM: You don't tell me. I'm not
20 your dog. I'm not your kid.

21 CHAIRMAN BENNETT: Thank you.

22 Any other public comment? Okay. Great.

1 Thank you.

2 Next item on the agenda is the Executive
3 Director's report for the Board of Elections.

4 Ms. Miller?

5 MS. MILLER: Thank you, Mr. Chair.

6 The first item under my agenda is the --
7 for the Board to review the polling place
8 locations. The ones that are under A were the
9 ones that Mr. Budoo presented at the last Board
10 meeting in August, and I'll ask him to come
11 forward and to move those for final
12 determination. And then there are proposed
13 relocations for two precincts that he also has a
14 request on.

15 CHAIRMAN BENNETT: Great. Thank you.

16 MR. BUDOO: Good morning.

17 CHAIRMAN BENNETT: Good morning.

18 MR. BUDOO: First, I would like to begin
19 with the previous relocations that were proposed
20 at the last scheduled board hearing.

21 I'm sorry. My name is Arlin Budoo,
22 Facility Manager for the Board of Elections. I'm

1 going to begin with Ward 1, Precinct Number 22.
2 We were previously in Ellington at Garnet-
3 Patterson. We are relocating to Ellington at
4 Meyer School.

5 The next is Precinct Number 24. We were
6 at Marie Reed Elementary School. We are
7 relocating to Mary's Center.

8 The next site is Precinct Number 40,
9 Bancroft Elementary School. We are relocating to
10 Mt. Pleasant Neighborhood Library.

11 I am now going into Ward 3. We were
12 previously -- Precinct Number 33. We were at
13 Murch Elementary School. We are relocating to
14 St. Paul's Luthern Church.

15 I am now going to Ward 4. We were at --
16 Precinct Number 51. We combined St. Johns
17 College High School with Precinct Number 50. We
18 are now relocating back to Lafayette Elementary
19 School.

20 The next relocations are going to Ward 6.
21 I am relocating Precinct Number 85 from
22 Bridgepoint Hospital at Capitol Hill to the

1 Northeast Neighborhood Library.

2 The next one is Precinct 91, Watkins
3 Elementary School. We are relocating to
4 Friendship Public Charter School, Chamberlain
5 campus.

6 And the last relocation was Ward 7,
7 Precinct Number 106. We are relocating from
8 Davis Elementary School to the Ridge Road
9 Recreation Center.

10 I will now ask a motion that these
11 relocations be made final, and I will publish
12 these relocations in the Register the day it's
13 final, relocations.

14 CHAIRMAN BENNETT: Okay. Can I get a
15 motion from a Board member?

16 MS. LEWIS: I would like to make a motion
17 to make these proposed relocations final.

18 MR. GILL: Second.

19 CHAIRMAN BENNETT: Any questions from
20 anybody about the relocations?

21 Thank you. Great job.

22 MR. BUDOO: Okay.

1 CHAIRMAN BENNETT: Motion carried.

2 MR. BUDOO: I have one additional
3 relocation I would like to propose today.

4 CHAIRMAN BENNETT: Okay.

5 MR. BUDOO: Precinct Number 42, which is
6 Mt. Rona Baptist Church, which has served as a
7 polling place in past elections, is not full ADA
8 accessible for the Board's use due to needed
9 renovations in the church hall where the voting
10 take place. Therefore, I'm proposing that we
11 relocate and combine with Precinct Number 49,
12 Raymond Recreation Center, located at 3725 10th
13 Street Northwest. Please note that Raymond
14 Recreation Center is located in Ward 4.

15 All affected ANC commissioners in Ward 1,
16 Council Member Nadoo were noted, asking for any
17 alternative locations that they would recommend.
18 At this time, they did not have any
19 recommendations. Council Member Nadoo has no
20 opposition to this proposed relocation.

21 The voter registration for Precinct
22 Number 42 is 2,242. The registration with

1 Precinct Number 49, which we would like to
2 combine with, is 1,119. We will be using the
3 gymnasium at the Raymond Recreation Center, so it
4 is a large space. I would like to say that the
5 voting space is excellent. The lighting is
6 excellent. There is a small parking lot as well
7 as street parking, and it's located approximately
8 six blocks from the current polling place.

9 CHAIRMAN BENNETT: How many people would
10 be served by that polling place?

11 MR. BUDOO: Well, as of right now,
12 Precinct Number 42 has 2,242, and Precinct Number
13 49 has 1,119. So it's --

14 CHAIRMAN BENNETT: So this would bring
15 everybody together?

16 MR. BUDOO: Yeah. It will bring everyone
17 together. Yes, sir.

18 CHAIRMAN BENNETT: And so you feel
19 comfortable that, that can serve, what, 3,500
20 people?

21 MR. BUDOO: Yes, sir. We using the
22 gymnasium of the recreation center. It's a

1 rather large gymnasium.

2 CHAIRMAN BENNETT: Is it large?

3 MR. BUDOO: Yes, sir.

4 CHAIRMAN BENNETT: Okay. And I think I
5 heard you say that the ADA requirements were --

6 MR. BUDOO: At Precinct 42, it was not
7 fully ADA. So therefore, this is a relocation
8 that we would have to make.

9 CHAIRMAN BENNETT: And it is fully --
10 will it be fully ADA?

11 MR. BUDOO: Yeah. Raymond Recreation
12 Center is fully ADA accessible. Yes, sir.

13 CHAIRMAN BENNETT: So this would be for
14 November 8th?

15 MR. BUDOO: Yes, sir.

16 CHAIRMAN BENNETT: And we have time to
17 get notice out to everybody?

18 MR. BUDOO: Yes, sir.

19 CHAIRMAN BENNETT: Okay. And we'll have
20 signs up at the old place?

21 MR. BUDOO: At the old place identifying
22 that the polling place has been relocated.

1 CHAIRMAN BENNETT: Okay.

2 MR. BUDOO: We will post those signs.

3 CHAIRMAN BENNETT: And how far is that --
4 the new polling place from the other?

5 MR. BUDOO: It's approximately six
6 blocks.

7 CHAIRMAN BENNETT: Six blocks, okay.

8 MR. BUDOO: Yeah.

9 CHAIRMAN BENNETT: So it's not --

10 MR. BUDOO: It's not a long walk at all.

11 CHAIRMAN BENNETT: It's not excessive?

12 MR. BUDOO: Right.

13 CHAIRMAN BENNETT: Okay. Any questions
14 from --

15 MS. MILLER: I just want to make certain
16 that it's clear, as Mr. Budoo pointed out, that
17 this is a Ward 1 location being relocated to Ward
18 4.

19 CHAIRMAN BENNETT: Okay.

20 MS. MILLER: The council and ANC are both
21 in favor of it, but there was just no other
22 facility to go to in Ward 1 to offer and provide

1 services for these residents.

2 CHAIRMAN BENNETT: Okay. I didn't hear
3 that. Okay.

4 Any questions from any other Board
5 members?

6 MS. LEWIS: No questions from me.

7 CHAIRMAN BENNETT: Okay. Mr. Gill?

8 MR. GILL: Nope.

9 CHAIRMAN BENNETT: You're good? Okay.
10 Thank you.

11 MR. BUDOO: Thank you.

12 MS. MILLER: Thank you, Mr. Budoo.

13 Next on my agenda, I just want to do a
14 general update for election preparation. As you
15 know, at our last meeting in August, the Board
16 was presented with a suggestion of modifying
17 early voting to end on Friday, November 4th, a
18 day earlier than originally schedule.

19 As I indicated at that time, the reasons
20 associated with ending a day earlier are all tied
21 to the myriad of logistical and administrative
22 processes that the staff must complete prior to

1 the Sunday packing of the equipment and loading,
2 Monday morning deliver, and Tuesday election day.

3 After reviewing the timeline requirement
4 that early voting take place for a period of not
5 less than 10 days, including one Sunday, and
6 after having the staff work with the facilities
7 for early voting, we're able to recommend -- and
8 I would like to formally announce that we will
9 end early voting on Friday, November 4th.
10 However, the period -- what we will do is extend
11 it actually two days longer. The period for
12 early voting was initially set for November 24th
13 to end on November 5th, 12 days that includes a
14 Sunday and two Saturdays.

15 CHAIRMAN BENNETT: I think you mean
16 October.

17 MS. MILLER: I'm sorry. October 24 to
18 end on November 5th.

19 We will now actually begin early voting
20 on Friday, October 22nd, and end on --

21 CHAIRMAN BENNETT: Is that Saturday?

22 MS. MILLER: Sorry. I'm sorry.

1 Saturday, October 22nd at One Judiciary Square
2 and end on Friday, November 4th. So the schedule
3 allows for early voting to take place over a 14-
4 day period and includes two Saturdays and two
5 Sundays. That's October 22nd and October 23rd
6 and October 29th and October 30th. So with that
7 said, I think we found a way to accommodate the
8 needs associated with early voting while also
9 balancing the number of requirements tied to the
10 element say operation.

11 The time frame will allow the needed
12 transition from early voting mode to election day
13 mode. That difference of one day is massive, and
14 so, you know, we're very appreciative to be able
15 to do that. We are very thankful to the
16 facilities to allow us to utilize it at the
17 different time frame, and I think it will
18 certainly make a huge difference with the way the
19 staff is able to survive over the period tied to
20 early voting versus election day operation.

21 CHAIRMAN BENNETT: Okay.

22 MS. MILLER: The calendar reflecting that

1 change is updated, and it's on the website.

2 Nominating petition challenges - we did
3 have many. The challenge period for direct
4 access for the November 8th election began on
5 Saturday, August 12, and closed on Monday, August
6 22nd. During that time frame there were 35
7 challenges filed to the nominating petitions.
8 Challenges were filed pursuant to the regulations.
9 We had 32 ANC challenges; 7 candidates withdrew;
10 12 challengers withdrew their challenge, and 13
11 requested Board hearings, which you all are aware
12 of. We had three additional direct challenges
13 for the State Board of Education and at large
14 member of the council.

15 Just briefly on registration information,
16 we have received, through the electronic
17 registration information center, 73,562
18 individuals who are identified as eligible but
19 unregistered voters, and with that information,
20 we will be providing them with a postcard that
21 suggests and provides them with various methods
22 with which they can register to vote in time for

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1 the upcoming November election. So I just wanted
2 to show you what that card is going to look like.
3 We kind of like the color. It's an eye catcher,
4 and it just simply says, "We hear you're new in
5 town. Register to vote." And it's online, in
6 person, mobile, or by app, and then on the back
7 it lists the requirements to be a registered
8 voter. So this will go out in time hopefully for
9 voters to have it to update their registration or
10 to register before the November 8th election, and
11 we can get those votes on -- on the rolls.

12 CHAIRMAN BENNETT: Excellent.

13 MR. GILL: And can we note the very wise
14 apolitical purple --

15 MS. MILLER: Yes.

16 MR. GILL: -- color.

17 MS. MILLER: Not red, not blue.

18 CHAIRMAN BENNETT: Not red or blue.

19 MS. MILLER: Also we have removed last
20 month from the rolls, 254 deceased voters, which
21 we received from the State Territorial Exchange
22 filing bits. That's our Steve, and this is a

1 monthly update. So we're happy to keep the rolls
2 active with the deceased voters through that
3 mechanism.

4 We mailed 2,882 voter registration cards
5 of individuals who were either newly registered
6 or made changes to their voter registration
7 information.

8 Poll worker trainer began yesterday for
9 early voting. We will train 400 early voting
10 poll workers to help with the operations tied to
11 those 9 voting locations, and the training for
12 election day operations will begin the end of
13 this month; and we will train 2,000 using over
14 2,100 election day workers for election day
15 operation.

16 And keeping with our color of purple, we
17 will -- we're working on a mailer that all
18 registered voters will receive. And this mailer,
19 we did this the first time in June, and the
20 mailer has all the information necessary for a
21 voter to have for their polling place operations,
22 their ANC. It will actually have their ballot,

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1 which they will be able to vote. So the ward
2 ballot will be sent to those individuals who have
3 ward races on their ballot and will not
4 specifically have the ANC ballot on there, but it
5 will, in a box, include what ANC SMD voters are
6 eligible to vote for.

7 So if voters bring this to the polls with
8 them, although they do not have to, but bringing
9 this to the polls on election day allows the
10 process to go a little smoother because it's
11 barcoded, and our check-in clerks can just use it
12 to obtain their information. So this will go out
13 in time, again, for voters to have and use for
14 election day on November 8th.

15 Once we get our ballot finalized, which
16 is after the lottery on Friday, September 16th,
17 we will then go with the artwork for the ballot
18 and get this sent up to the printer and begin the
19 mailing.

20 CHAIRMAN BENNETT: Okay.

21 MS. MILLER: And that concludes my
22 report.

1 CHAIRMAN BENNETT: Great.

2 MS. LEWIS: I'm sorry. I do actually
3 have a question. This is probably better suited
4 for Mr. Budoo. Going back to Precinct Number
5 42's relocation, is there any sense of notifying
6 the Ward 4 voters that there will be a little
7 over 1,000 additional voters joining their
8 precinct for the general election?

9 MR. BUDOO: We can. We can do that.
10 It's not a problem.

11 MS. LEWIS: Just -- I don't know if it's
12 going to cause any delays or any additional
13 delays or backups.

14 MR. BUDOO: Okay.

15 MS. LEWIS: But it might just be helpful
16 just to let them know that they will be merging
17 with, you know, a somewhat larger precinct.

18 MR. BUDOO: No problem.

19 MS. MILLER: And also, Mr. Budoo, I don't
20 know if we've done this. Did we notify the Ward
21 4 council member?

22 MR. BUDOO: No. We did not notify --

1 MS. MILLER: Okay. So we should do that
2 as well.

3 MR. BUDOO: Okay.

4 MS. LEWIS: Thank you.

5 CHAIRMAN BENNETT: All right.

6 Anything else? Any other questions?

7 I'm going to take a little executive
8 privilege and take a three-minute recess. So if
9 you all can stay here for a minute. I'm going to
10 take a three-minute recess.

11 [Recess taken]

12 CHAIRMAN BENNETT: Thank you for your
13 patience. Next item on the agenda is the Board
14 of Elections General Counsel report. Mr. McGhie?

15 MR. MCGHIE: The first thing I have on my
16 agenda is the formulation of the short title and
17 summary statement for the Fair Minimum Wage Act
18 of 2017. Just briefly, the Board approved the
19 addition as a proper subject for an initiative,
20 and at this point in the process, the Board is
21 now required to formulate the short title and
22 summary statement, which is what will appear on

1 the ballot.

2 So I have a draft -- my office prepared a
3 draft short title and summary statement. If
4 anybody wants to grab a copy of it and follow
5 along.

6 I will read my office's short title and
7 summary statement that we prepared for the Board.
8 It reads as follows: "Initiative Measure Number
9 77 Short Title, District of Columbia Minimum Wage
10 Amendment Act of 2017 Summary Statement. If
11 enacted, this initiative will gradually increase
12 the minimum wage in the District of Columbia to
13 \$15 hourly by 2020, gradually increase the
14 minimum wage for tipped employees so that they
15 receive the same minimum wage directly from their
16 employer as other employees by 2026. Beginning
17 in 2021, require minimum wage to increase yearly
18 in proportion to increases in the consumer price
19 index. The minimum wage increase under the
20 initiative will not apply to DC government
21 employees or employees of DC government
22 contractors." And that is the summary statement

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1 prepared by my office.

2 CHAIRMAN BENNETT: Great. Thank you.
3 Any suggestions or comments from the Board?

4 MS. MILLER: No.

5 CHAIRMAN BENNETT: Okay. From the
6 proposer? Is anybody from the proposer --

7 MR. MCGHIE: Is the proposer?

8 CHAIRMAN BENNETT: Great.

9 MS. RAMIREZ: My name is Diana Ramirez.
10 I'm a representative of Mr. Ung Chan (phonetic).
11 He's the proposer.

12 CHAIRMAN BENNETT: Okay.

13 MS. RAMIREZ: He couldn't be here today.
14 He had to work, but we are in favor of all the --
15 with all the amendments.

16 CHAIRMAN BENNETT: Okay. Great.

17 Anything else, Ms. Ramirez? Great.

18 Any comments or suggestions from the
19 public from anyone that is here?

20 Yes, sir.

21 MR. BUDOO: I have one question of
22 Mr. McGhie. I understand that the former Chamber

1 of Commerce Chair Wingel (phonetic) was adamantly
2 opposing and actually had, to my understanding,
3 went to court. Has that been resolved so this --

4 MR. MCGHIE: Yes. It has been resolved.
5 They withdrew their complaint in court.

6 MR. BUDOO: Thank you.

7 CHAIRMAN BENNETT: Thank you. Any other
8 comments from the public?

9 Okay. Have you read -- would you read
10 the final into the record again, please, sir?

11 MR. MCGHIE: Okay.

12 CHAIRMAN BENNETT: So we have no --

13 MR. MCGHIE: There being no edits or
14 changes to the short title and summary statement,
15 I will read the final short title and summary
16 statement into the record. "Initiative Measure
17 Number 77 Short Title, District of Columbia
18 Minimum Wage Amendment Act of 2017 Summary
19 Statement. If enacted, this initiative will
20 gradually increase the minimum wage in the
21 District of Columbia to \$15 hourly by 2020,
22 gradually increase the minimum wage for tipped

1 employees so that they receive the same minimum
2 wage directly from their employer as other
3 employees by 2026. Beginning in 2021, require
4 minimum wage to increase yearly in proportion to
5 increases in the consumer price index. The
6 minimum wage increase under this initiative will
7 not apply to DC government employees or employees
8 of DC government contractors."

9 I believe that the law requires that the
10 summary statement be under 100 words, and this
11 comes out to about 84.

12 CHAIRMAN BENNETT: Okay. Great.

13 Can I get a motion from the -- I'm sorry.
14 You have other announcements?

15 MR. MCGHIE: Yes. If the Board adopts
16 this as the short title and summary statement,
17 the Board has five days from today to submit the
18 short title and summary statement and the
19 legislative form to the DC Register for
20 publications.

21 If any registered qualified elector of
22 the District of Columbia objects to the summary

1 statement short title or legislative form of the
2 measure, they may seek review in Superior Court
3 of the District of Columbia within 10 days from
4 the date the Board publishes the short title and
5 summary statement and legislative form in the DC
6 Register.

7 CHAIRMAN BENNETT: Okay.

8 MR. BUDOO: Chair?

9 CHAIRMAN BENNETT: Yes, sir.

10 MR. BUDOO: Just for clarity sake, when
11 you say "elector," does that mean an eligible
12 voter?

13 MR. MCGHIE: Yes.

14 CHAIRMAN BENNETT: Can I get a motion
15 from a Board member?

16 MS. LEWIS: Yes. Mr. Chairman, I'd like
17 to move that the Board adopt the short title
18 summary statement and legislative form of the
19 proposed initiative as read into the record by
20 the General Counsel.

21 MR. GILL: Second.

22 CHAIRMAN BENNETT: Any questions?

1 So carried.

2 All right.

3 MR. MCGHIE: Okay. The only other thing
4 I have left on my agenda is a litigation status
5 update. We have --

6 CHAIRMAN BENNETT: Thank you, Ms.
7 Ramirez. I'm sorry.

8 MS. RAMIREZ: Thank you.

9 CHAIRMAN BENNETT: Thank you very much.

10 MR. MCGHIE: We have Amir Xnos Flippin,
11 who filed a complaint in the Court of Appeals.
12 What had happened is that Mr. Flippin wanted to
13 appear on the ballot for the Office of President
14 of the United States. He came down here to get
15 his petitions to appear on the ballot, but he did
16 not have any presidential electors and did not
17 want to name any presidential electors. So the
18 Registrar of Voters told him that we cannot
19 process your paperwork because it's incomplete.
20 You haven't given us any electors. Mr. Flippin
21 took that as a Board refusal to allow him to be
22 on the ballot, and he went to court.

1 CHAIRMAN BENNETT: Uh-huh (affirmative).

2 MR. MCGHIE: And so he filed something in
3 court saying that based on the Board's order, he
4 was not allowed to appear on the ballot. We
5 filing something in court saying pretty much -- a
6 motion to dismiss saying there was no Board
7 order. There is no order that he can appeal
8 because, like I said, there is no Board order,
9 and to ask that his matter be dismissed as being
10 premature.

11 CHAIRMAN BENNETT: Okay.

12 MR. MCGHIE: He never came down here for
13 an administrative hearing. We told him he had
14 the right to have an administrative hearing, and
15 he just didn't respond.

16 CHAIRMAN BENNETT: Okay. Anything else?

17 MR. MCGHIE: And that would conclude my
18 litigation status update.

19 CHAIRMAN BENNETT: Okay. Great. Thank
20 you.

21 Office of Campaign Finance.

22 MS. MONTGOMERY: Yes.

1 CHAIRMAN BENNETT: Ms. Montgomery.

2 MS. MONTGOMERY: Good morning.

3 CHAIRMAN BENNETT: Good morning.

4 MS. MONTGOMERY: The first thing, I would
5 like to announce to members of the public is that
6 the Office of Campaign Finance has expanded its
7 outreach efforts to candidates for the Office of
8 Advisory Neighborhood Commission members. And
9 what we will be offering or providing during the
10 month of September as well as October is
11 training, onsite training in our offices to
12 basically highlight the reporting requirements of
13 those candidates and specifically the
14 contribution limits, which are \$25 for ANC
15 candidates.

16 Also the requirement that on their
17 campaign literature, they must contain the
18 disclaimer language, which basically indicates
19 who the literature was paid for by, the name of
20 that person and their address.

21 And the last thing is that our ANC
22 candidates are required to file a summary

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1 financial statement after the Board certifies the
2 elections of the ANC election. And that form is
3 due within 60 days after the date of the
4 certification. Also the form must be
5 electronically filed.

6 The trainings are schedule on Thursday,
7 September 15, and we've broken them down by wards
8 because of the number of ANC candidates. And the
9 other thing that we did was we did blast the
10 notice by email to all of the individual ANC
11 candidates, and we also posted the notice at our
12 website and at our Facebook page.

13 But the first training will be Thursday,
14 September 15, 2016 for Wards 1 and 8. The second
15 training will be Thursday, October 6, 2016, for
16 Wards 2 and 7; Thursday, October 13, 2016, for
17 Wards 3 and 5; and Thursday, October 20, 2016,
18 for Wards 4 and 6. And again, the training will
19 be held in our offices from 11:00 to 1:00 p.m. on
20 those dates. We also are in the process of
21 preparing an online tutorial for the candidates
22 as well, so that we can make sure that you have

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1 the information that you need.

2 During the month of August there were two
3 filing deadlines in the Office of Campaign
4 Finance. The first is the filing deadline of
5 July 31st for the filing of the report to
6 receipts and expenditures by our continuing
7 committees, and that date, again, fell on July
8 31st. But that was during the weekend, so the
9 first business date was August 1, 2016. We had
10 66 required filers. That is broken down in to 50
11 principal campaign committees and 16 political
12 action committees. We had 51 who timely filed.
13 We had 2 who late filed, and we had 14 who failed
14 to file. And overall 16 committees and
15 candidates were referred to the Office of the
16 General Council for the initiation of the
17 informal hearing process. The 53 committees who
18 did file, all electronically filed as required by
19 the Campaign Finance Act.

20 With the August 10 report of receipts and
21 expenditures, and basically that report is filed
22 by our candidates and committees who are active

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1 in the 2016 election cycle. There were 93
2 required filers, and that is broken down into 46
3 principal campaign committees and 47 political
4 action committees. Eight-three committees timely
5 filed. There were six late filers. There were
6 three extensions requested and granted. There
7 were 4 failures to file, and there were
8 ultimately 10 referrals, again, to the Office of
9 the General Council for the initiation of the
10 informal hearing process. With the 89 who
11 successfully filed and timely filed, the
12 committees all electronically filed, again, which
13 is required by the statute.

14 The names of the principal campaign
15 committees and the political action committees as
16 well as the candidates and their treasurers who
17 failed to timely file or to file, and who were
18 referred to the Office of the General Council,
19 their names will be included in our stats and
20 will be posted at the website with the report
21 Office of Campaign Finance.

22 During the month of August we had three

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1 participants - Lannette Woodruff, candidate,
2 Lannette Woodruff for School Board; Lamont
3 Herrell, treasure, Lannette Woodruff for School
4 Board.

5 On August 24, 2016, there were two
6 participants - Shakira T. Hemphill, candidate,
7 Shakira Hemphill for Ward 8; Timothy Lewis,
8 treasure, Shakira Hemphill for Ward 8.

9 In the audit branch of the Office of
10 Campaign Finance, during the month of August, the
11 audit branch conducted 112 death reviews of the
12 reports of receipts and expenditures, which were
13 filed with the agency.

14 With our ongoing audits, we have three
15 full field audits of newly elected officials,
16 which are ongoing - LaRuby May 2015, Brandon Todd
17 for Ward 4, Brianne for DC.

18 With our periodic random audits of
19 candidates in the 2016 election cycle, we have
20 three which are ongoing, and those are of reports
21 which were filed in December, March, and January
22 of 2016 - Pottillo for Council 2016. That audit

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1 is of the December 2015 earnings report. With
2 Robert White at large 2016, the periodic random
3 audit is of his January 31, 2016, and his March
4 10, 2016 RNE report. With Reelect Vincent Orange
5 2016, the periodic random audit is of the reports
6 which he filed January 31, 2016, and March 10,
7 2016.

8 We also initiated, during the month of
9 August, periodic random audits of committees who
10 filed the July 31, 2016, report, and those audits
11 were initiated of the Professional Insurance
12 Agents Political Action Committee, The DC
13 Building Industry Association Political Action
14 Committee.

15 And also we initiated random audits of
16 the report which was filed on August 10, 2016,
17 and those committees are the Committee to Elect
18 Jaclyn Smith 2016 School Board, Klokkel at large,
19 Carter for DC, and Friends of Jimmy Calomiris.

20 We issued three audits during the month
21 of August as well, and these are final audit
22 reports - Trayon White for Ward 8 2016. That was

1 issued on August 29, 2016; the DC Political
2 Action Committee DOC Pact, which was issued on
3 August 31, 2016; and Lawyers for Better
4 Government Fund, which was issued on August 31,
5 2016.

6 The audit reports are available at our
7 website for review by members of the public as
8 well as all of the financial reports which are
9 filed with us. Those images are also available
10 at our website for review.

11 And at this time I would ask the General
12 Counsel to give the report on the legal matters
13 in the office.

14 MR. SANFORD: Thank you.

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

19 During the month of August 2016, the
20 Office of the General Council received 25
21 referrals from the Public Information and Records
22 Management division. We conducted six informal

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1 hearings and issued six orders, which included
2 the following: Three orders were issued for
3 failure to timely file reports in which no fines
4 were imposed. Three orders were issued for
5 failure to timely file reports in which fines
6 totally \$2,975 were imposed.

7 The Office of the General Council imposed
8 fines against the following respondents: The fine
9 of \$1,300 was imposed against Christopher
10 Harthorne, candidate for Ward 8 council for
11 failure to file -- failing to timely file a
12 report. A fine of \$1,300 was imposed against the
13 Gertrude Stein Democratic Club for failing to
14 timely file a report, and a fine of \$375 was
15 imposed against a candidate for Ward 8, Holmes,
16 for failing to timely file the report.

17 During the month of August 2016, the
18 Office of Campaign Finance collected \$2,400 in
19 fines, and during the month of August 2016, the
20 Office of Campaign Finance/Office of General
21 Counsel maintained a total of six open
22 investigations, and there were no changes, except

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1 for the lead investigation. OCF Full
2 Investigation 2011-103, Sulaimon Brown for Mayor
3 has been administratively suspended because we
4 have made numerous attempts to serve Sulaimon
5 Brown and his treasurer through regular mail,
6 certified mail, and through special process
7 server, and all of our attempts have been
8 unsuccessful. So we have suspended enforcement
9 action until further notice.

10 During the month of August 2016, there
11 were no requests for interpretive opinions
12 submitted to the Office of Campaign Finance and
13 no show cause proceedings were conducted. And
14 that should conclude my report.

15 CHAIRMAN BENNETT: Thank you.

16 Ms. Montgomery?

17 MS. MONTGOMERY: Yes. That concludes our
18 report.

19 CHAIRMAN BENNETT: Okay. Great. Any
20 questions from --

21 MS. LEWIS: No.

22 CHAIRMAN BENNETT: Okay. Great. Let me

1 just -- before we get to this next piece, let me
2 just make sure it's real clear, the purpose of
3 this next item on the agenda, public questions
4 regarding reports, is really simply to get on the
5 record any questions that one may have from the
6 public with regard to any report from the
7 Executive Director of Board of Elections, the
8 General Counsel, and also from Campaign Finance.
9 It is not a period where those members who have -
10 - those executives who have provided those
11 reports will be responding, but we just want to
12 try to get on the record anybody who does have
13 questions regarding those reports to put it in
14 writing to follow. And we'll address those
15 matters when we've been properly prepared at the
16 next meeting.

17 So Item Number 9, are there any questions
18 from the public with regard to those reports that
19 have been provided?

20 Yes, sir.

21 MR. SINDRAM: Chair, with respect to the
22 campaign finance report --

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1 CHAIRMAN BENNETT: Would you identify
2 yourself, please?

3 MR. SINDRAM: Yes. Michael Sindram,
4 disabled veteran, served our country more than
5 most. Can you hear me, Ms. Transcriber?

6 THE REPORTER: It would be better if you
7 (inaudible).

8 CHAIRMAN BENNETT: Thank you.

9 MR. SINDRAM: No problem.

10 CHAIRMAN BENNETT: Thank you.

11 MR. SINDRAM: Directly your attention
12 first to -- can you hear me now, Ms. Transcriber?

13 THE REPORTER: Yes, sir.

14 MR. SINDRAM: Yes -- to the campaign
15 finance report, it's excellent that you got the
16 ANCs on board with your session to enlighten
17 about, you know, reporting requirements.

18 MS. MONTGOMERY: Yes.

19 MR. SINDRAM: But as I heard you saying
20 it's exclusively limited to e-blast, and email,
21 and so on. I happen to be cybernetically
22 challenged, and I hail from Ward 4. We have a

1 number of seasoned senior citizens, who do not
2 deal with internet, computer. So my question is
3 and response as well -- or suggestion to make a
4 hardcopy available.

5 MS. MONTGOMERY: Well, let me just -- I
6 should have also indicated that the -- we emailed
7 the notice to the ANC candidates from whom we
8 have email addresses, who supplied their email
9 addresses to the Board of Elections. For
10 candidates who did not have email addresses, we
11 sent the notice directly to their resident
12 address. But otherwise, again, the notices are
13 published at our website and also at our Facebook
14 page and posted in our office.

15 MR. SINDRAM: In light of that, again, I
16 require a reasonable accommodation. Would you do
17 the kindness to send me a hardcopy of the --

18 MS. MONTGOMERY: Well, if you are a
19 candidate, you should receive the notice.

20 MR. SINDRAM: Well, I'm getting ahead of
21 myself. You referred to audit too, random
22 audits, which are excellent, and then you said

1 they're available online to be viewed.

2 MS. MONTGOMERY: Yes.

3 MR. SINDRAM: I'd like to have a
4 hardcopy. Would you do the kindness to send that
5 to me?

6 MS. MONTGOMERY: Well, let me suggest
7 this. If you are interested in a specific audit
8 that we issue, then you can make the request in
9 writing, and we will provide you with a copy.
10 That's the normal process. You make the request
11 in writing through the Freedom of Information
12 Act. Or the other thing that you can do is
13 simply come to our office, and we will provide
14 you with a copy of any audits that we have issues
15 or any other information that is a part of our
16 public records.

17 MR. SINDRAM: And as I listened to your
18 presentation, you indicated that the sessions
19 available were for formal candidates. What about
20 for prospective candidates? So if I, as a
21 citizen, you know, would like to become involved,
22 would I be permitted to attend your session, or

1 do I have to be on the ballot formally?

2 MS. MONTGOMERY: Our trainings are open
3 to the public.

4 MR. SINDRAM: They are?

5 MS. MONTGOMERY: Yes.

6 MR. SINDRAM: That's great. Okay.

7 I wanted to ask too of Mr. McGhie, the
8 Flippin matter. No doubt you'd agree that
9 competition is good, and while I heard you
10 indicate there's no formal board order, it
11 appears that, you know, the individual citizen
12 was constructively denied access, you know.

13 The point being too is not to have hyper-
14 technical requirements. I understand you may be
15 inundated with maybe folks that may be invalid,
16 but it sounds to me like someone who wants to
17 come forward and be on the ballot should bend
18 over backwards if you were to accommodate; and it
19 appears from what I heard that didn't happen
20 here. And to get tied up in litigation, I mean,
21 when things could simply have been resolved, you
22 know, do this. Instead of coming down here to

1 meetings, we'll accommodate and so on. Maybe you
2 could --

3 CHAIRMAN BENNETT: What I'd like -- and
4 I'll let Ms. Montgomery respond directly -- but
5 what I'd like for this period to be so we don't
6 kind of extend -- we don't get into a lot of
7 dialogue that's going to kind of keep the meeting
8 going on and on because we do have a period for
9 public comment. If you could ask your question,
10 I really would rather they not respond but simply
11 take that question in and be able to respond,
12 either in writing or at the next board meeting.

13 MR. SINDRAM: And with all due respect,
14 Mr. Chair, you require we had this discussion
15 about the public comment that had been moved from
16 the tail end to the middle or beginning, which,
17 you know, is problematic.

18 CHAIRMAN BENNETT: Yeah. I addressed
19 that, excuse me, in the beginning of the meeting
20 that you weren't here, Mr. Sindram.

21 MR. SINDRAM: Okay. But the point is
22 these are, as the agenda item indicates, public

1 questions regarding reports.

2 CHAIRMAN BENNETT: Yes.

3 MR. SINDRAM: And the reports have only
4 been concluded and finalized now.

5 CHAIRMAN BENNETT: No, I understand.
6 That's why I have it here. So I appreciate your
7 question, but the point is to be able to get the
8 question and to allow us an opportunity to think
9 about the question and be able to respond, not
10 off the --

11 MR. SINDRAM: Well, let me succinctly
12 frame my question.

13 CHAIRMAN BENNETT: Thank you.

14 MR. SINDRAM: With regard to the --
15 you're welcome. With regard to the Flippin
16 matter, what can be done, Mr. McGhie, to
17 streamline to avoid hyper-technicalities and
18 avail not only Mr. Flippin but any others who
19 want to be on the ballot because it can be, you
20 know, very convoluted and difficult, which would
21 turn away we the people (inaudible). So you got
22 any thoughts, suggestions on what, you know, can

1 be done to streamline, if you will, to aid a
2 citizen, you know, and not make it more
3 difficult, you know?

4 CHAIRMAN BENNETT: We'll try and respond
5 to that at our next meeting. That's a good
6 question.

7 MR. SINDRAM: Great. Thank you.

8 CHAIRMAN BENNETT: Thank you.

9 Any other questions regarding the
10 reports? Any other questions?

11 [Chorus: No]

12 CHAIRMAN BENNETT: Great. We are going
13 to take, probably more than a five-minute recess,
14 but a couple minute recess, and then we will
15 reconvene let's say at 12:30. It's 12:12 now.
16 We'll reconvene at 12:30 and start the process.
17 Does that make sense, folks? We'll reconvene at
18 12:30 and start the process to hear the matters
19 that we have before us today regarding ANC
20 ballots. Thank you.

21 [Recess taken from 12:07 p.m. to 12:32
22 p.m.]

1 CHAIRMAN BENNETT: All right. I won't go
2 through all the introductions again, but this is
3 September 7th and Regular Monthly Board Meeting
4 is back in session. And we will continue to hear
5 the challenges that have been raised to the
6 Advisory Neighborhood Commission ballots or
7 persons wanting to get on the ballot.

8 So first -- in fact, I'm going to let
9 Mr. McGhie kind of walk through these.

10 MR. MCGHIE: Okay. Basically what we do
11 with these challenges is that because the
12 challenger has the burden of proof, they really
13 have two bites at the apple. They'll give their
14 first initial presentation, and then the
15 candidate will get a chance to respond if the
16 candidate is here; and then the challenger will
17 get a chance to do a rebuttal. But before
18 anything is done by the challenger or the
19 candidate, the Register of Voters will give her
20 preliminary determination of the challenges and
21 the challenger the can indicate whether or not
22 they accept the Registrar of Voters'

1 determination, or they take exception to the
2 Registrar of Voters' determination.

3 We're going to try to limit all the
4 parties to initially a five-minute presentation
5 of what their challenge -- or what the basis of
6 their challenge is. At the end you will get an
7 opportunity for a closing statement, if you want
8 to give a closing statement or if you want to
9 waive closing statements. And that is pretty
10 much it.

11 CHAIRMAN BENNETT: Just to be clear too,
12 we have read the challenges, and thank you for
13 your patience in waiting. We have read the
14 challenges, and so we are familiar with the facts
15 in general. So you don't have to take a lot of
16 time going through the facts, although it would
17 be good to level set us based on your
18 perspective. So, thank you.

19 MR. MCGHIE: Mr. Muhammad, since you are
20 here, you will go first. The first one is a
21 challenge to the nominating petition of Karlee
22 Armstead ANC, Single Member District 8E06.

1 Ms. Brooks, would you please give us your
2 preliminary determination on this challenge?

3 MS. BROOKS: On August 6, 2016, Karlee
4 Armstead submitted a nominating petition to
5 appear on the ballot as a candidate in the
6 November 8, 2016, general election contest for
7 the Office of Advisory Neighborhood Commission
8 for SMD District 8E06.

9 That petition was posted for public
10 inspection for 10 days as required by law and
11 challenged on August 22, 2016, by Anthony
12 Muhammad, a registered voter in the District of
13 Columbia.

14 My preliminary review of the petition
15 challenge indicates that Ms. Armstead submitted a
16 total of 29 signatures. The minimum requirement
17 for this office is 25 signatures of district
18 voters who are duly registered in the same SMD as
19 the candidate. Challenger Anthony Muhammad filed
20 challenge to a total of 29 signatures, enumerated
21 by line and page number on individual challenge
22 sheets filed for each petition page. Petition

1 signatures were challenged pursuant to Title 3,
2 DCMR Section 1607.1 of the Board's regulations.

3 My review of the challenge indicates that
4 a total of 29 of 29 challenges are valid. This
5 leaves the candidate's nominating petition with
6 zero signatures, 25 signatures below the number
7 required for ballot access. The initial --

8 MS. LEWIS: I'm going to stop you right
9 there. Is that supposed to be invalid?

10 MS. BROOKS: I'm sorry?

11 MS. LEWIS: That first paragraph, "My
12 review of the challenges indicates that a total
13 of 29 of the 29 signatures are" -- is that
14 supposed to be valid or invalid?

15 MS. BROOKS: Invalid.

16 MS. LEWIS: Invalid, okay.

17 MS. BROOKS: They're all good.

18 MS. LEWIS: Okay. My sheet says valid,
19 so I just wanted to make sure.

20 MS. BROOKS: It should be valid.

21 MS. LEWIS: Okay.

22 MS. MILLER: It should be valid or

1 invalid?

2 MS. LEWIS: It should be valid or
3 invalid?

4 MS. BROOKS: It would be valid because --
5 I mean --

6 CHAIRMAN BENNETT: Challenges are valid.

7 MS. LEWIS: Oh, the challenges are valid,
8 okay. Okay. Got you. Sorry. I misread that.

9 MS. BROOKS: Okay. Continue on? I'm
10 sorry. Okay.

11 The initial challenge to Ms. Armstead's
12 nominating petition is that she failed to
13 complete the required information in the
14 circulated affidavit. Initially Challenger
15 Anthony Muhammad filed challenges for a total of
16 20 signatures enumerated by line and page numbers
17 on individual challenge sheets filed for each
18 petition page. Petition signature challenged
19 pursuant to Title 3 DCMR Section 1607.1 of the
20 Board's regulation. My review of challenge
21 indicates a total of 4 of the 20 challenges are
22 valid. This leaves the candidate's nominating

1 petition with 25 signatures, the number required
2 for ballot access. The Registrar of Voters
3 received one change of address for Ms. Armstead.
4 This leaves the candidate's nominating petition
5 with 26 signatures, one signature over the number
6 required for ballot access.

7 Mr. Muhammad, I apologize because you
8 didn't get a copy of the change address she
9 filed.

10 MR. MUHAMMAD: Sure didn't get anything.

11 MS. BROOKS: I'm sorry?

12 MR. MUHAMMAD: I didn't --

13 MS. BROOKS: This is the only thing you
14 didn't receive from her that she filed after --

15 CHAIRMAN BENNETT: The pre-hearing
16 conference.

17 MS. BROOKS: Yeah. Here's an updated
18 file. I'll give you this. We updated a memo.

19 MR. MUHAMMAD: By not filing out the
20 back, that invalidates every signature on the
21 petition. So none of the signatures are good,
22 and to be able to -- and to allow someone to

1 bring it in after the challenge period is up --
2 after the challenge period is up, it's up. But
3 all of them are invalidated because you didn't
4 fill out the back of the forms.

5 You know, according to her voting record,
6 she's been voting since 2002. She's been a
7 commissioner four terms.

8 CHAIRMAN BENNETT: Uh-huh (affirmative).

9 MR. MUHAMMAD: She should not be on the
10 ballot. She have to do a write-in like
11 Mr. Anthony Williams had to do when he was taken
12 off the ballot. Should not have ballot access.

13 MR. MCGHIE: Let me just summarize what I
14 think your argument is. Is that -- you're saying
15 the affidavit is not complete because she did not
16 print her name or give her address on the back of
17 the --

18 MR. MUHAMMAD: Correct.

19 MR. MCGHIE: -- of the affidavit?

20 MR. MUHAMMAD: Because that's -- I think
21 that's what it states on the back. Circulated
22 affidavit to be completed by persons circulating

1 this petition. I don't know what letters those
2 are on a signature. That's why you'd have to
3 print.

4 MR. MCGHIE: But that's the gist of your
5 argument, correct, the affidavit is incomplete?

6 MR. MUHAMMAD: Yes. And I never seen the
7 signatures that supposed to be valid to give her
8 some more signatures.

9 CHAIRMAN BENNETT: So let me -- I'm sorry
10 if I'm repeating what Mr. McGhie said. So your
11 point is or your argument is that because the --
12 she didn't complete the form that indicates what
13 her name is, the printed portion, and her
14 address, that all of the signatures on the -- on
15 the -- well, in this case the front and also the
16 front and the back of the second page should be
17 thrown out?

18 MR. MUHAMMAD: Yes.

19 CHAIRMAN BENNETT: Okay.

20 MR. MUHAMMAD: That's the rule. That's
21 the law, and that's the regulations that we put
22 in writing.

1 CHAIRMAN BENNETT: Okay.

2 MR. MCGHIE: Okay. Rudy, would you like
3 to respond on your legal analysis?

4 MR. MCGANN: Yes. Rudolph McGann, staff
5 attorney for the Board of Elections. During the
6 pre-hearing conference, the circulator, who was
7 also the candidate testified that she
8 inadvertently left off her name, the printed
9 version, and her address. And she was here to
10 testify today, but she had to leave to go to work
11 she had said. She was scheduled to start at
12 11:00, and I think we started about 12:40, 12:35.
13 And so she left.

14 Not to testify on her behalf, but what I
15 will say is that there was no argument made that
16 it wasn't her signature at the time, and there
17 was no argument that she did, in fact, circulate
18 it. It was just -- the argument asserted by Mr.
19 Muhammad was that she didn't complete it, and she
20 was supposed to complete it by terms of
21 regulations. And his argument has been
22 reiterated a number of times is the whole

1 petition should be disallowed. I informed Mr.
2 Muhammad that it's not quite the same as the
3 Anthony Williams' case because there's no
4 allegation of fraud on the part of the
5 circulator, and the circulator was willing to
6 testify and did not assert the Fifth Amendment
7 when asked questions regarding the circumstances
8 surrounding her not putting her date -- excuse
9 me, not her date but her address and her printed
10 name on the affidavit.

11 CHAIRMAN BENNETT: Okay.

12 MR. MUHAMMAD: And Mr. Moody stated that
13 she should not have ballot access at the
14 preliminary hearing. It's on record. Go listen
15 to it.

16 MR. MCGANN: No. Actually the Registrar
17 of Voters said that she shouldn't have ballot
18 access based on the fact she didn't complete the
19 affidavit.

20 MR. MUHAMMAD: And you said your
21 recommendation to this Board would be for her not
22 to have ballot access.

1 MR. MCGANN: Actually, I said that if it
2 went before the Board, it would be considered a
3 formal error, as is in the case of *Mosely versus*
4 *the Board of Elections*.

5 MR. MUHAMMAD: I might a mistake and walk
6 out in 95. I ain't going to return that. I'm
7 not coming back. I'm dead. Mistakes you have to
8 pay for.

9 CHAIRMAN BENNETT: Any questions from
10 other Board members for Mr. Muhammad, any points,
11 matters of clarification for the Registrar?

12 Mr. Muhammad, would you like to make a
13 closing statement?

14 MR. MUHAMMAD: That Ms. Karlene Armstead,
15 a longtime ANC -- that's been an ANC for more
16 than two, three terms should not have ballot
17 access because she did not fill out the form
18 correctly after year in and year out doing it.
19 If this was a first-timer, maybe, but this is a
20 seasoned person that knows the rules. And we
21 continue to slowly allow those to violate the
22 rules. The next thing they want to do is turn in

1 a blank petition and say I should be on the
2 ballot.

3 CHAIRMAN BENNETT: Okay.

4 MS. LEWIS: Actually, Ms. Brooks, is
5 there any question that this is Ms. Armstead's
6 signature at the bottom of the petition.

7 MS. BROOKS: I'm sorry. What's your
8 question?

9 MS. LEWIS: Is there any question or
10 uncertainty that this signature here at the
11 bottom of the petition is, in fact, Ms.
12 Armstead's signature?

13 MS. BROOKS: No. That's her signature.
14 He didn't -- he didn't challenge the validity of
15 her signature. He just challenged the fact that
16 she didn't complete the affidavit. So he never
17 questioned her signature.

18 MR. MUHAMMAD: I don't know if that's her
19 signature or not.

20 MS. BROOKS: That was not discussed in
21 the prehearing.

22 MR. MUHAMMAD: Well, neither was her

1 change of address that she just recently put in.
2 And she brought something up today and submit it
3 today. I'm submitting I don't know if that's her
4 signature today.

5 CHAIRMAN BENNETT: Okay.

6 MR. MUHAMMAD: And I can't say it is.
7 When I looked on there, that didn't look like the
8 same signature.

9 CHAIRMAN BENNETT: Okay.

10 MR. MCGANN: May I add for the record,
11 the candidates have a 10-day period where they
12 can cure the defect of a signatory is registered
13 in a different address than that which is on the
14 nominating petition. I believe that Ms. Armstead
15 availed herself of that opportunity to cure
16 during the challenge period, which was 10 days
17 after the challenge was filed.

18 MS. BROOKS: Yes.

19 MR. MCGANN: And Ms. Brooks could attest
20 to that more clearly in terms of what date it
21 was.

22 MS. BROOKS: The last date of filed

1 change address form with the Board was August
2 31st, which she did file --

3 MR. MUHAMMAD: She just submitted some
4 documents today.

5 MS. BROOKS: She did not submit any
6 documents today, Mr. Muhammad. If you look at
7 the application, it's dated August 31st.

8 CHAIRMAN BENNETT: Mr. Muhammad, you have
9 the last word.

10 MR. MUHAMMAD: She should not have ballot
11 access.

12 CHAIRMAN BENNETT: Okay. Thank you.
13 Anything else, Mr. McGhie?

14 MR. MCGHIE: No, nothing further.

15 CHAIRMAN BENNETT: Okay.

16 MR. MCGHIE: We have her voter
17 registration card here, don't we?

18 MS. BROOKS: I can get it.

19 MR. MCGHIE: We will get that later.

20 MS. BROOKS: Get it later?

21 MR. MCGHIE: Yes.

22 MS. BROOKS: Okay.

1 CHAIRMAN BENNETT: Okay. Next matter.

2 MR. MCGHIE: Next matter is challenge for
3 nominating petition of Joshua M. Johnson, ANC,
4 Single Member District 8E02.

5 Is Mr. Johnson present?

6 MR. MCGANN: No. Mr. Johnson is not --
7 that's Mr. Joseph Johnson. Joshua Johnson isn't
8 present, although we did reach out to him for
9 this hearing, but the Board can proceed ex parte.

10 MR. MCGHIE: All right. Ms. Brooks, do
11 you have a recommendation on this one?

12 MS. BROOKS: On August 10, 2016, Joshua
13 Johnson submitted a nominating petition to appear
14 on the ballot as a candidate in the November 8,
15 2016, general election contest for the Office of
16 Advisory Neighborhood Commission for same member
17 District 8E02.

18 That petition was posted for public
19 inspection for 10 days as required by law, and
20 challenged on August 22, 2016, by Anthony
21 Muhammad, a registered voter in the District of
22 Columbia.

1 My preliminary review of the petition
2 challenge indicates that Mr. Johnson submitted a
3 total of 40 signatures. The minimum requirement
4 for this office is 25 signatures of district
5 voters who are duly registered in the same SMD.
6 Challenger Anthony Muhammad filed challenge to a
7 total of 40 signatures, enumerated by line and
8 page number of individual challenge sheets filed
9 for each petition page. Petition signature
10 challenged pursuant to Title 3 DCMR Section
11 1607.1 of the Board's regulations.

12 My review of the challenge indicates that
13 a total of 9 of the 40 challenges are valid.
14 This leaves the candidates nominating petition
15 with 31 signatures, 6 signatures over the number
16 required for ballot access.

17 MR. MCGHIE: Okay. Mr. Muhammad, would
18 you like to make a statement?

19 MR. MUHAMMAD: And I submitted that Mr.
20 Johnson does not reside nor is that his domicile,
21 nor has he been living in that single member
22 district for 60 days, which is the law, DC

1 Official Code 1-309.05.

2 MR. MCGHIE: Okay. So let me make sure I
3 can summarize --

4 MR. MUHAMMAD: And I have a notarized
5 letter with that fact stating he does not live
6 there.

7 MR. MCGHIE: From?

8 MR. MUHAMMAD: From me, who lives in that
9 single member district, who is the commissioner
10 in that single member district.

11 [Handing up documents]

12 Mr. Johnson voted in the primary election
13 from 1729 Savannah Street Southeast. He changed
14 his address the same day he picked up his
15 petitions, July 25, 2016. This is his voting
16 record.

17 CHAIRMAN BENNETT: And the assumption is
18 1729 Savannah Street Southeast is not in this ANC
19 --

20 MR. MUHAMMAD: Correct.

21 CHAIRMAN BENNETT: Okay. And -- so his
22 address --

1 MR. MUHAMMAD: July 25 --

2 CHAIRMAN BENNETT: -- was changed --

3 MR. MUHAMMAD: -- 2016.

4 CHAIRMAN BENNETT: This is August 25,
5 2016.

6 MR. MUHAMMAD: Wrong date.

7 CHAIRMAN BENNETT: Okay. Would you say
8 it should be -- he changed his address July 25th?

9 MR. MUHAMMAD: Correct.

10 CHAIRMAN BENNETT: To what address?

11 MR. MUHAMMAD: To 1820 Tubman.

12 CHAIRMAN BENNETT: 1820 Tubman?

13 MR. MUHAMMAD: Tubman Road Southeast.

14 CHAIRMAN BENNETT: And that's what's on
15 his --

16 MR. MUHAMMAD: On his voting record.

17 [Handing documents to Board]

18 This was a similar argument that was had
19 2013 with then Commissioner Sandra Seegars, the
20 same argument. That's in the city paper.

21 Mr. Johnson was arguing about where he lived and
22 did live, Mr. Johnson, same one. He threatened

1 her with bodily harm, and she took him to court
2 and sued him for slander.

3 MS. MILLER: If I --

4 CHAIRMAN BENNETT: Go ahead.

5 MR. MUHAMMAD: Former Commissioner Sandra
6 Seegars.

7 MS. MILLER: If I, I just want to ask the
8 Registrar of Voters, did Mr. Johnson change his
9 address to an address outside the SMD?

10 MS. BROOKS: No. He changed the address
11 to the address within the same member district
12 802 on July 25th, as stated by Mr. Muhammad. I
13 have his voter profile here. I have the
14 application that he filled out on that day. It's
15 here also. It should be included in your kit.
16 There's no law saying he can't change the address
17 on the day they pick up a nominating petition.

18 CHAIRMAN BENNETT: Correct.

19 MR. MUHAMMAD: But there is an order that
20 says you can't -- you have to live in the single
21 member district for 60 continuous days prior to.

22 CHAIRMAN BENNETT: Prior to?

1 MS. BROOKS: Prior to?

2 MR. MUHAMMAD: Turning in petitions.

3 MS. BROOKS: Prior to the filing
4 deadline.

5 MS. LEWIS: So are you saying he did not
6 live in the single member district?

7 MS. BROOKS: Well, I based my decision
8 based on what Mr. Johnson put on his declaration,
9 which how we qualify candidates, based on what
10 they put in their declaration of candidacy.

11 MR. MUHAMMAD: Well, then the back of the
12 petition should be the same thing, unqualify them
13 when they don't put what they supposed to put on
14 it. How can you do both?

15 MS. LEWIS: And when you said "based on
16 what he put on the back of the petition," what
17 are you referring to?

18 MS. BROOKS: No. His declaration of
19 candidacy?

20 MS. LEWIS: Okay. What are you saying
21 that he put there?

22 MS. BROOKS: He put his -- on a

1 declaration of candidacy, you have to indicate --

2 MS. LEWIS: Oh, you're saying the
3 address?

4 MS. BROOKS: You have to indicate your
5 dates of residency.

6 CHAIRMAN BENNETT: Dates.

7 MR. MCGHIE: Yeah.

8 MS. BROOKS: And that's how we qualify
9 candidates.

10 MS. LEWIS: Okay.

11 CHAIRMAN BENNETT: And so what I kind of
12 got -- and don't let me put words in your mouth,
13 Mr. Muhammad, but it sounds like you're saying
14 that his certification that he lived on Tubman is
15 not correct?

16 MR. MUHAMMAD: Correct. It's not
17 correct, right.

18 CHAIRMAN BENNETT: For that time period?

19 MR. MUHAMMAD: For that time period to be
20 qualified to register in that single member
21 district.

22 CHAIRMAN BENNETT: Okay. Can you point

1 out where this notice of the time frame is?

2 MR. MCGHIE: No. It's the declaration of
3 candidacy. Do we have his declaration of
4 candidacy?

5 MS. BROOKS: It should be in here. I'm
6 trying to look for it now. It should be in here.

7 CHAIRMAN BENNETT: Okay.

8 MS. MILLER: Yeah, declaration. Is that
9 what you're talking about?

10 CHAIRMAN BENNETT: Yeah. Wherever it is
11 that --

12 MS. MILLER: Declaration of candidacy.

13 CHAIRMAN BENNETT: -- that he declares
14 he's been at Tubman for 60 days.

15 MS. MILLER: Yes. Do you have that?

16 MR. MCGHIE: Do we have that?

17 MS. BROOKS: It usually has the --

18 CHAIRMAN BENNETT: I don't have mine. I
19 can get it.

20 MS. MILLER: From yesterday when we made
21 phone calls?

22 CHAIRMAN BENNETT: Yeah. Well, we need

1 to have that as part of the record.

2 Thanks for your indulgence.

3 MR. GILL: So I see there's a number of
4 challenges here, but ultimately you said 9 of the
5 challenges were valid. So I'm taking it that the
6 challenge we're talking about that he didn't live
7 in the district for 60 days you viewed as
8 invalid?

9 MS. BROOKS: Well, yes.

10 MR. GILL: Okay.

11 MS. BROOKS: Okay. Yes.

12 MR. MCGHIE: Karen, maybe you should get
13 your declaration.

14 CHAIRMAN BENNETT: The floor is yours,
15 Mr. Muhammad.

16 MR. MUHAMMAD: So he should be denied
17 ballot access also, and if we're going to have a
18 process, we should be able to enforce the process
19 they gave.

20 MS. LEWIS: Mr. Muhammad, would you mind
21 passing that article up that you mentioned. I
22 think it's from 2013.

1 [Handing document up]

2 MS. BROOKS: Thank you.

3 MR. MUHAMMAD: He was sued for slander,
4 and she won the case.

5 CHAIRMAN BENNETT: Was there a challenge
6 to any of the individual signatures?

7 MR. MCGHIE: Yes. I think the Register
8 of Voters said that she held 9 of those
9 challenges.

10 CHAIRMAN BENNETT: Nine of the forty?

11 MR. MCGHIE: Yes. She upheld 9 of the 40
12 challenges.

13 CHAIRMAN BENNETT: Okay. But it still
14 left 31.

15 MR. MCGHIE: Yeah.

16 CHAIRMAN BENNETT: Okay. Well, we will
17 consider the -- Karen is returning.

18 MR. MCGHIE: Karen is going to come with
19 the declaration of candidacy, and I'm sure the
20 declaration of candidacy is going to say that he
21 resided at 1820 Tubman Road Southeast. Now --

22 CHAIRMAN BENNETT: For the requested time

1 period?

2 MR. MCGHIE: Yeah. And the declaration
3 of candidacy is going to say that I resided --

4 CHAIRMAN BENNETT: There we are.

5 MR. MCGHIE: -- for more than 60 days.

6 MR. MUHAMMAD: But he's been proven to be
7 a slanderer.

8 MS. LEWIS: So was that the purpose of
9 you raising this article was to --

10 MR. MUHAMMAD: Yeah.

11 MS. LEWIS: -- talk to his credibility
12 essentially?

13 MR. MUHAMMAD: Yeah.

14 MR. MCGHIE: So my only question to you
15 is what proof do you have that he did not reside
16 on Tubman Road for more than 60 days?

17 MR. MUHAMMAD: The information I just
18 presented to you.

19 MR. MCGHIE: Can you restate it?

20 MR. MUHAMMAD: That he voted in the -- in
21 the primary election.

22 MR. MCGHIE: Okay. So you're saying that

1 he did not --

2 MR. MUHAMMAD: So he was living at 1729
3 voting from that address.

4 MR. MCGHIE: Okay.

5 MR. MUHAMMAD: July 25th he changed his
6 address --

7 MR. MCGHIE: Okay.

8 MR. MUHAMMAD: -- and picked up petitions
9 at the same time he changed the address.

10 MR. MCGHIE: Okay. All right. I'm still
11 following you. And he is saying or he wrote, "I
12 did not show up at the listed poll below and vote
13 on the day of June 4th."

14 MR. MUHAMMAD: Wonder why he made that
15 statement?

16 MR. MCGHIE: Okay. I just --

17 MR. MUHAMMAD: Yeah. I'm saying the same
18 thing.

19 MR. MCGHIE: That's what we've got.

20 MR. MUHAMMAD: That's the same thing I'm
21 saying.

22 MR. MCGHIE: We've got --

1 MR. MUHAMMAD: But they have him voting
2 and signed to go in there to vote.

3 MR. MCGHIE: Okay.

4 MR. MUHAMMAD: And I have a person that
5 was there the same day he was there right behind
6 him.

7 MR. MCGHIE: Okay. All right. I just
8 want to make sure I crystalize what the issue is.

9 MR. MUHAMMAD: At Malcolm X where they
10 had early voting, Mr. Johnson, Mr. Joshua M.
11 Johnson was there voting.

12 MR. MCGHIE: And he voted from the other
13 address?

14 MR. MUHAMMAD: Correct, 1729.

15 MR. MCGHIE: Which would have been less
16 than 60 days?

17 MR. MUHAMMAD: Correct.

18 MR. MCGHIE: Okay. All right. I got it.

19 CHAIRMAN BENNETT: Should we have the
20 witness?

21 MR. MCGHIE: Do you want to call your
22 witness?

1 MR. MUHAMMAD: Yeah. Mr. Tranthan.

2 MR. TRANTHAN: Good afternoon.

3 CHAIRMAN BENNETT: Afternoon.

4 MR. MCGHIE: Would you state your full
5 name and address for the record?

6 MR. TRANTHAN: For the record, my name is
7 Paul Tranthan. I'm an ANC commissioner for 8B02.

8 MR. MCGHIE: Okay. Would you raise your
9 right hand? Do you swear or affirm that the
10 testimony that you give will be the truth?
11 Please say I do.

12 MR. TRANTHAN: I think I do.

13 CHAIRMAN BENNETT: We need I do.

14 MR. TRANTHAN: I do.

15 MR. MCGHIE: Mr. Muhammad, would you like
16 to ask him some questions, or do you just want to
17 tell us your own words what you observed?

18 MR. TRANTHAN: This is Mr. --

19 MR. MUHAMMAD: Mr. Tranthan, were you at
20 early voting in the Southeast Washington at
21 Malcolm X on the special election that we had for
22 -- no the primary election for council?

1 MR. TRANTHAN: I was.

2 MR. MUHAMMAD: Do you remember running
3 into Mr. Joshua M. Johnson?

4 MR. TRANTHAN: I did.

5 MR. MUHAMMAD: What was the discussion
6 with you and Mr. Johnson?

7 MR. TRANTHAN: Mr. Johnson, at that time,
8 had cursed me out. Told me that I was not going
9 to win the new election. I was speaking to
10 another individual, and he said, "You're not
11 going to win." And then I forgot who he actually
12 was, so as I was talking to the person, I said,
13 "Who is this?" So then that's when they stated
14 to me who he was, and he told me, "Oh, yeah.
15 Derail is going to win. He's going to mop your
16 stuff all over this and that." I said, "You just
17 as crazy as he is, go ahead."

18 So then I walked away from him, and as I
19 walked away from Mr. Johnson, I went out up into
20 the front. So Ms. -- ANC Commissioner Groom was
21 talking to me, and he came up there. And he
22 stated to Ms. Groom, "Paul has been doing

1 nothing." She said, "Are you crazy? Paul is one
2 of the ANCs that's been doing a lot in this
3 community."

4 So then as I walked away from him, his
5 back, he came up against my back, and then he
6 rubs against my arm. Then he going to tell me --
7 that's when he called me all types of Bs and what
8 he going to do to me. And then at that return, I
9 said, "Well, I live at 2345, come on, right up
10 the street."

11 So then he went on outside and proceeded
12 one direction then came back the other direction
13 like he was running with a gun, and another
14 community activist by the name of Robin McKenny
15 had said, "Paul, just get in your car."

16 So I'm only just giving testimony to what
17 had happened. He said he wasn't there. He was
18 there. He literally cussed me out, and there are
19 a lot of people that will tell you he was there.

20 MR. MCGHIE: Did you see him voting?

21 MR. TRANTHAN: I did not. Now, that I
22 did not do, but I know that he was inside of the

1 auditorium. I know that he cursed me. I was
2 talking -- I was just going around, as I normally
3 do, greet people as I -- wherever I go. And I
4 was just greeting, and he happened to be talking
5 to the individual. As a matter of fact, Ron -- I
6 think his name is Williams.

7 MR. MUHAMMAD: Right.

8 MR. TRANTHAN: Yeah. Mr. Ron William and
9 I were just speaking, and he happened to be
10 talking to Ron. And then he just, out the blue,
11 rudely said, "Derail -- my boy Derail going to
12 mop you all over this place." And I said, "Who
13 is that?" You know, I forgot.

14 But for the record, when I was running in
15 an earlier election, he cursed me out then in
16 front of everybody. I was speaking on the
17 microphone, and he went to somebody and said, "Is
18 this legal?" Then he cursed me out, and I did
19 tell him, I said, "You hit me, I'm going to bash
20 your whole head with this microphone."

21 So you know, I'm only witnessing or
22 attesting to what I went through with him, but he

1 was there. I wanted to speak to -- I wanted to
2 make mention of it when I was sitting here when
3 the challenging period came with the prehearing
4 because I said he was there. He cussed me out
5 right there.

6 MR. MCGHIE: Okay. All right. Cool. So
7 when Mr. Johnson voted from the other address,
8 the 1729, he would have signed in. So do we have
9 a copy of who signed in on that day?

10 MS. BROOKS: It's in the packet.

11 MR. MCGHIE: This is it? And so this is
12 the signature. This is the signature of the
13 person who signed in.

14 MR. TRANTHAN: He said it wasn't his
15 signature.

16 MR. MCGHIE: So he's saying it wasn't his
17 signature.

18 MR. TRANTHAN: Who would want to sign
19 their name -- come all the way and vote to sign
20 your name?

21 MR. MCGHIE: Is that the same signature?
22 So the Board really needs to look at the two

1 signatures. The signature of the person who
2 signed in on June 4, and the signature which
3 appears on the declaration of candidacy.

4 MR. MCGANN: Point of clarification, did
5 you say June 4th?

6 MR. MCGHIE: Well, that was the day the
7 election was.

8 MR. MCGANN: The early vote.

9 MR. MCGHIE: June 4th as opposed to June
10 5th.

11 MS. MILLER: This says Saturday, June
12 4th.

13 MS. LEWIS: Fourth of June.

14 MR. MCGHIE: That's what it says, "Voted
15 Saturday, June 4th." So this was the early vote?

16 MS. MILLER: Yes, early vote.

17 MR. MCGANN: Says I did not vote.

18 MR. MCGHIE: Yeah. He voted -- whoever
19 signed in voted on that day at that time.

20 MR. MCGANN: Another point of
21 clarification, what day did he submit his
22 nominating petition?

1 MS. BROOKS: August 10th.

2 MR. MCGANN: For the sake of argument, if
3 he did -- even if he did, in fact, vote on June
4 4, 60 days from the date is August 3rd. So he
5 could have moved within the week after he voted,
6 and there's no proof or anything, one, that he
7 voted, and two --

8 MR. MUHAMMAD: So --

9 MR. MCGANN: One second. And two, that
10 he didn't move after that date, but he's claiming
11 that he didn't. But even if, for the sake of
12 argument that he did vote on Saturday the 4th, 60
13 days from that date is August 3rd. He turned his
14 petition in a week later than August 3rd. So he
15 had up to a week after voting to move to his new
16 address to comply with the 60-day deadline.

17 MR. MUHAMMAD: But his address was
18 changed July 25th. Does the record mean
19 anything?

20 MR. MCGANN: Right.

21 MR. MUHAMMAD: For where I live at. Does
22 that count for where I live continuously? Does

1 that count for anything? Or I can go to any
2 address and vote from it, and it don't mean
3 anything, what address I put on record.

4 MR. GILL: So in his declaration of
5 candidacy, he said 1820 Tubman from August 2013
6 to the present. So I think it really comes down
7 to --

8 MR. MCGANN: Whether or not he actually
9 voted.

10 MR. GILL: And he declared August 13th.

11 MR. MUHAMMAD: Exactly.

12 MR. GILL: But just so you know, it
13 really comes down to signatures, which is --

14 MR. TRANTHAN: May I say a word to what's
15 going on? May I say a word at this point?

16 CHAIRMAN BENNETT: Yeah.

17 MR. TRANTHAN: You know, I don't want to
18 see like I'm getting off point with this, but
19 it's making a mockery of this Board, the BOE,
20 individuals that come down here, sign their name,
21 and stand and swear under oath that they live or
22 that they been living. Then we as ANC

1 commissioners have to -- I myself have the news
2 ready to go because it makes a mockery of this
3 Board and the very system that you all have put
4 in place that people can come down here and
5 manipulate the system the way that they're doing,
6 and there's a whole host of them doing it, a
7 whole host of them. I really recommend strongly
8 that you all come up with a better system of
9 validation and verification of someone's address,
10 maybe a lease, or something because it makes a
11 mockery of this Board and the very system that we
12 live under and abide by down here.

13 I have challenged people that have put
14 falsified signatures on their ballot, but because
15 you all only require 25 and only look at 50, they
16 skate it. But who would put -- I ain't put no 50
17 some signatures knowing that these signatures are
18 not accountable.

19 They've been ANCs before. They know the
20 rules, but if they know that the system does not
21 check it unless one of us as an ANC or someone in
22 the community challenge it, they skate, and

1 they're on the ballot; and that should not be.
2 You all should be sick and tired of that, and
3 that's for the record.

4 And I definitely -- I'm not saying it to
5 embarrass you all because the truth of the matter
6 be is our color, this color right here and the
7 majority of them are doing it right now. They
8 have people right now that's going to be on that
9 ballot this 8th, and they don't live where they
10 live; and the signatures are invalid. It is an
11 insult to those live where they live. Mr.
12 (Inaudible), Muhammad, myself.

13 I live at 2345. I took the time to go
14 and ask people are you registered in the District
15 of Columbia at this address? Yes. Will you sign
16 my petition? And if the same for me, I got to
17 abide by the rules, then everybody else -- and
18 for those that think they can come down here and
19 manipulate this Board and the system, you all
20 should look at it and say how can we perfect it
21 better so that they can't come down here and
22 provide falsified addresses or falsified names.

1 I'm done.

2 MR. MUHAMMAD: And then I had 69
3 signatures on my petition. He challenged 17, and
4 they allowed him to challenge me when 17 even
5 from 50 is not less than 25. It should have
6 never been done. I mean, to appease him, he
7 threatened me with a knife. I have a stay-away
8 order on this man right now. I'm trying to save
9 his life.

10 MR. TRANTHAN: I happen to pull up the
11 incident -- I happened to pull up on Alabama
12 Avenue when that day had occurred where Mr. --

13 MR. MUHAMMAD: We don't get paid.

14 MR. TRANTHAN: Right.

15 MR. MUHAMMAD: I'm doing this for free,
16 been doing it for 30 years free.

17 MR. TRANTHAN: The police officers had
18 even stated, both of the police -- I had
19 suggested to Mr. Muhammad -- I'm a licensed
20 private investigator, and I let him know. At
21 that time I pulled out my badge. He said, "I
22 don't give an F," right in front of the police.

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1 So the police said to them two, "You all should
2 shake hands." I said, "They're not going to
3 shake hands because it's rude and disrespectful
4 in which he did." He literally went to this
5 man's house.

6 What if Mr. Kenneth McGuire came to
7 Mr. Michael Bennett's home over some fooling?
8 Would you appreciate that? You would call the
9 police as well and be insulted and disrespected.

10 Then -- I didn't witness this -- but I
11 learned that he pushed Mr. Muhammad. I ain't
12 going to say if that had been me. Well, if it
13 would have been me, he would have been laid on
14 the ground, and I would have been going to jail
15 with a wound to his tail because that's what
16 would have happened. But that should not happen.

17 All I'm saying to you all -- and when I
18 say this, I challenged two other people's down
19 here. The only reason why I didn't bring it
20 before this Board is because they don't live in
21 my SMD, but you can rest assured their signatures
22 are fraud; and they are fraud, but their name

1 will be on that ballot November 8th. And you ask
2 the question: How can this be?

3 CHAIRMAN BENNETT: Okay. Anything else,
4 Mr. Muhammad? We've kind of gone a little bit
5 far afield.

6 MR. MUHAMMAD: Those who wanted their
7 name to be on the ballot, you all took the time
8 to call them. They didn't have the decency to
9 even come or call and still saying you don't have
10 to show up because you going to be on the ballot
11 anyway. That's what's being told to them. In
12 fact, some of them are saying everybody in that
13 office is saying everybody should have a chance,
14 but they never told Ms. Norton that everybody
15 should have a chance; and she's still running
16 every two years, but they tell the commissioners,
17 everyone should get a chance; so let them get on
18 the ballot. Don't worry about if it's false. If
19 it start false in the beginning, which is the
20 beginning of their political career in dealing
21 with an elected office, it's going to continue
22 all the way to a city council job, as you see, as

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1 those who are falling left and right. Because if
2 I'm allowed to lie in the beginning, I'm going to
3 continue my lie all the way through.

4 CHAIRMAN BENNETT: Thank you. Anything
5 else?

6 MR. MUHAMMAD: That's it.

7 CHAIRMAN BENNETT: Thank you.

8 Mr. McGhie?

9 MR. MCGHIE: Mr. McGann, do you have an
10 analysis?

11 MR. MCGANN: With respect to if the
12 candidate didn't live in the SMD for the 60 days,
13 but -- he should be denied ballot access, but
14 what we do have on file is evidence in the form
15 of testimony from the challenger that he doesn't
16 live. But I have not had an opportunity to
17 review that, so I don't know what the basis of
18 the affidavit is. But with respect to
19 Mr. Johnson, he also submitted an affidavit
20 saying that he did not, in fact, vote during the
21 primary, and today we've had testimony from a
22 citizen that has to be weighed against that

1 testimony from Mr. Johnson.

2 CHAIRMAN BENNETT: Okay. Thank you, Mr.
3 Muhammad. Thank you, sir, for coming to testify.

4 MR. MUHAMMAD: Thank you. All right.

5 CHAIRMAN BENNETT: Next matter.

6 MR. MUHAMMAD: I wouldn't even state that
7 I didn't vote unless I know that signatures was
8 going to be checked.

9 CHAIRMAN BENNETT: Thank you.

10 MR. MCGHIE: Okay. The next matter is
11 the nominating petition of Graham Smith, ANC
12 Single Member District 6C06.

13 Is Mr. Graham Smith here, or is the
14 challenger here?

15 MR. MCGANN: No, they're not.

16 MR. MCGHIE: Okay. Ms. Brooks, do you
17 have a preliminary determination on this
18 challenge?

19 MS. BROOKS: Yes, I do.

20 On August 10, 2016, Graham Smith
21 submitted a nominating petition to appear on the
22 ballot as a candidate in the November 8, 2016,

1 general election for the contest of office -- for
2 the contest for the Office of Advisory
3 Neighborhood Commission for Same Member District
4 6C06. That petition was posted for public
5 inspection for 10 days as required by law and
6 challenged on August 21, 2016, by Heather Edleman
7 (phonetic), a registered voter in the District of
8 Columbia.

9 My preliminary review of the petition
10 challenge indicates that Mr. Smith submitted a
11 total of 27 signatures. The minimum requirement
12 for this office is 25 signatures of district
13 voters who are duly registered in the same SMD as
14 the candidate.

15 Challenger Heather Edleman filed
16 challenges to a total of 8 signature, enumerated
17 by line and page number on individual challenge
18 sheets filed for each petition page. Petition
19 signatures were challenged pursuant to Title 3 of
20 the DCMR Section 1607.1 of the Board's
21 regulations.

22 My review of the challenge indicates that

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1 a total of 8 of the 8 challenges are valid. This
2 leaves the candidate nominating petition with 19
3 signatures, 6 signatures below the number require
4 for ballot access.

5 MR. MCGHIE: So it's your recommendation
6 that he be denied ballot access?

7 MS. BROOKS: That's correct.

8 MR. MCGHIE: Mr. McGann, you have an
9 analysis?

10 MR. MCGANN: Mr. Graham was informed of
11 his change of address opportunities. He had six,
12 I believe.

13 MS. BROOKS: He had five.

14 MR. MCGANN: He had five, and even with
15 the fifth one, he wouldn't have enough because he
16 only had 19 signatures.

17 MS. BROOKS: Right.

18 MR. MCGANN: And he said he wanted to go
19 before the Board or get his change of addresses.
20 I told him, "Even if you got all of your change
21 of addresses, it would be 24." We have not heard
22 from Mr. Graham since the prehearing conference.

1 CHAIRMAN BENNETT: Okay.

2 MR. MCGHIE: Okay. Next matter is a
3 challenge to the nominating petition of Gia
4 Stancell, ANC Single Member District 7F01.

5 Ms. Brooks, do you have a recommendation?

6 MS. BROOKS: Yes, I do.

7 On August 10, 2016, Gia Stancell
8 submitted a nominating petition to appear on the
9 ballot as a candidate in the November 8, 2016,
10 general election contest for the contest for the
11 Office of Advisory Neighborhood Commission for
12 Same Member District 7F01. That petition was
13 posted for public inspection for 10 days as
14 required by law and challenged on August 22nd by
15 Diante Lesh (phonetic), a registered voter in the
16 District of Columbia.

17 My preliminary review of the petition
18 challenge indicates that Ms. Stancell submitted a
19 total of 31 signatures. The minimum requirement
20 for this office is 25 signatures of district
21 voters who are duly registered in the same SMD as
22 the candidate.

1 Challenger Dionte Lesh filed challenges
2 to a total of 7 signature, enumerated by line and
3 page number on individual challenge sheets filed
4 for each petition page. Petition signatures were
5 challenged pursuant to Title 3 of the DCMR
6 Section 1607.1 of the Board's regulations.

7 My review of the challenge indicates that
8 a total of 2 of the 7 challenges are valid. This
9 leaves the candidate nominating petition with 29
10 signatures, 4 signatures below the number require
11 for ballot access.

12 MR. MCGHIE: Mr. McGann, you have an
13 analysis?

14 MR. MCGANN: Yes. This challenger didn't
15 even appear at the prehearing. We have not heard
16 from that challenger since he filed the
17 challenge.

18 MR. MCGHIE: So, Ms. Brooks, is it your
19 recommendation that he be granted ballot access?

20 MS. BROOKS: Yes.

21 MR. MCGHIE: Okay. That would conclude
22 all (inaudible) nominating petition challenges.

1 CHAIRMAN BENNETT: Any additional
2 questions from Board members?

3 Well, I think for this meeting today, we
4 are going to adjourn, and we will consider --
5 we'll adjourn and in executive session consider
6 these for today and come forward with additional
7 matters tomorrow.

8

9 [Whereupon, at 1:17 p.m., the Regular
10 Board Meeting was adjourned.]

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