

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

THURSDAY

NOVEMBER 15, 2018

+ + + + +

The District of Columbia Board of Elections convened at 1015 Half Street, SE, Suite 750, Washington, D.C., pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
KENNETH MCGHIE, General Counsel  
CECILY COLLIER-MONTGOMERY, Director,

Office of Campaign Finance

WILLIAM SANFORD, Office of the General Counsel

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

2 (11:04 a.m.)

3 CHAIRMAN BENNETT: Good morning.

4 We're going to open up the meeting. We have  
5 another Board Member which I need in order to  
6 conduct the business officially. There are three  
7 items that we need to, need another Board Member  
8 to be able to certify, but -- not certify, to  
9 approve.

10 So, we're going to go ahead and get  
11 started. I'm going to open up the meeting, our  
12 November meeting now, and go through the various  
13 agenda items. And then come back and retrofit,  
14 and do it that way.

15 Okay. So, we're going to start off  
16 with Board matters. Can you hear us okay,  
17 transcriber?

18 COURT REPORTER: Yes, thank you.

19 CHAIRMAN BENNETT: So, with Board  
20 matters, I don't have any Board matters for this  
21 meeting. And I'm going to skip over and ask for  
22 the campaign finance report, Ms. Montgomery.

1 MS. COLLIER-MONTGOMERY: Yes. Good  
2 morning. The first thing I would like to report  
3 on is that during the month of October the Office  
4 Campaign Finance conducted site visits to the  
5 early voting centers of the, that were  
6 established by the Board of Elections.

7 And also, we conducted site visits at  
8 the election precincts on election day. On  
9 November the 2nd the Office of Campaign Finance  
10 visited at least 12 of the 14 early voting sites.  
11 And on November the 6th we visited 98 of the 143  
12 precincts.

13 Overall the staff reported that there  
14 was an elevated presence of voters at the, voter  
15 activity at the precincts. They also reported  
16 that the disclaimers appeared to be properly  
17 placed on the campaign literature. And also that  
18 the campaign literature was definitely placed  
19 within the, outside of the election marker  
20 boundaries.

21 Also, there appeared to be more than  
22 usual presence of campaign workers associated

1 with the various candidates. We did not observe  
2 any infractions of the campaign finance laws.  
3 And nor did we receive any complaints related to  
4 the campaign literature at the precincts or the  
5 early voting centers.

6 Next I would like to report on the  
7 status of the Fair Elections Program. And  
8 basically, as I told you previously, the Fair  
9 Elections Amendment Act of 2018 became effective  
10 on May the 5th, 2018. And the provisions of the  
11 Act became effective on November the 7th, 2018.

12 So, the Office of Campaign Finance has  
13 been in the process of trying to develop  
14 information on that to be made available to the  
15 public, that can be made available to the public,  
16 to inform the public of the requirements of the  
17 Act, and the fact that the Fair Elections  
18 Amendment Act provides for the public financing  
19 of campaign operations in the District of  
20 Columbia.

21 So, what we've done, on our home page  
22 we've created a slider. And basically the slider

1 introduces the Fair Elections Program. If the  
2 public links to the slider the slider will make  
3 available for the review of the public a brochure  
4 that we developed on the Fair Elections Program,  
5 as well as a PowerPoint presentation on, which  
6 provides a summary analysis of the law. And  
7 also, a PowerPoint presentation which provides an  
8 overview of the Fair Elections Program.

9 We also met with a planning committee  
10 that the Office of Campaign Finance had organized  
11 for the purpose of having the public involved in  
12 the process, in terms of trying to determine the  
13 best way to do outreach to the public, as well as  
14 the best way in which to also involve candidates  
15 in the process. And to make sure that we provide  
16 the appropriate services to candidates who  
17 participate in the program as well.

18 So, we met last night. And  
19 approximately eight members of the public who are  
20 from various organizations in the District of  
21 Columbia appeared. And we discussed where the  
22 Office of Campaign Finance is at this point.

1                   And I would like to thank those  
2 members of the public. Because they have made  
3 various recommendations to us concerning  
4 proposals for regulations, as well as proposals  
5 for inclusion in our standard operating  
6 procedures.

7                   With respect to the business of the  
8 office, during the month of October. During the  
9 month of October there were several report dates.  
10 On October the 1st, 2018 the reports of receipts  
11 of expenditures were due in the Constituent  
12 Service Program. There are nine required filers.  
13 And all nine timely filed their reports, as well  
14 as electronically filed their reports.

15                  October the 1st was also the deadline  
16 for the filing of the report from the Senator,  
17 Representatives, with respect to the statehood  
18 funds. There are three required filers. All  
19 three filed. And all three also electronically  
20 filed their reports.

21                  October the 10th was the deadline for  
22 the filing of reports of receipts and

1 expenditures by principle campaign committees,  
2 and also political action committees who were  
3 participating in the 2018 election cycle.

4 We have 117 required filers. Ninety-  
5 five of those required filers timely filed their  
6 reports with the Office of Campaign Finance. We  
7 had eight late filers.

8 Also we had 14 who failed to file.  
9 And there were 22 referrals to the Office of the  
10 General Counsel for enforcement. 104 of our  
11 files electronically filed their reports.

12 October the 10th was also the deadline  
13 for the filing of the reports of receipts and  
14 expenditures by our independent expenditure  
15 committee. We have five required filers, and  
16 four timely files.

17 And we had one late filer. And that  
18 filer was also referred to the Office of the  
19 General Counsel for the enforcement process. All  
20 five filers timely filed their, I'm sorry,  
21 electronically filed their reports.

22 There was also an eight day pre-



1 general election report of receipts and  
2 expenditures, which was due on October the 29th.  
3 And that was eight days, again, prior to the  
4 election.

5 There were 97 required filers.  
6 Seventy-six timely filed. Three, we had three  
7 late filers. Eighteen failed to file. And we  
8 had 21 referrals to the General Counsel. With  
9 respect to the actual filers, all 79  
10 electronically filed their reports.

11 Also, the independent expenditure  
12 committees were requires to file an eight day  
13 pre-general election report of receipts and  
14 expenditures. There were five required filers.

15 The report was due on October the  
16 29th. Four timely filed, one late filed. The  
17 late filed was referred to the General Counsel's  
18 Office. And all five electronically filed their  
19 reports.

20 With respect to the names of the  
21 campaigns who were referred to the General  
22 Counsel's Office, those names are listed in our

1 report. And our report will be published at our  
2 website.

3 In our Audit Branch, our Audit Branch  
4 during the month of October conducted 131 desk  
5 reviews. Also in our Audit Branch, our ongoing  
6 audits, we have one full field audit, Sheika Reid  
7 for Ward 1, which was initiated on August the  
8 29th, 2018.

9 We have periodic random audits of  
10 candidates in the 2018 election with respect to  
11 the January 31, 2018 filing. And that would be  
12 the Kenyan McDuffie 2018, which was initiated on  
13 March the 22nd, 2018.

14 We have periodic random audits being  
15 conducted. Again, the continuing committees in  
16 the 2018 election of the June 10th, 2018 filing.  
17 Anita Bonds, 2018, was initiated September the  
18 11th, 2018.

19 We have periodic random audits in the  
20 Constituent Service Program of the October the  
21 1st, 2018 filing. Mayor Bowser's Constituent  
22 Service Fund, Our Ward 5 Citizens Outreach Fund.

1           With respect to the audits in the  
2           Constituent Service Program, the audit  
3           notification letters were issued on October the  
4           22nd. And the records reviewed to the audit  
5           staff by November the 4th, 2018.

6           We issued an audit during the month of  
7           October. That was a list of 2018, which was  
8           issued on October the 22nd, 2018. And that's  
9           available at our website for review.

10           And the last thing I would like to  
11           report is that we did have a new candidate  
12           committee that registered during October 2018.  
13           And that was Asar Mustafa, Shadow Senator, who  
14           registered on October the 11th, 2018.

15           And that concludes my report. And I  
16           would ask Mr. Sanford to give the report of the  
17           Office of the General Counsel.

18           CHAIRMAN BENNETT: Great. Thank you.

19           MR. SANFORD: Good morning, Mr.  
20           Chairman. My name is William Sanford, General  
21           Counsel for the Office of Campaign Finance.

22           During the month of October 2018 the

1 Office of the General Counsel received 23  
2 referrals. Twenty-two of the referrals were from  
3 the public information in the records management  
4 division.

5 However, three of those referrals were  
6 withdrawn before they were scheduled for  
7 hearings. The remaining one referral was  
8 received from the Reports Analysis and Audit  
9 Division.

10 During the month of October 2018 the  
11 Office of the General Counsel completed 17  
12 informal hearings, and issued 17 orders, which  
13 included the following.

14 Six orders regarding failure to timely  
15 file reports of receipts and expenditures were  
16 issued, which imposed fines that totaled \$4,350  
17 dollars. And 11 orders regarding failures to  
18 timely file reports of receipts and expenditures  
19 in which no fines were imposed were also issued.

20 During the month of October 2018 the  
21 Office of the General Counsel imposed fines  
22 against the following respondents. A fine of

1 \$1,850 dollars was imposed against Ambrose Lane,  
2 Jr., candidate for Council-at-Large.

3 A fine of \$500 dollars was imposed  
4 against University Start Up Incubator Committee.  
5 A fine of \$500 dollars was imposed against the  
6 Committee to Elect Natalie Williams. A fine of  
7 \$500 dollars was imposed against the Committee to  
8 Elect Khalid Pitts, 2014.

9 A fine of \$500 dollars was imposed  
10 against Carter at Large, 2014. And a fine of  
11 \$500 dollars was imposed against Paterson for  
12 Ward 8.

13 During the month of October 2018 the  
14 Office of the General Counsel collected a total  
15 of \$1,700 dollars in fines, which included a fine  
16 of \$1,500 dollars from Jeffrey Thompson, which is  
17 in installment payment. That was part of an  
18 agreement that was reached between Mr. Thompson  
19 and the Office of the General Counsel in December  
20 of 2017.

21 And a fine of \$200 dollars was paid by  
22 Sheila Bunn, a candidate for Ward 8 in 2018,

1       sorry, in 2016 election.

2                       During the month of October 2018 the  
3       Office of the General Counsel received one  
4       complaint. That complaint was filed by Craig  
5       Holman, PhD on October 24th, 2018.

6                       The complaint was filed against the  
7       Re-Elect Muriel Bowser Principle Campaign  
8       Committee. The alleged infraction was campaign  
9       contribution violation. That complaint was  
10      dismissed. And the order was issued on October  
11      31st, 2018.

12                      CHAIRMAN BENNETT: Can you tell me  
13      what the basis of that complaint was?

14                      MR. SANFORD: The complaint alleged  
15      that the Re-Elect Bowser Principle Campaign  
16      Committee had made an excessive in-kind  
17      contribution to the Dionne Reeder campaign, by  
18      inviting Ms. Reeder to attend as a guest at a get  
19      out the vote rally that was being sponsored by  
20      the Re-Elect Bowser Campaign.

21                      We found the complaint was not, did  
22      not have any merit. And we determined there was

1 no tangible benefit to Ms. Reeder. And  
2 therefore, we dismissed the complaint --

3 CHAIRMAN BENNETT: Thank you.

4 MR. SANFORD: -- on the 31st of  
5 October.

6 CHAIRMAN BENNETT: Thank you.

7 MR. SANFORD: During the month of  
8 October 2018 there were no requests for  
9 interpretive opinions and no show cause  
10 proceedings were conducted. And that should  
11 conclude my report.

12 CHAIRMAN BENNETT: Thank you, Mr.  
13 Sanford. Ms. Montgomery.

14 MS. COLLIER-MONTGOMERY: That  
15 concludes my report.

16 CHAIRMAN BENNETT: Great. Thank you.  
17 Let's see. Let me move to General Counsel's  
18 report, Mr. McGhie.

19 MR. MCGHIE: Okay. The first thing I  
20 have on my agenda is file a rulemaking to,  
21 amendments to Chapter 30, the Campaign Finance  
22 Operations Section 3014, which is Constituent

1 Service Programs.

2 So, that is an Office of Campaign  
3 Finance proposed regulation. I will defer to Ms.  
4 Montgomery, Cecily Montgomery to outline what  
5 that rulemaking will do.

6 CHAIRMAN BENNETT: Okay, great. Ms.  
7 Montgomery.

8 MS. COLLIER-MONTGOMERY: Yes. The  
9 purpose of the amendment is to increase the  
10 annual expenditure amendment for the Constituent  
11 Service Programs from \$40,000 to \$60,000 dollars.

12 And basically the amendment will bring  
13 the regulation into conformance with the  
14 recently, with, in conformance with the recent  
15 amendments to the Campaign Finance Act.

16 MR. MCGHIE: Okay. We may need to  
17 table this a little later. So, if I could have a  
18 motion to adopt that as final ruling?

19 CHAIRMAN BENNETT: Okay. All right.  
20 If you can table that until we get to the -- once  
21 Ms. Lewis comes in we can -- that makes the  
22 quorum --



1 MR. MCGHIE: Okay.

2 CHAIRMAN BENNETT: Okay. Thank you.

3 MR. MCGHIE: All right. Then the next  
4 matter is a litigation status update. Ameer  
5 Flippin v. D.C. Board of Elections. Mr. Flippin  
6 filed a complaint in Superior Court.

7 He was a write in candidate. And he  
8 wanted his name to appear on the Board's website  
9 as a write in candidate. We explained to him  
10 that we do not list the write in candidates, only  
11 candidates that have obtained ballot access  
12 through our process.

13 In any case, he filed a complaint in  
14 Court on August 31st. We filed a motion to  
15 dismiss. It was argued on October 5th. And the  
16 Court dismissed the complaint on November 1st.

17 CHAIRMAN BENNETT: Okay. Based on the  
18 grounds that we had no obligation.

19 MR. MCGHIE: Yes.

20 CHAIRMAN BENNETT: Okay. Good.

21 MR. MCGHIE: Okay. The only other  
22 thing that I would like to do at this time if I

1 may, is that there is a new employee in the  
2 Office of the General Counsel. His last name  
3 escapes me. But his first name is Kevin. So,  
4 and he is, he's a local graduate. He plans on  
5 taking the D.C. Bar. And he is pursuing an LLM  
6 in taxation.

7 CHAIRMAN BENNETT: Great. Could I  
8 have your last name, sir?

9 (Off microphone comment.)

10 CHAIRMAN BENNETT: All right, Mr.  
11 Kevin Strickland (phonetic), welcome. What law  
12 school did you attend?

13 (Off microphone comment.)

14 CHAIRMAN BENNETT: University of North  
15 Carolina-Chapel Hill? Oh, my gosh. Undergrad  
16 same place?

17 (Off microphone comment.)

18 CHAIRMAN BENNETT: Well, welcome. And  
19 you're pursuing -- that's all right.

20 MR. MCGHIE: A little louder.

21 CHAIRMAN BENNETT: Yes. Just speak a  
22 little louder. So you went to North Carolina-

1 Chapel Hill Law School, for the record. They  
2 have a law school, right? And where are you  
3 pursuing your LLM in taxation?

4 (Off microphone comment.)

5 CHAIRMAN BENNETT: In Georgetown.  
6 Okay. Well, great. Well, welcome. Thanks for  
7 casting your net here, and your life here. And  
8 all the best on the D.C. Bar exam. So, I guess  
9 that's February 10th.

10 (Off microphone comment.)

11 CHAIRMAN BENNETT: Great. All the  
12 best. We really support your work here, and the  
13 great work in the whole area around elections.  
14 So, thank you.

15 MR. MCGHIE: And that concludes my  
16 report.

17 CHAIRMAN BENNETT: Okay. We're going  
18 to take about a 30 second stop here, and ask Ms.  
19 Lewis to come in. And then what I'd like to do  
20 is to certify the election, attend to the other  
21 three matters that we have, and then let you  
22 continue your Executive Director report. Is that

1 okay? Okay, thank you.

2 (Whereupon, the above-entitled matter  
3 went off the record at 11:24 a.m. and resumed at  
4 11:24 a.m.)

5 CHAIRMAN BENNETT: Okay. Well, we'll  
6 need to start with your report then. Okay?  
7 We'll start with the, we'll go with the Executive  
8 Director's report.

9 MS. MILLER: All right. Thank you.  
10 So, I want to give just a few facts. As you  
11 know, we conducted the November 6th general  
12 election a couple of weeks ago. We had 500,511  
13 registered voters of that time. The total  
14 ballots cast for the election was 231,700.

15 The turnout was 46.12 percent of  
16 registered voters, as compared to the last light  
17 election, which was the 2014 general election for  
18 the mayoral general. It was 38.45 percent. So,  
19 the totals were up. The turnout was up from  
20 those two elections.

21 For early voting we had 52,512 voters.  
22 For this election that was 22.6 percent of the

1 total ballots cast. This in comparison to the  
2 2014 early voting, we saw 15.3 percent of the  
3 total ballots cast. So again, the early voting  
4 totals were up from 2018, as compared to 2014.

5 CHAIRMAN BENNETT: now, this was the  
6 first time we actually had two precincts open per  
7 ward. Is that correct?

8 MS. MILLER: We had two early voting  
9 sites per ward, with the exception of Ward 1 and  
10 Ward 2.

11 CHAIRMAN BENNETT: And we did not have  
12 that in the June election? Is that correct?

13 MS. MILLER: We did not have that in  
14 the June election. So, our early voting centers  
15 opened on October 22nd at 1 Judiciary Square.  
16 And the other 13 sites they opened on October  
17 26th. And they were all open from those points  
18 through October 30th, from 7:00 a.m., 7:30 a.m.,  
19 8:30 a.m., I'm sorry, to 8 o'clock p.m.

20 So, we will look and try to find two  
21 other additional sites for Ward 1 and Ward 3  
22 moving forward. And that would give us a total

1 of two sites per ward, with all the early voting  
2 sites. But we did have a total of 14 sites,  
3 early voting sites open for this election.

4 Also, with respect to this -- we did  
5 have about 1,700 poll workers, staff for the  
6 election. Our goal was 2,000. But we did fall  
7 short of that. But we did have 2,000, I mean,  
8 1,700 poll workers for the election.

9 So, the other thing that I want to  
10 talk about just a little bit is the December 4th  
11 special election. We will do that with respect  
12 to the State Board of Education, for that ward.

13 We have started our processing with  
14 that. So, we kind of close out an election, and  
15 begin the overlap process associated with that  
16 September special, December special election.

17 Our logic and accuracy testing will  
18 start on Friday. We will have 20 precincts open  
19 for that election. Because we have the equipment  
20 available we will have two, quote, ballot boxes  
21 per precinct. And staff it with three electronic  
22 voting machines in each precinct.

1                   Obviously we have equipment, because  
2                   we don't have to do everything. So, you are able  
3                   to do that, which will make things a lot easier.  
4                   Should a machine break down we'll obviously have  
5                   another one in the precinct operating until we  
6                   can get the broken down one fixed.

7                   We did, at the precincts during the  
8                   November election let everyone in Ward 4 know  
9                   that there would be a special election, by  
10                  handing out flyers, and having posters in each of  
11                  those precincts, inviting everybody back on  
12                  December 4th to vote in the Ward 4 special  
13                  election.

14                  There is also that information  
15                  available on our website. The ballots have been  
16                  prepared, and we've ordered the ballots. And we  
17                  will start sending out the absentee ballots for  
18                  that election this week. So, we're set to go  
19                  with that.

20                  CHAIRMAN BENNETT: What was the actual  
21                  turnout in this election, this, the November  
22                  election?

1 MS. MILLER: It was --

2 CHAIRMAN BENNETT: In terms of  
3 percentage of voters?

4 MS. MILLER: Forty-six percent.

5 CHAIRMAN BENNETT: Forty-six percent.

6 And what was the turnout in June? It was under  
7 20 percent, if I recall.

8 MS. MILLER: Yes. I'm not sure. I  
9 can get that.

10 CHAIRMAN BENNETT: That's okay. But  
11 I just want to put on -- I mean, I think in fact  
12 --

13 MS. MILLER: This was higher.

14 CHAIRMAN BENNETT: This was much  
15 higher. And more than double -- and that  
16 compared to most mid-terms elections this was,  
17 I'm not sure that this was a record turnout. But  
18 I would imagine it's pretty close.

19 MS. MILLER: Yes. For the 2014, as I  
20 indicated, the turnout was 38 percent.

21 CHAIRMAN BENNETT: Okay.

22 MS. MILLER: That was the last five



1 elections.

2 CHAIRMAN BENNETT: So, there are two  
3 things I wanted to note on that. One was, while  
4 I'm not sure if it was a record turnout or not,  
5 it was significantly higher than we have been  
6 used to.

7 And some of it was the politics of our  
8 times that drove people out. But also too, I  
9 think we actually put a fair amount of effort  
10 into encouraging people to vote.

11 And so, I think that's important for  
12 us to continue with our efforts to try and, to  
13 increase voter turnout in the District. It would  
14 be great to get above 50 percent, sooner versus  
15 later.

16 I doubt we can get it in December.  
17 But it would be great in 2020 if we were pushing  
18 it. And so, I encourage us to continue to look  
19 at ways for us to encourage voter turnout going  
20 forward.

21 The other thing I wanted to note with  
22 regard to this last session was, there were a

1 number of precincts that the wait was  
2 significant. Some of them the wait was  
3 significant because it was a huge turnout.

4 The other is that particularly at the  
5 Eastern Market Center, that was actually two  
6 precincts, we only had one machine. And that  
7 machine got stuck on occasion. And we've  
8 hopefully corrected that by getting two or three  
9 machines there.

10 One of the things I think that we need  
11 to do, and this is putting the Council on public  
12 record, on notice, is that we really need more  
13 money to get more ballot counting machines.

14 It doesn't make sense for large  
15 precincts, or any precinct quite honestly, not to  
16 have at least two. Because there's no reason, I  
17 mean, because they're, you know, these are  
18 machines. And they do break down.

19 So, I intend to talk about this with  
20 the Council, and ask for more money to try and  
21 make sure we have at least two machines at every  
22 precinct.

1           The other thing is that we also want  
2           to make sure that we have enough persons  
3           supporting and working the precincts.  
4           Particularly when there's overcrowded situations.  
5           And we do have backup because machines may break  
6           down.

7           So, and the fact that we had 46  
8           percent turnout, and that things went incredibly  
9           smooth is a real testament to Agency, and the  
10          leadership. And every person, you know, working  
11          in the Agency relative to making sure happen.

12          But there were occasions where things  
13          were, got pretty hairy in a couple of  
14          circumstances. And persons jumped to the rescue,  
15          or jumped to action quickly, and got things  
16          resolved quickly. So, my compliments.

17          But I also think too that we need more  
18          equipment, particularly in terms of ballot  
19          counting. And we also need to make sure that we  
20          have people available to support when necessary.

21          So, we need additional budget for  
22          that. So, I intend to make sure we ask the

1 Council accordingly. I just wanted to make I put  
2 that on record. Any thoughts or comments on  
3 that, Ms. Lewis in particular, since you --

4 MEMBER LEWIS: No. And I certainly --  
5 Well, yes, actually. I certainly echo those  
6 sentiments. And let me also just apologize for  
7 my delay this morning. I was on a pre-conference  
8 call with a judge. So, yes, can't really tell a  
9 judge.

10 CHAIRMAN BENNETT: Oh, sure you can.

11 MEMBER LEWIS: Well, I did at the end,  
12 you know, I have to go certify these results.  
13 But I just wanted to note that for the record,  
14 which is what was causing my delay.

15 But yes, I think the turnout was  
16 tremendous. There were, you know, several  
17 complaints that I heard. But it was kind of like  
18 a double edged sword, where people on the one  
19 hand were like, oh, this wait is crazy. But on  
20 the other hand, they were very excited about the  
21 turnout.

22 But I agree with Mr. Chairman, in that

1 if we did have proper resources, and more  
2 resources rather, we do have proper resources,  
3 but more resources to really help expedite the  
4 process, I think that the general public would  
5 certainly be at a greater advantage, particularly  
6 when we have these type of turnouts.

7 And I think the idea and the goal for  
8 our Board, and for the Agency in general is to  
9 always have such engagement, such civic  
10 participation and engagement from our residents  
11 in these local elections.

12 CHAIRMAN BENNETT: Right. Ms. Miller,  
13 what I'd like to do now is, are you good for a  
14 few minutes?

15 MS. MILLER: Yes. I'm good now.

16 CHAIRMAN BENNETT: Okay. What I'd  
17 like to do now then is, let me start at the top.  
18 And we need to adopt the agenda. Although we've  
19 been, I skipped around on the agenda. But I want  
20 to adopt the agenda, as we have moved so far.

21 Secondly, I want to adopt the minutes  
22 from the last time. We have a regulation that

1 Mr. McGhie needs to get a motion for, and for us  
2 to adopt. And then also, we need to certify the  
3 election.

4 So, let me start out by getting a  
5 motion to adopt the agenda as we have modified  
6 this morning.

7 MEMBER LEWIS: I move to adopt today's  
8 agenda, including its modifications.

9 CHAIRMAN BENNETT: Seconded. And so,  
10 the agenda is adopted as modified. Adoption of  
11 the minutes from the last meeting.

12 MEMBER LEWIS: So moved.

13 CHAIRMAN BENNETT: Seconded. And so,  
14 the minutes are adopted from the last meeting.

15 Mr. McGhie, would you put forth your matter  
16 regarding the Office of Campaign Finance  
17 regulations?

18 MR. MCGHIE: Yes. We have a file and  
19 rulemaking to amend Chapter 30, Campaign Finance  
20 Operations, Section 3014, Constituent Services  
21 Program.

22 The Board adopted that as emergency in

1 proposed rulemaking on September 5th, at its  
2 regular scheduled Board Meeting. It was  
3 published in the D.C. Register on September 14th.  
4 The 30 days for comment expired. No comments are  
5 received. And I would like the Board to  
6 entertain a motion at this time to adopt it as  
7 final.

8 MEMBER LEWIS: So moved.

9 CHAIRMAN BENNETT: Second. It's been  
10 so moved and properly seconded. So, the vote is  
11 complete. It's unanimous, with the vote. And I  
12 vote adopting. Okay, great.

13 Ms. Miller, will you, I guess finish  
14 your report, and also provide the opportunity to  
15 certify the election?

16 MS. MILLER: Thank you. I'm going to  
17 read the names of the winners into the record,  
18 and ask the Board to certify the following  
19 winners of the election from the November 6th  
20 general election for the following offices.

21 Delegate to the United States House of  
22 Representatives, Eleanor Holmes Norton. Mayor of

1 the District of Columbia, Muriel Bowser. Chair  
2 of the Council of the District of Columbia, Phil  
3 Mendelson. At-Large Member of the Council, there  
4 are two, Anita Bonds, and Elissa Silverman.

5 Ward 1 Member of the Council, Brianne  
6 Nadeau. Ward 3 Member of the Council, Mary Cheh.  
7 Ward 5 Member of the Council, Kenyan MacDuffie.  
8 Ward 6 Member of the Council, Charles Allen.

9 Attorney General for the District of  
10 Columbia, Karl Racine. United States Senator,  
11 Michael D. Brown. United States Representative,  
12 Franklin Garcia. Ward 1 Member of the State  
13 Board of Education, Emily Gasoi. That's spelled  
14 G-A-S-O-I.

15 Ward 3 Member of the State Board of  
16 Education, Ruth Wattenburg. Ward 5 Member of the  
17 State Board of Education, Zachary Parker. Ward 6  
18 Member of the State Board of Education, Jessica  
19 Sutter.

20 And I will say, with respect to the  
21 ANC members, both certified members of the  
22 members that should be certified are listed on



1 the Board's website as the winners.

2 We have a number of ANC candidates  
3 whose names were not on the ballot. They were  
4 write in candidates. They filed a declaration of  
5 candidacy. I will call their names, and the  
6 Board should certify these individuals as  
7 winners. Every other name is on our website.

8 CHAIRMAN BENNETT: Okay.

9 MS. MILLER: Do you want to name seven  
10 of those?

11 CHAIRMAN BENNETT: Yes.

12 MS. MILLER: I don't think you want to  
13 sit here.

14 CHAIRMAN BENNETT: Sure. But let's do  
15 the ones that were write in.

16 MS. MILLER: The ones that we need to  
17 certify as write ins, and have qualified, filed a  
18 declaration of candidacy. And we actually  
19 counted those ballots.

20 ANC 1A12 is Jason Clock. ANC2A08,  
21 James Harnett. ANC 2E08, Matias Burdman. ANC  
22 3D06, Virginia Gorsevski, G-O-R-S-E-V-S-K-I. ANC

1 3F04, Leah Freling -- Geez, I can't say her name.  
2 Let me just spell it. F-R-E-L-I-N-G-H-U-Y-S-E-N.

3 PARTICIPANT: Frelinghuysen?

4 MS. MILLER: Very good. ANC 4A07,  
5 Marlene Moss. ANC 4B05, Perry D. Reed. ANC  
6 4C04, Nora Simon. ANC 5A04, Isaiah Burroughs.  
7 ANC 5E01 Nick Cheolas. ANC 7C06, Arnold Smith.  
8 ANC 7D05 Aretha Jackson. ANC 7D06  
9 Sherice Muhammad. ANC 8A05, Dorcas Agyei. ANC  
10 8B07, Keeon Bassett. ANC 8C03, Robinette  
11 Woodland.

12 Also, we had two candidates who  
13 actually won their ANC race. In 4B06 that would  
14 be Natalee S. Snider. And in 6D04 David Jaffe.  
15 But each of those candidates withdrew their  
16 candidacy before the election. So, we will  
17 certify vacancies in those ANCs. So, there are  
18 no winners.

19 CHAIRMAN BENNETT: Okay.

20 MS. MILLER: And that is the  
21 certifications. I would ask the Board for a  
22 motion to certify the elections, and the names of

1 the winners as has been read in the record.

2 MEMBER LEWIS: Moving to certify the  
3 November 8th, 2018, excuse me, November 6th, 2018  
4 general election results.

5 CHAIRMAN BENNETT: And that motion  
6 includes those names listed on our website. And  
7 we will, we presume those names are correct, in  
8 terms of the ANC. And also the write in  
9 candidates that were read out, as well as the  
10 other candidates that were read today. So,  
11 that's a yes, and that's a second. And so, the  
12 vote is for Ms. Lewis.

13 MEMBER LEWIS: Yes.

14 CHAIRMAN BENNETT: And for me it's  
15 yes. Motion carries. And 2018 November 6th  
16 elections are hereby certified. All right.

17 MS. MILLER: Thank you. Can I just  
18 make a statement. I just want to kind of  
19 piggyback on your statement, Mr. Chairman.

20 And that is, you're right. It takes  
21 a lot to make these elections function, and to  
22 work, and to work properly. Both you and Ms.

1 Lewis have recognized that.

2 Elections are no longer this -- little  
3 event that takes place every two years. They are  
4 national events, national -- there's a national  
5 get out the vote effort. Everybody responds.

6 And I think your indication about  
7 resources, and the fact that we need more  
8 resources, and we need the proper resources, the  
9 proper personnel. The additional focus is 100  
10 percent accurate and correct. It just cannot  
11 work, and work well, without that, and without  
12 that proper attention.

13 Those who respond we welcome to  
14 respond. And we need to be ready when they  
15 respond. We need to be prepared with what is  
16 needed in order to properly respond.

17 I don't have a problem with lines. I  
18 think lines are good. But we don't want the, a  
19 situation where we're not ready when a line comes  
20 up, that we can't automatically respond in the  
21 proper way with a line.

22 It also, in my opinion, calls for the

1 proper personnel. It's not that our seniors are  
2 the people who have elections. But would offer  
3 me additional support to help them.

4 We have a lot of technology in this  
5 process now. And sometimes the seniors are not  
6 as comfortable with some of the technology that  
7 we use in the election process.

8 And we need to do outreach to  
9 individuals who are more astute with it, so they  
10 can help them along, and help guide them, and get  
11 them through the process.

12 And we really need to figure out a way  
13 to identify how we do that. Without that I think  
14 we are, a big question mark how we move forward  
15 and get this done.

16 So, we're going to have to, you know,  
17 examine everything. And go to the Council, go to  
18 wherever we need to go to get the resources that  
19 we need in order to be successful about moving  
20 forward.

21 I can imagine 2020 is going to be a  
22 huge election, both the primary and the general,

1 with a huge voter turnout for both of those  
2 elections. Something like maybe we've never seen  
3 nationally and locally. And we absolutely need  
4 to be prepared for it.

5 With that said, I would also like to  
6 recognize the fact that you have the best staff  
7 ever, as it relates to performing the functions  
8 needed for this election. They worked their  
9 fingers to the bone. And I mean it.

10 From the warehouse crew, to the staff  
11 in this office, they are here when needed,  
12 dedicated, through every weekend, you know,  
13 evenings, hours, whatever, whatever it takes.

14 And I'm very grateful that they're  
15 here. And I want to recognize and thank them for  
16 it. Because without it, it would not be done. I  
17 don't want to call names. But it's from  
18 management on down.

19 Everyone is here. They know they are  
20 going to be here. They don't even plan to do  
21 anything, because, the beginning until even last  
22 night staff was here making sure that we were

1 through everything that needs to get done, so  
2 this election could be certified today.

3 And I want to say probably the last  
4 person left here last night around 9:30 p.m. So,  
5 for that I want to thank everybody for all their  
6 help. And recognize the staff, because without  
7 them we couldn't get this done.

8 CHAIRMAN BENNETT: Absolutely. Kudos  
9 to everyone in the organization.

10 MEMBER LEWIS: And yes, I'd also, in  
11 a similar regard just like to not only echo those  
12 sentiments, but add to them, you know, and, you  
13 know, wow. Director Miller indicated that, you  
14 know, someone left at 9:30 p.m.

15 I just wanted to note that during the  
16 election cycle staff members are here as early as  
17 4:00 a.m., 5:00 a.m. in the morning. And they  
18 don't leave until sometimes after midnight. And  
19 so, it really is, well, that might even be  
20 putting it lightly, quite honestly.

21 And it's not even, you know, when  
22 Director Miller said from management on up, I'm

1 hoping she's including herself. Because she  
2 really is a stalwart for this city. She's a  
3 stalwart for the Agency.

4 And, you know, we, you know, in our  
5 capacity spend a lot of time here. But, I mean,  
6 if you see us here, you can guarantee that the  
7 leadership of this organization, the Office of  
8 Campaign Finance as well, the staff members that  
9 support both offices are probably here three  
10 times as long as we are, including the General  
11 Counsel's Office, and those attorneys who work  
12 with our General Counsel.

13 And so, I certainly just wanted to  
14 note once specifically for the record that we  
15 truly appreciate them.

16 When we're out in the field we, as in  
17 the Board Members, are out in the field talking  
18 to voters, talking to residents. We hear  
19 sometimes feedback about, oh, the Board of  
20 Elections, you know, they're not doing this. I  
21 can guarantee you they are. And I just wanted to  
22 note that for the record.



1           It's easy I think to kind of show up  
2 on election day, and perhaps a voting machine is  
3 a little delayed, or it's a little slow. Or, you  
4 know, something doesn't exactly go according to  
5 plan. It's easy at that point in time to gripe  
6 about that.

7           But the reality is, people have no  
8 real understanding of just how much behind the  
9 scenes effort, and work, and energy, and  
10 dedication, quite frankly, goes into making these  
11 elections what they are.

12           And so, I just wanted to again echo  
13 and supplement on those remarks. Because,  
14 especially for a record turn -- well, like you  
15 said, it may not be a record.

16           But for such a -- for a midterm  
17 election with such significant results, such  
18 significant engagement, as I remarked earlier,  
19 the staff, and the people who really did the  
20 maintenance, the whole process, who worked, are  
21 just outstanding.

22           CHAIRMAN BENNETT: I agree. This

1       couldn't get any better.  So, I'm proud to be  
2       associated with all of the persons in the Agency.  
3       With that I think I'm going to go to public  
4       matters.  And I think we had Mr. Sindram on the  
5       line.  So, Mr. Sindram, if you have any matters  
6       for the Board.

7                   MR. SINDRAM:  I do.  Thank you, Mr.  
8       Chair.  I took --

9                   CHAIRMAN BENNETT:  Mr. Sindram, could  
10      you, for the record can you identify yourself,  
11      sir?

12                  MR. SINDRAM:  Absolutely.  Michael  
13      Sindram, disabled veteran.  Served our country  
14      more than most.  I took advantage of early voting  
15      at 441 Judiciary Square.  However, I don't recall  
16      an Advisory Neighborhood Commission election for  
17      4B02.  Is that because there were no candidates,  
18      or not open?  Or was that maybe just an omission?  
19      Or anybody know?  4B02.

20                  CHAIRMAN BENNETT:  4B02.  Ms. Miller,  
21      do you know?  Or should we --

22                  MS. MILLER:  I don't know offhand.

1 Mr. Sindram, are you saying there were no  
2 candidates listed on your ballot for 4B02?

3 MR. SINDRAM: Correct. Yes, correct.  
4 There were none.

5 MS. MILLER: If there were no  
6 candidates listed on your ballot then that means  
7 that no one filed to be a candidate. Let me see  
8 what our results show for 4B02.

9 MR. SINDRAM: Thank you. Other than  
10 that the early voting went very smoothly. I was  
11 well served. And it was very helpful.

12 CHAIRMAN BENNETT: Great. So, do you  
13 have a --

14 MS. MILLER: I'm showing 4B02 as Erin  
15 Palmer and Tanya Topolewski. You didn't notice  
16 those two names on your ballot?

17 MR. SINDRAM: Maybe now that you  
18 mention it, yes. I was thinking they were not  
19 there. But now that you named, I believe they  
20 were there.

21 MS. MILLER: Okay. Thanks.

22 MR. SINDRAM: Yes. Thanks. Also, the

1       upcoming Ward 4 education election. My question  
2       is, the precincts in Ward 4, will each of them  
3       have paper and touch tone available for the  
4       voters?

5                   MS. MILLER: Yes. We'll have paper  
6       and touch screen ballots available. Both will be  
7       available.

8                   MR. SINDRAM: Great. And what, I know  
9       it was mentioned that there were flyers and  
10      posters at the election November 6th. But  
11      November 4th is a way out. What preparation in  
12      addition is being done to alert voters in Ward 4  
13      that this crucial, critical election, Board of  
14      Education, is taking place December 4th?

15                  MS. MILLER: December 4th. Everyone  
16      will receive a notice in the mail for the  
17      December 4th election. I know you do not have  
18      access to the internet. But it's also on the  
19      website. It will be in the newspaper, the date  
20      of the election, as well as sample ballot. And  
21      we will have plenty of media ads going on as  
22      well.

1           MR. SINDRAM: I wanted to echo the  
2 sentiment. I believe you made it, the comment  
3 that our seasoned seniors, with the influx of  
4 technology are not very comfortable. And keep in  
5 mind, Ward 4 has a good number, if not the  
6 greatest, of seniors.

7           So, as you've pointed out, I am  
8 cybernetically challenged. I don't do email. I  
9 rely on snail mail, word of mouth, and so on.  
10 So, all to say, that's basically, you know, in  
11 our community how we get the word out.

12           Not to say that technology is not  
13 useful. It is. But some of us, you know, are  
14 not there. Or for whatever reason do not utilize  
15 it. And I think the wording that was used, you  
16 know, feel uncomfortable.

17           But be that as it may, you know, we  
18 want to make certain we get a good, a turnout  
19 just like this past election, if not more so, for  
20 this Ward 4. Because the, education is, you  
21 know, is a crucial, critical office.

22           CHAIRMAN BENNETT: Yes.

1 MS. MILLER: Thank you. We agree. We  
2 will do everything in our power to make certain  
3 that everybody knows, which was part of the  
4 reason why we were passing out flyers at every  
5 Ward 4 precinct on election day. And we did have  
6 posters at every Ward 4 precinct. As voters  
7 exited the precinct there was a big poster that  
8 said, return here on December 4th to vote.

9 MR. SINDRAM: Thank you.

10 CHAIRMAN BENNETT: Do you have  
11 anything else, Mr. Sindram?

12 MR. SINDRAM: No, sir.

13 CHAIRMAN BENNETT: All right. Thank  
14 you. Any other public comments? Yes, sir.

15 MR. CRANE: Do you want me to come up  
16 to the front?

17 CHAIRMAN BENNETT: Sure. Please.

18 MR. CRANE: Either?

19 CHAIRMAN BENNETT: Yes. Either one is  
20 fine.

21 MR. CRANE: My name is Benjamin Crane.  
22 I live in the single member district of ANC 7B03.

1 I mounted a write in campaign for that office. I  
2 don't believe I heard my name in the write in  
3 list.

4 I submitted my affidavit of write in  
5 candidacy on November 2nd. When I handed it to  
6 the staff worker at the desk they said they would  
7 email me a copy. And I never received a copy.  
8 And when I called for the election results  
9 yesterday they informed me they did not have my  
10 affidavit of write in candidacy.

11 MS. MILLER: Do you have a copy of it?  
12 Oh, you don't have a copy.

13 MR. CRANE: No, I don't.

14 MS. MILLER: 7B03. And we don't have  
15 any --

16 CHAIRMAN BENNETT: Was there anyone  
17 that was --

18 MS. MILLER: Certifying --

19 MR. CRANE: There was no one  
20 registered. It would have been --

21 MS. MILLER: Someone else --

22 MR. CRANE: I don't know of any other

1 write in candidate for --

2 CHAIRMAN BENNETT: What was your name  
3 again, sir?

4 MR. CRANE: Benjamin Crane.

5 CHAIRMAN BENNETT: Benjamin Crane.

6 MEMBER LEWIS: Sir, can you spell your  
7 last name for the record?

8 MR. CRANE: C-R-A-N-E.

9 MS. MILLER: Yes. There were only  
10 write in candidates for that. Let me check into  
11 it and follow up. Okay. There's only write ins.

12 CHAIRMAN BENNETT: Was there anyone  
13 that was --

14 MS. MILLER: No named candidate on the  
15 ballot for that.

16 CHAIRMAN BENNETT: Okay. And the  
17 write in candidate was? Who was declared the  
18 winner for --

19 MS. MILLER: No one.

20 CHAIRMAN BENNETT: No one. Okay. Mr.  
21 Crane, I think what we need to do is to, one,  
22 thanks for coming forward. We need to --



1 MS. MILLER: I'll investigate it.

2 CHAIRMAN BENNETT: -- backtrack the  
3 administrative aspect of it. And if you could  
4 meet with Mr. Crane after we adjourn, and kind of  
5 walk through that. And we'll try and get an  
6 answer for you.

7 MS. MILLER: Do you remember who you  
8 handed it to?

9 MR. CRANE: Unfortunately no. I  
10 didn't get her name. And when I was asked I  
11 couldn't really provide a very good description.  
12 I wasn't really in a mindset where I thought I  
13 needed to remember that sort of stuff.

14 CHAIRMAN BENNETT: And we appreciate  
15 that. And we probably ought to have -- Who from  
16 a legal standpoint needs to -- It's going to be  
17 Renee?

18 MR. MCGHIE: Renee.

19 CHAIRMAN BENNETT: Yes. Okay. All  
20 right. So, you can hang out for a little bit.  
21 And we'll walk through that.

22 MR. CRANE: Thank you.

1                   CHAIRMAN BENNETT: Okay. Thank you so  
2 much. Any other public matters?

3                   MR. SINDRAM: Mr. Chair, I do have one  
4 follow-up question if I may?

5                   CHAIRMAN BENNETT: Yes, sir.

6                   MR. SINDRAM: And that is, I took,  
7 with early voting, 441. So, on November 4th will  
8 that be available? Or we will be relegated to  
9 our assigned voting precinct?

10                  MS. MILLER: December 4th the  
11 precincts will only be open in the wards. We  
12 will not have any early voting. There will be  
13 one day only. And that will be the December 4th  
14 date for the election.

15                  MR. SINDRAM: And so, 441 Judiciary  
16 Square will not be an option to vote?

17                  MS. MILLER: No. It will not.

18                  MR. SINDRAM: Okay. Thank you. Thank  
19 you, Mr. Chair.

20                  CHAIRMAN BENNETT: All right. Thank  
21 you. Any other public matters? Hearing none,  
22 the meeting is adjourned at 11:55 a.m. Thank you

1       so much.

2                       MR. SINDRAM:  Keep up the good work,  
3       guys.

4                       CHAIRMAN BENNETT:  Thank you, sir.

5                       MS. MILLER:  Thank you.

6                       (Whereupon, the above-entitled matter  
7       went off the record at 11:55 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 11-15-18

Place: Washington, DC

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



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Court Reporter

**NEAL R. GROSS**

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