

GOVERNMENT

OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

February 6, 2019

+ + + + +

The District of Columbia Board of Elections convened a Regular Board Meeting in Suite 750, Room 7031, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 10:30 a.m., D. 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 J. MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Office of Campaign Finance, Director

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

(10:51 a.m.)

MR. BENNETT: Good morning. I'd like to call the meeting to order. This is the February meeting of the -- Regular Meeting of the D.C. Board of Elections.

My name is Michael Bennett, chair. To my far right is Ms. Cecily Montgomery who is back from a broken arm so we're thankful that she's here.

Director of the Office of Campaign Finance.

To her left is Mr. Michael Gill, board member. To his left, my right is Mr. Ken McGhie, general counsel, Board of Elections.

And to my far left is Ms. Alice Miller, executive director of the Board of Elections. And on her way in will be Board Member Dionna Lewis who will be sitting to my left.

I'd like to start out the meeting by adopting the agenda for today. Mr. Gill, can I get a motion?

MR. GILL: I move that we adopt the agenda.

1 MR. BENNETT: Seconded by me and
2 unanimous. The agenda is hereby adopted.

3 The minutes of -- the adoption of the
4 minutes of the last meeting January 9. Am I on?

5 Okay. Am I on now? You can hear me fine still?

6 Okay.

7 I'd like to adopt the minutes of the
8 previous meeting from January 9. Mr. Gill, can
9 I get a motion?

10 MR. GILL: I move to adopt the minutes.

11 MR. BENNETT: Second. It's
12 unanimous. Any board matters, Mr. Gill?

13 MR. GILL: None.

14 MR. BENNETT: None for me. Ms.
15 Miller, would you start out with the executive
16 director's report?

17 MS. MILLER: Thank you, Mr. Chairman.

18 First thing I'd like to let the board be aware
19 of is we will -- are in the middle of our canvass.

20 As I mentioned last month every January
21 after the general election, every two years that
22 is we are required to conduct a canvass of every

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1 registered voter who did not confirm their address
2 by voting in the November general election.

3 We mail a postcard to them requesting
4 them to confirm and update their information. This
5 year we are canvassing 216,000 voters who did not
6 confirm their address in the November election.

7 The canvass process requires that
8 postcard to be a non-forwardable postcard and it
9 is returned to us. We then send a forwardable one
10 to the registered and it comes back to us with
11 updated information.

12 The process takes about six months to
13 go through and we will be doing that from now until
14 like the middle of the year until we get all the
15 information updated. So that process is well
16 underway until we get it completed and as I said
17 that is a requirement that we go through every two
18 years to keep the registry updated.

19 Also, we are or did submit the Election
20 Administration Voting Survey e-survey to the U.S.
21 Election Assistance Commission.

22 That survey was required to be

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1 submitted by February 1. It is the initial survey.

2 The survey requests information of
3 election data from nearly 6,500 local election
4 jurisdictions across 50 states, the District of
5 Columbia and U.S. territories.

6 It is a survey that asks for a wide
7 variety of election administrative topics such as
8 voter registration information, military and
9 overseas voting, domestic and civilian voting,
10 voting by mail, polling place operations,
11 provisional ballots, voter participation and
12 election technology.

13 The next update to the survey that we
14 will also have to participate in after the
15 commission reviews what we submitted comes back
16 for questions. We do a Q&A process with them.

17 Then we will have to update it and do
18 another -- submit another set of data by March 1.

19 And the survey then is submitted to Congress by
20 June 30. So that has also happened.

21 And then finally I want to report that
22 we did place on our website as we are required to

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1 do within 90 days following a general election the
2 after action report which is a report that contains
3 information from -- of data from the general
4 election.

5 So that report has things in it such
6 as the total number of ballots cast and counted
7 from the general election, the number of spoiled
8 ballots, number of persons that registered to vote
9 at the close of registration broken down by party,
10 ward and precinct, the number of persons who voted
11 early, the number of individuals who registered
12 at early voting, the number of polling place
13 officials, the number of captains and polling place
14 workers that we had by position and title,
15 performance measures of our polling place
16 operations, and descriptions of any irregularities
17 that occur on Election Day, and also
18 recommendations on efficiencies of the operation.

19 So I do want to point out a few things
20 with respect to our after action report. The
21 number of election workers that we had for the
22 general election was 1,694. That number is down.

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1 We should have targeted and had about 2,000 which
2 is what we were targeted to have in place. A number
3 of workers did not show up.

4 So while we aimed to have about 2,000
5 workers I think it was actually 1,994. A number
6 of workers who were trained did not show up for
7 Election Day.

8 MR. BENNETT: We had 1,994 workers were
9 trained and only 1,600 --

10 MS. MILLER: Sixteen ninety-four
11 showed up.

12 MR. BENNETT: So we had almost 300
13 people didn't show up.

14 MS. MILLER: That's correct.

15 MR. BENNETT: How does that -- I mean
16 --

17 MS. MILLER: They don't show up.

18 MR. BENNETT: That's a lot. So
19 obviously there's no answer to how does it happen.

20 MS. MILLER: It happens.

21 MR. GILL: So Alice, we pay them for
22 training though, right?

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1 MS. MILLER: No.

2 MR. GILL: Oh, we don't. Okay.

3 MR. BENNETT: But is that normal?

4 MS. MILLER: There's a falloff.

5 MR. BENNETT: I imagine there would be
6 some falloff.

7 MS. MILLER: There's a falloff.

8 MR. BENNETT: Three hundred seems like
9 a lot.

10 MS. MILLER: That's a lot. But yes.
11 But we managed. That's all I can say. But that's
12 a lot.

13 MR. BENNETT: So should we look at
14 doing over training next time?

15 MS. MILLER: We need to look at having
16 folks who are available to pull and to send them
17 out to different precincts and have them available
18 when others don't show up.

19 MR. BENNETT: So that means training
20 about 2,400 people.

21 MS. MILLER: Yes, to do more than what
22 we need to have some folks available.

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1 MR. BENNETT: Are there some issues
2 around -- I mean I've got --

3 MS. MILLER: There are issues around
4 folks being able to get to places. Like we may
5 have some folks needing to get further than where
6 they want to go to.

7 MR. BENNETT: How many precincts do we
8 have?

9 MS. MILLER: One hundred forty-three.
10 And we're going to have to add to precincts right
11 now because some of our precincts as you know, for
12 example, Eastern Market, it's just too crowded.
13 That precinct is going to have to be --

14 MR. BENNETT: Right. That's two
15 precincts in one.

16 MS. MILLER: Yes. It's going to have
17 to be split.

18 But the average age of our workers, we
19 had 41. The age group of 41 to 60 was our highest
20 age group of poll workers that we had.

21 Also for this election --

22 MR. BENNETT: Are we budgeted properly

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1 for --

2 MS. MILLER: Well, that's another
3 thing.

4 MR. BENNETT: -- training in terms of
5 -- because if we have to train. If we have to train
6 2,500 people --

7 MS. MILLER: The training --

8 MR. BENNETT: -- sure we have enough.

9 MS. MILLER: The training isn't the
10 issue as much as the money that poll workers want
11 to be paid for working.

12 MR. BENNETT: Right. That was my
13 second question. But the first question relative
14 to training though is that it's actually going to
15 cost us more. We'll end up having to have more
16 sessions right if we have more people.

17 MS. MILLER: More sessions, more
18 trainers. Yes.

19 MR. BENNETT: Okay. So there will be
20 some budget impact there.

21 MS. MILLER: Right. But we have --
22 right. Yes. We have a budget for training. We

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1 actually bring in trainers to do that so we'll need
2 more trainers.

3 MR. BENNETT: Okay.

4 MS. MILLER: And so on that note also
5 what I have in mind for this year, I found that
6 some of the poll workers were a little inefficient
7 in performing their duties on Election Day. I
8 wasn't pleased with everything that occurred.

9 So I want to put in place and
10 recommending training to start this year and to
11 continue training with some of the positions that
12 are a little bit more challenging such as our
13 special ballot clerks and our captains.

14 And trying to get the staff now to do
15 some determination on how we get that started, when
16 we should start and identify funding. I think we
17 have money available that we can use for that and
18 just keep it going. What I'm calling continuing
19 poll worker training for those two positions
20 specifically.

21 MR. BENNETT: Captain and what was the
22 other position?

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1 MS. MILLER: The special ballot clerks
2 for our provisional ballots. Those two positions
3 are really the positions that are the most difficult
4 in terms of the processing of voters.

5 Special ballots are hard and it
6 requires a lot of attention. And I do think that
7 the poll workers get confused with what they're
8 doing and they process them inaccurate a lot of
9 times and they put them through wrong and they get
10 confused, they get frustrated. When the lines are
11 backed up and it just gets --

12 MR. BENNETT: So do we have one or two
13 special ballot --

14 MS. MILLER: Depends on the precinct.
15 We normally have at least two and we may have as
16 many as four. It just depends on the precinct --
17 how much the precinct is and what the operation
18 looks like and things of that nature.

19 I'm thinking if we can start bringing
20 them in at least twice this year and start putting
21 them through the process in smaller groups this
22 year and make them do it with our staff actually

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1 doing the training as opposed to the trainers who
2 I think our staff would do a better job than
3 trainers.

4 During election year staff doesn't have
5 time to do it because of the multitude of other
6 things that they're doing. So I'm trying to get
7 that coordinated now and start that process.

8 MR. BENNETT: So we're going to
9 increase the number of people doing special
10 ballots. And the captains, we only have one
11 captain, right?

12 MS. MILLER: One captain per precinct.
13 One hundred forty-three captains. But also we
14 need to have 143 assistant captains.

15 MR. BENNETT: Right. We ought to have
16 at least somebody else who can --

17 MS. MILLER: We need to have a captain
18 and an assistant captain in each precinct.

19 MR. BENNETT: Because if the captain
20 gets sick we're in trouble.

21 MS. MILLER: Yes. Unless someone
22 wants to step up, and if someone steps up they may

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1 not know all the operations in the precinct. So
2 we need to have someone that is trained to do the
3 job of the captain in the event the captain is not
4 there.

5 MR. BENNETT: And what about the pay
6 for the workers?

7 MS. MILLER: We have requested the
8 council to increase the payment for all the poll
9 workers. I've asked for \$300.

10 MR. BENNETT: Is the poll worker pay
11 set by statute or --

12 MS. MILLER: No. We pay them. So
13 I've asked for an additional \$50 for the -- I think
14 \$50 for the captains. Up to \$300. They're at \$250
15 now. Three hundred dollars for the captains and
16 \$200 for poll workers. They're at \$180. Two
17 fifty.

18 MR. BENNETT: Two fifty for poll
19 workers and \$300 for captains.

20 MS. MILLER: Two fifty for poll
21 workers, \$300 for captains.

22 MR. BENNETT: Okay. Are we going to

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1 present that at the oversight hearing?

2 MS. MILLER: It's there, yes.

3 MR. BENNETT: Okay. All right.
4 Because we've really got to --

5 MS. MILLER: We have to pay them --

6 MR. BENNETT: -- going to be a real --

7 MS. MILLER: And I think you get more
8 quality people when you pay them more money. And
9 we need quality folks to do this.

10 This is not an easy job. It's become
11 more and more difficult. In fact we had a former
12 board member serving in the precinct for the general
13 election and he called me and he said Alice, this
14 was hard. That was Charles Lowery and he's an
15 attorney. Graduated from Stanford Law School and
16 he said I would be happy to give any testimony that
17 you need to go through what my day was.

18 All day, that whole day, Election Day
19 he did not get a break working. And he had gone
20 through training, all of this. It is a very, very
21 stressful day, very difficult day. It's not
22 something that should be taken lightly and they

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1 deserve to be paid for it.

2 MR. BENNETT: And we need to make the
3 council aware of that in the oversight hearings.
4 The one for the Board of Elections is the 19th.
5 Same day?

6 MS. MILLER: 19th at 9:30.

7 MR. BENNETT: Okay. Mike, I think you
8 had a question.

9 MR. GILL: No.

10 MR. BENNETT: You didn't. Okay.

11 (Simultaneous speaking)

12 MR. GILL: Alice answered it.

13 MS. MILLER: Just one other thing on
14 our after action report and that is as it relates
15 to early voting.

16 Our early voting stats showed that for
17 -- like election the general election this time
18 was the highest early voting turnout that we had
19 with 46 percent of our voters voting early.

20 And one other thing. We did send out
21 12,400 absentee ballots and 9,000 of those were
22 returned.

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1 I want to also just internally look at
2 adjusting the absentee ballot process. Some of
3 that is going to have to be dealt with
4 legislatively. And I've talked to council staff
5 about that as well.

6 MR. BENNETT: What was the problem?

7 MS. MILLER: The problem is that a
8 voter can request their absentee ballot to be sent
9 up until seven days before the election. But it
10 has to be back by Election Day. There's not enough
11 turnaround time there.

12 MR. BENNETT: Right.

13 MS. MILLER: That is a process that has
14 been in place from years ago, but years ago they
15 had up until 10 days to get the ballot back as long
16 as it was postmarked by Election Day. They never
17 adjusted it on the other end so it still has to
18 be back by Election Day.

19 We will on the seventh day get like
20 requests in the hundreds. We can't turn that
21 around that quickly. We don't have the staff or
22 the mechanism to turn 300 ballots around to get

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1 them out by the seventh day before the election.

2 And they won't get them in time to get
3 them back.

4 MR. BENNETT: If they mail them.

5 MS. MILLER: If they mail them. But
6 they can be postmarked by Election Day. So that
7 needs to be adjusted.

8 MR. BENNETT: Either they have to get
9 them sooner or we have to have a longer time --

10 MS. MILLER: Exactly. One way or the
11 other.

12 MR. BENNETT: I would go with they have
13 to ask for them sooner.

14 MS. MILLER: Either the cutoff has to
15 be sooner or there has to be a longer return date
16 on the back end.

17 MR. BENNETT: But you've got a
18 prolonged return date on the back end then that
19 makes it longer before we can actually certify --
20 waiting for the ballot to get in makes it longer
21 for us to certify.

22 MS. MILLER: Right, but we have to go

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1 through our specials and absentees.

2 MR. BENNETT: Anyway. Okay. All
3 right. Any questions, Mike?

4 MR. GILL: None from me.

5 MR. BENNETT: Dionna?

6 MS. LEWIS: No. Thank you.

7 MR. BENNETT: Ms. Montgomery, Office
8 of Campaign Finance.

9 MS. COLLIER-MONTGOMERY: Yes, good
10 morning. The first thing I would like to report
11 is that the Office of Campaign Finance by statute
12 is required to prepare a biennial report every other
13 year which basically reports the contributions and
14 the expenditures of the principal campaign
15 committees, the political action committees, the
16 independent expenditure committees and any other
17 of our committees for the prior two-year period.

18 And so our biennial report was
19 published on January 31, 2019 and again it
20 summarizes the contributions and the expenditures
21 of candidates for public office and the political
22 committees for the prior two-year period.

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1 The documents in the report contain
2 details for the coverage period, the dollar amounts
3 and the percentages associated with the receipts
4 by donor type and amount, and the expenditures by
5 various categories.

6 So the report was disseminated on the
7 31st and the council members as well as the Mayor
8 were notified by email of the dissemination of the
9 biennial report.

10 There were several report dates during
11 the month of January. The first report date was
12 the January 1 report which was due by our citizen
13 service programs.

14 And it actually was due on Wednesday,
15 January 2, 2019 because the first was a holiday.

16 We had nine required filers all timely filed and
17 they all electronically filed their reports.

18 The next due date was with respect to
19 the Senator and Representative Statehood Funds
20 report. That was due on January 1. Again because
21 of the holiday it was actually submitted to the
22 office on January 2. We had three required filers.

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1 All three timely filed and also electronically
2 filed their reports.

3 January 31, 2019 was the due date for
4 the report of the receipts and expenditures by our
5 principal campaign committees and PACs as well as
6 our independent expenditure committees, our
7 inaugural committee and also initiative referendum
8 committees.

9 With respect to the principal campaign
10 committees and the PACs there were 144 required
11 filers, 103 timely filed and they electronically
12 filed their reports. We had 41 failures to file
13 and with respect to those failures to file is to
14 be determined when they will be referred to the
15 Office of the General Counsel's office. That has
16 not happened as of this date.

17 We also with the independent
18 expenditure committees there were four required
19 filers. All timely filed and all four also
20 electronically filed their report.

21 With the inaugural committees there was
22 one required filer. That filer timely filed and

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1 electronically filed the report.

2 With our initiative referendum
3 committees the report was due on January 31 again.

4 There were seven required filers. Three timely
5 filed. Four failed to file and those four again
6 it's to be determined when they will be referred
7 to the Office of the General Counsel. And with
8 the filers all three electronically filed.

9 Also during the month of January,
10 January 15, 2019 was the due date for the filing
11 of the financial summary statement by the
12 candidates for the Office of Advisory Neighborhood
13 Commission member.

14 The report for the Advisory
15 Neighborhood Commission candidates always occurs
16 after the election. And it occurs after the
17 certification by the board of the election results
18 and the due date is 60 days after that date.

19 There were 401 required filers. Three
20 hundred and nine timely filed and in terms of the
21 failures to file there were 92 and we have not --
22 these have not been referred to the general counsel

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1 as of this date.

2 With new candidates and committees who
3 registered during the month of January we had one,
4 the Urban Red Political Action Committee and they
5 registered on January 24, 2019.

6 In the audit branch, the audit branch
7 conducted 128 desk reviews of the reports of
8 receipts and expenditures filed by our political
9 action committees, our Constituent Service Fund,
10 and our U.S. Senator and Representative Statehood
11 Fund as well as our principal campaign committees.

12 And with respect to ongoing audits
13 there is one full field audit which is ongoing that
14 is Sheika Reid 4 Ward 1 and that particular audit
15 was initiated August 29, 2018.

16 With our periodic random audits we have
17 two that are ongoing. The first one is on a
18 continuing committee who participated in the 2018
19 election.

20 The audit is being conducted of the June
21 10, 2018 report. It is the Anita Bonds 2018
22 Principal Campaign Committee and the audit was

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1 initiated on September 11, 2018.

2 We have one periodic random audit
3 ongoing of our constituent service programs. It
4 is with respect to the October 1, 2018 filing.
5 It is of the Mayor Bowser's Constituent Service
6 Fund.

7 And we do not have at the present time
8 during this month we did not issue any audits.

9 I would ask the general counsel, Bill
10 Sanford, William Sanford to present the report for
11 the Office of the General Counsel.

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

16 During the month of January 2019 the
17 Office of the General Counsel received four
18 referrals from the Reports, Analysis and Audit
19 Division.

20 The Office of the General Counsel
21 completed 29 hearings and issued 29 orders which
22 included the following.

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1 The office issued 15 orders for failure
2 to timely file reports in which no fines were
3 imposed, and issued 14 orders for failure to timely
4 file reports in which fines totaled \$19,700 were
5 imposed against the respondents.

6 The Office of the General Counsel
7 imposed fines against the following respondents.

8 A fine of \$550 was imposed against Melik At-Large.

9 A fine of \$1,800 was imposed against James Butler
10 for Mayor. Another fine of \$1,800 was imposed
11 against James Butler for Mayor.

12 A fine of \$150 was imposed against
13 Franklin for D.C. 2018. A fine of \$300 was imposed
14 against Ameer Flippin for Mayor. A fine of \$1,900
15 was imposed against D.C. Recovery Act Initiative
16 Committee.

17 A fine of \$1,950 was imposed against
18 James Butler for Mayor. Another fine of \$1,950
19 was imposed against James Butler for Mayor. A fine
20 of \$1,850 was imposed against Lannette Wood for
21 School Board.

22 A fine of \$1,850 was imposed against

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1 Karen for Ward 7 State Board of Education. A fine
2 of \$1,850 was imposed against the Committee to Elect
3 Jacque Patterson. A fine of \$1,600 was imposed
4 against George Jackson for D.C. Mayor.

5 A fine of \$1,600 was imposed against
6 the Committee to Elect Alpha Bah, Esq. And a fine
7 of \$550 was imposed against DC Choice.

8 During the month of January the Office
9 of the General Counsel received \$3,000 in fines.

10 That was a result of two transmissions of \$1,500
11 installments from Jeffrey Thompson.

12 During the month of January 2019 the
13 Office of the General Counsel maintained one open
14 investigation. That investigation is OCF Full
15 Investigation 2018-002.

16 The complainant in this matter is Emily
17 Naden. The complaint was filed on December 4,
18 2018. The respondent in this matter is Council
19 Member Brandon Todd and the alleged infraction is
20 inappropriate use of government resources and that
21 matter is still pending.

22 During the month of January 2019 there

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1 were no requests for interpretive opinions and no
2 show cause proceedings were conducted. And that
3 should conclude my report.

4 MR. BENNETT: Thank you, Mr. Sanford.
5 Ms. Montgomery?

6 MS. COLLIER-MONTGOMERY: Yes, I would
7 like to add one thing and that is with respect to
8 the proposed rules for the implementation of the
9 Fair Elections Act of 2018.

10 And as you recall the board adopted the
11 notice of proposed rulemaking for those rules which
12 were proposed to the board by the Office of Campaign
13 Finance. And the rules were published in the D.C.
14 Register for public comment.

15 And we did in fact receive comments from
16 members of the public and so those are being
17 considered because the period for comment has
18 expired. But we did receive the comments and they
19 are being considered by the general counsel's
20 office.

21 MR. BENNETT: Okay. And the board had
22 comments as well. So once those are complete we'll

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1 have to make a decision as to whether or not it
2 needs to go back out for additional comment.

3 MS. COLLIER-MONTGOMERY: Yes.

4 MR. BENNETT: Anything else, Ms.
5 Montgomery?

6 MS. COLLIER-MONTGOMERY: That
7 concludes my report.

8 MR. BENNETT: Okay, great. Any
9 questions, Mr. Gill?

10 MR. GILL: No.

11 MR. BENNETT: Any questions, Ms.
12 Lewis?

13 MS. LEWIS: No, thank you.

14 MR. BENNETT: All right. Mr. McGhie.

15 MR. MCGHIE: Okay. The first thing I
16 have on my agenda is a proposed rulemaking to amend
17 Title 3 DCMR Chapter 4 which is entitled Hearings
18 and Chapter 5 which is entitled Voter Registration.

19 With respect to Chapter 4 the purpose
20 of the amendment to Chapter 4 is to clarify the
21 board's hearing procedures including those
22 concerning challenges to petitions.

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1 The amendments mandate the use of a
2 board form for the proper submission and
3 adjudication of petition challenges and
4 establishing clarified deadlines for filing of
5 various pleadings in petition challenge cases.

6 With respect to 5 the purpose of the
7 amendment --

8 MR. BENNETT: And the form though will
9 be -- we want to be clear they have to use that
10 form, and two, the form will be available online
11 for them to complete when they file the challenge.

12 MR. MCGHIE: That's correct. We're
13 going to try and see if we can move to a form
14 procedure for challenges so that if somebody is
15 challenging somebody for not being in the district
16 -- not being in that single member district, it's
17 a 1A or something like that, and not registered
18 a 1B or something like that.

19 MR. BENNETT: So it should make it
20 easier and more consistent in terms of the filings
21 and dealing with the filings.

22 MR. MCGHIE: Yes, should be.

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1 MR. BENNETT: Okay. That's the intent
2 anyway.

3 MR. MCGHIE: Yes. And the purpose of
4 the amendments to Chapter 5 is to codify the board's
5 longstanding practice of not committing a power
6 of attorney to effectuate a voter registration
7 application or voter registration update
8 notification, and two, clarify that applicants who
9 are unable to affix their own signature to a voter
10 registration application or voter registration
11 update notification and call upon an assistant to
12 complete their application or notification must
13 also submit an affidavit of assistant form.

14 This all came up during the last
15 challenge period where a spouse was attempting to
16 argue that she affixed her husband's signature on
17 the petition form because she had a power of
18 attorney.

19 And we told her that no, that would not
20 be acceptable. So in order to clarify that to the
21 public that power of attorneys do not control
22 whether or not you can register somebody to vote

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1 or sign somebody's petition signature. These
2 regulations will be in place.

3 MR. BENNETT: Okay. Any questions,
4 Ms. Lewis?

5 MS. LEWIS: No. That's interesting
6 though.

7 MR. BENNETT: It is interesting. So
8 this is just for the -- this is just going to the
9 Register, right?

10 MR. MCGHIE: Yes.

11 MR. BENNETT: Okay. For comment.

12 MR. MCGHIE: Yes. I'm asking the
13 board to entertain a motion to adopt this as
14 proposed rulemaking so that it can be published
15 in the D.C. Register for a 30-day comment period.

16 MR. BENNETT: Okay. Mr. Gill?

17 MR. GILL: No comments. Support the
18 motion.

19 MR. BENNETT: Okay. I have some
20 thought about the power of attorney matter. I'm
21 not quite sure. I do support it going in the
22 Register for comment, but also want us to -- the

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1 board members to think about that during this
2 comment period too.

3 Because I agree, Ms. Lewis, it's
4 interesting. Think about that.

5 But anyway, motion, Mr. Gill? You gave
6 me one?

7 MR. GILL: Yes, a motion to move for
8 publication of the proposal.

9 MS. LEWIS: Second.

10 MR. BENNETT: All in favor?

11 (Chorus of ayes)

12 MR. BENNETT: So that will go into the
13 Federal Register for comment. Or the D.C.
14 Register, sorry.

15 MR. MCGHIE: Okay, the last matter is
16 a litigation status update. The only matter that
17 we have pending in court is Graham v. the D.C. Board
18 of Elections.

19 As the board may recall this was a
20 challenge that was filed against the Board of
21 Elections with respect to a referendum, referendum
22 008.

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1 They planned to file in Superior Court
2 alleging that it was not a proper subject. They
3 were also challenging the board's formulation of
4 the language and the notice that was given initially
5 for the board to hold a proper subject hearing.

6 The Superior Court stayed the count
7 with respect to proper subject, but found that the
8 board's formulation needed to be changed. They
9 changed that and also found that the board had not
10 given proper notice.

11 The board and the interveners appealed
12 the Superior Court ruling on December 13 and the
13 Court of Appeals consolidated the intervener's
14 appeal and our appeal and all parties are just
15 waiting for the court's briefing schedule.

16 MR. BENNETT: Okay. So we don't know
17 when we're going to be heard on that matter.

18 MR. MCGHIE: No.

19 MR. BENNETT: Okay. Okay, great.
20 Anything else, Mr. McGhie?

21 MR. MCGHIE: No, nothing further.

22 MR. BENNETT: Any questions, Ms.

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1 Lewis?

2 MS. LEWIS: No.

3 MR. BENNETT: Mr. Gill?

4 MR. GILL: No.

5 MR. BENNETT: Okay. We didn't have
6 our -- Mr. Sindram is not available today?

7 MS. JENNINGS: He said he'd be here
8 today but he didn't send several questions that
9 are mandated items.

10 MR. BENNETT: Okay. Any public
11 matters for the board today? Seeing none, tell
12 Mr. Sindram he was missed. Seriously.

13 MS. JENNINGS: It's very sad.

14 MR. BENNETT: No, I do miss him. He
15 had some good comments recently. So I guess that's
16 it. The meeting is adjourned. Thank you.

17 (Whereupon, the above-entitled matter
18 went off the record at 11:25 a.m.)

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