

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

OCTOBER 2, 2019

+ + + + +

The District of Columbia Board of Elections convened a Regular Board Meeting in Room 280 North, 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 GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD, General Counsel
WILLIAM O. SANFORD, General Counsel,
Office of Campaign Finance

RUDOLPH M.D. MCGANN, JR., Senior Staff
Attorney

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Adjourn. 106

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

10:55 a.m.

1
2
3 CHAIR BENNETT: (Presiding) I'd like
4 to call the meeting to order. This is the
5 meeting of the D.C. Board of Elections for
6 October. It is 10:55, and I'd like to call the
7 meeting to order.

8 First, I would like to introduce the
9 persons here at the dais. To my left is Ms.
10 Alice Miller, Executive Director of the Board of
11 Elections. To my far right is Mr. William
12 Sanford, who is sitting in, who is General
13 Counsel of the Office of Campaign Finance, who is
14 sitting in for Ms. Cecily Montgomery who is out
15 ill. To his left is Terri Stroud, General
16 Counsel, Board of Elections. To her left, my
17 right, Board Member Mr. Michael Gill, and I'm
18 Michael Bennett, Chair of the Board.

19 So, we have a quorum. It takes two of
20 the three-person Board to have a quorum. Mr.
21 Gill and myself right here have the quorum.

22 The first thing I would like to do is

1 to adopt the minutes from the September 5th
2 meeting. I think we've both had an opportunity
3 to review those minutes.

4 Can I get a motion, Mr. Gill, for
5 acceptance of the minutes?

6 MEMBER GILL: Motion to adopt the
7 meeting minutes from September 5th, and I think
8 we need a motion to adopt the agenda.

9 CHAIR BENNETT: Oh, I'm sorry, yes.

10 MEMBER GILL: Do them both.

11 CHAIR BENNETT: Okay. So, both have
12 been properly moved, to adopt the agenda for this
13 meeting and, also, to adopt the minutes from the
14 previous Board meeting from September. So,
15 that's been properly moved. I second. And so,
16 with that, we have unanimous adoption of both the
17 agenda and the minutes from the previous meeting.

18 Can you hear us okay, Reporter? Can
19 you hear us okay?

20 COURT REPORTER: Yes, sir.

21 CHAIR BENNETT: Okay. Great. Thanks.

22 Any Board matters, Mr. Gill?

1 MEMBER GILL: So, I did not want to
2 indulge the Board for a couple of questions for
3 Terri. I had the opportunity to be, a request to
4 sign a recall petition, which in my prior
5 position I chose not to participate in. But it
6 occurred to me that we have two separate recall
7 petitions currently circulating for signatures.
8 And I wanted to just run through a couple of
9 scenarios with our General Counsel.

10 MS. STROUD: Okay.

11 MEMBER GILL: So, we need a percentage
12 of the registered voters. And so, let's just
13 say, for an example, say that you need 5,000
14 signatures to qualify on the ballot.

15 MS. STROUD: Okay.

16 MEMBER GILL: Scenario 1: both
17 petitions get 4900 unique signatures with no
18 overlap whatsoever. Do we have an election?

19 MS. STROUD: We do not because, for
20 recall petitions, you need 10 percent of the
21 registered qualified electors that reside in that
22 particular jurisdiction. So, if that number

1 happens to be 5,000 and they don't submit 5,000,
2 then neither one of them would be accepted
3 because they wouldn't have the minimum number of
4 signatures required in order to proceed.

5 MEMBER GILL: Even though by combining
6 them -- and many people would say it's the same
7 exact question -- even though by combining them,
8 they would still both fall through, fall below
9 the threshold?

10 MS. STROUD: No. Each of the
11 individual --

12 MEMBER GILL: Because we can't combine
13 them?

14 MS. STROUD: We can't combine them.
15 Each individual recall petition is a unique
16 effort, and you wouldn't be able to combine the
17 signatures from both efforts if it were to have
18 them attain the minimum number of signatures
19 required for ballot access. You couldn't combine
20 two separate petition measures, what we call
21 petition measures.

22 MEMBER GILL: Right. And then, so in

1 the situation where one of the efforts perhaps
2 gets the requisite amount, but a sufficient
3 number have been challenged, such that they fall
4 below that amount, again, they're in the same
5 position? They can't go and take unique
6 signatures from the other petition?

7 MS. STROUD: No, they cannot.

8 MEMBER GILL: Okay. So, I know that
9 that's sort of -- we knew that, but what I wanted
10 to reflect was that I want to prevent the
11 situation where, suddenly, the Board is thrust to
12 somehow thwart democracy by keeping a recall
13 petition off the ballot in such a situation. And
14 so, just for the record, organizers chose to have
15 two separate petitions.

16 MS. STROUD: That is correct. That is
17 correct.

18 MEMBER GILL: I observed during the
19 process leading up to this that one of the
20 organizers had some residency questions, and I
21 sort of observed, my goodness, couldn't we just
22 find someone who didn't have residency questions,

1 and then, the Board would have an easier
2 decision. I was persuaded by that particular
3 petitioner that that person has a right, just
4 like anyone else, and it's actually a difficult
5 process and you kind of -- you know, it's not
6 something to be taken lightly. And there's a
7 certain organization that has to grow up around
8 this. And so, I was persuaded that, you know
9 what, the witness was correct; we shouldn't; if
10 he has the proper residency, then that's all
11 there is and such like.

12 I only wish that the others had been
13 persuaded because now we do have two recall
14 petitions circulating for the same exact outcome.
15 If neither one of them gets the requisite amount,
16 but together both do, our hands are tied and
17 there's nothing we can do because we will follow
18 the regulations as they are.

19 MS. STROUD: Exactly.

20 MEMBER GILL: All right.

21 MS. STROUD: The statute and the
22 regulations do not allow for combining separate

1 recall petition measures, though they might be
2 toward the same end, yet, each an individual
3 effort, and they must stand or fall on their own,
4 pursuant to the statute and the regulations.

5 MEMBER GILL: I see.

6 CHAIR BENNETT: The other thing, just
7 to kind of throw my thought in, is that -- and
8 I'm not sure what the rationale for that in terms
9 of keeping things separate relative to the law
10 and the regs. However, one thing I could see
11 being a problem is that, if you've got two
12 different petitions, which we do have, they could
13 potentially end up having significant overlap in
14 terms of people, the person signing. And I would
15 imagine that's pretty likely since this is all in
16 one Ward. So, you could potentially end up
17 combining those two petitions and end up with
18 lots and lots of duplication relative to the
19 signatures, which would require just a lot of
20 administrative work to try to figure that out.

21 MEMBER GILL: I hadn't even
22 contemplated that.

1 CHAIR BENNETT: Right.

2 MS. STROUD: They are both subjected
3 to the same petition verification process, and
4 citizens aren't precluded from signing --

5 CHAIR BENNETT: Oh, I understand, but
6 my point is, if you combine both, if you combine
7 them, then you could end up having a lot of
8 overlap --

9 MS. STROUD: Okay.

10 CHAIR BENNETT: -- which means that we
11 would end up having to, like having the
12 responsibility, like the administrative
13 responsibility for determining what that overlap
14 is, so you didn't count the same signature twice.

15 MS. STROUD: Exactly.

16 CHAIR BENNETT: So, that's one of the
17 things that I would see just as an administrative
18 challenge. It would make sense, though, if those
19 persons that had those two petitions joined
20 forces and just focused on one. But there also
21 could be two separate agendas in that regard.

22 But I appreciate your point and it

1 does make a lot of sense, but the administrative
2 matters could get to be, I think, a little more
3 complex when you get down to the verification of
4 stuff. But that's just a comment, not a point or
5 a position.

6 Any other Board matters, Mr. Gill?

7 MEMBER GILL: No.

8 CHAIR BENNETT: I had another Board
9 matter that I wanted to address. That is I
10 wanted to recognize Dionna Lewis, our former
11 Board Member, who is close to being here. And
12 I'll start talking about it before she gets in
13 the room. She's parking now. So, she should be
14 here in a second.

15 But one of the things I wanted to --
16 well, I'll wait to talk to her when she's here.
17 You know, I shouldn't say anything bad or good
18 about somebody if they're not here, in your
19 presence.

20 (Laughter.)

21 So, I'll wait on that.

22 So, what I'll do is I'll come back to

1 Board matters, and I'm going to ask if there are
2 any public matters that need to be identified at
3 this point that we can address later on in the
4 agenda on the public matters.

5 Yes, ma'am? You may approach.

6 MS. BRIZILL: Good morning. My name
7 is Dorothy Brizill. I'm the Executive Director
8 of DC Watch. The address is 1327 Girard Street,
9 Northwest. I would like to raise several matters
10 with the Board and, hopefully, get some
11 clarification or information on those matters.

12 First and foremost, I'd like to get
13 some information regarding the Board's
14 preparation for the 2020 election. I
15 specifically note in the minutes of the September
16 5th meeting that you approved there are a number
17 of matters that are raised. And one, in
18 particular, I am concerned about, and that's the
19 last bullet point in the minutes summary in which
20 Mr. Bennett indicated that the Board's voting
21 machines are closed, not connected to the
22 internet. I would like clarification for that

1 because I do not believe that is true.

2 The other thing that Mr. Bennett goes
3 on to say, the Board uses all paper ballots. And
4 again, I believe that that is not a complete and
5 truthful statement.

6 I have a number of questions I'd like
7 to get clarification regarding preparation for
8 the 2020 elections. I have questions regarding
9 election security, and especially any potential
10 foreign influence through social media on our
11 election. I'd like to know what preparation is
12 being made with that regard.

13 I'd like to know whether or not any
14 Board of Elections officials have secured high-
15 level clearance from the U.S. Government, so that
16 they can receive and be recipients of any
17 information regarding threats to our elections
18 process.

19 I would like information regarding the
20 security and operation of our voting machines and
21 our mainframe computers.

22 I would like information regarding the

1 training of poll workers regarding election
2 security.

3 And I'd like information regarding the
4 IT expertise of the Board of Elections going into
5 the 2020 elections.

6 Finally, with regard to the 2020
7 election, I'd like information regarding whether
8 or not the Board of Elections since the last
9 election has received federal funds. Did you
10 receive any federal funds in 2018, 2019, or are
11 you anticipating receiving any federal funds in
12 2020, given the recent Senate action on election
13 voting systems for the 2020 election? And if you
14 are receiving those funds, from what federal
15 entity will you be receiving it? Will it be from
16 the Federal Election Assistance Commission?

17 With regard to the Office of Campaign
18 Finance, I'd like clarification regarding
19 litigation status against the Office of Campaign
20 Finance. Are there any pending lawsuits against
21 the Office of Campaign Finance? And
22 clarification and information regarding any

1 recently-settled lawsuits against the Office of
2 Campaign Finance.

3 And with regards to the Office of
4 Campaign Finance, I'd like some clarification
5 regarding a recent hire in that office in the
6 Fair Elections Program. I understand you
7 recently hired an attorney. I'd like to know
8 that person's qualifications and preparation to
9 administer the Federal Elections Program we
10 enacted in the District of Columbia.

11 And finally, back to the Board of
12 Elections, I'd like to know, have answers to a
13 question regarding Ken McGhie. What is his
14 current position at the Board? I understand he's
15 currently still coming to work. What is his
16 position and his pay grade?

17 Thank you.

18 CHAIR BENNETT: Thank you.

19 Any other matters that we need to
20 consider and address later from the public?

21 MR. SINDRAN: Yes, Mr. Chair.

22 CHAIR BENNETT: Yes, sir?

1 MR. SINDRAN: Mr. Chair?

2 CHAIR BENNETT: Yes, sir?

3 MR. SINDRAN: Michael Sindran,
4 disabled veteran, served our country more than
5 most. Good morning.

6 My question is -- and I waded in a
7 little bit not too long ago -- talking about
8 dual-circulation petitions recall.
9 Presumptively, that attaches to Jack Evans or
10 to --

11 MEMBER GILL: Yes. Yes, that's what
12 we're talking about.

13 MR. SINDRAN: Okay. All right. So,
14 my question/concern is this: With the
15 duplicative recall, if I understand what was
16 said, it is one can nullify the other, which
17 blows the whole issue out of the water. So, on
18 your end administrative or in the law, is there
19 something where a petition, if it's filed
20 initially first, is giving the nod, as opposed to
21 multiple petitions which can nullify the
22 objectives sought? Because as it stands right

1 now, the way I understand it is two of them are
2 counteracting one another. And so, we're going
3 nowhere quick.

4 MEMBER GILL: So, Michael, just a bit
5 of miscommunication there. They don't nullify
6 each other. We could easily have a situation
7 where both petitions garner the requisite amount
8 and both petitions are certified as, okay, you've
9 met the amount. The question there would be, you
10 don't put the actual full petition on the ballot.
11 You simply put the question on the ballot. And
12 so, if both petitions qualified, then there would
13 be on the ballot one question, and that is
14 whether to recall the Board Member or not. So,
15 they're not competing against each other.

16 The only thing I wanted to get into
17 the minutes was, it takes an effort to raise
18 these signatures, and if you've got two groups
19 doing the same thing, they may think, because
20 there's this groundswell of signatures, that
21 surely there's enough in there. But if both
22 don't get to the amount individually, they can't

1 combine. And that's all I wanted to get clear,
2 because I didn't want us to be in a position of
3 being told that, because the two petitions
4 together got the requisite amount, that we have
5 to put it on the ballot. That's not the way the
6 regulations read, and each stands on its own.
7 So, that's all we wanted to get clear.

8 MR. SINDRAN: Yes, excellent point.
9 Thank you for that clarification.

10 So, then, to follow up, what can be
11 done at your end or with the Council or in law,
12 so that the efforts are not duplicative and that
13 -- I believe you used the term, or someone did --
14 overlapping signatures, so they're not counted
15 twice? So, the danger and the point is, and the
16 concern or real concern is, that the number is
17 not met. However, if they were combined, the
18 different signatures, then they would rise; then
19 it would qualify.

20 So, is there a mechanism in place to
21 come and let us reason together, to bring the
22 various folks that are at the head of the

1 petition to say, look, you're duplicating this
2 cause and you're counteracting and nullifying,
3 and what about uniting and getting one?

4 CHAIR BENNETT: Mr. Sindran, we will
5 note the question and, if you don't mind, I'll
6 allow you to bring that up again at a later point
7 in the agenda, once we get to the discussion of
8 public matters. We just wanted to identify
9 those, and we appreciate your identifying them,
10 the ones that you have.

11 MR. SINDRAN: Very good.

12 CHAIR BENNETT: Is there anything else
13 that you have to identify?

14 MR. SINDRAN: Thank you, Mr. Chair.
15 No.

16 CHAIR BENNETT: Okay. Great. Thank
17 you.

18 Any other public matters we would like
19 to identify?

20 (No response.)

21 Great. Well, then, I'm going to go
22 back to Board matters. And the one Board matter

1 we have that we wanted to take the time to
2 consider or to address is to recognize and
3 appreciate a former Board Member. It seems weird
4 to say "former Board Member" to Dionna Lewis, who
5 served with distinction and with brilliance and
6 with commitment. I wanted to take the time to
7 recognize her and to present her something. But
8 I also wanted to give everybody here an
9 opportunity to say a couple of things about you.
10 And I'll close out and give you the recognition.

11 But, just on a personal basis, it has
12 been a great pleasure for me to be able to have
13 the chance to work with you. You certainly are
14 one of the bright minds in our community, young
15 bright minds in our community now, and you've
16 applied that with just incredible ability just
17 for the Board. The times that we've had
18 difficult issues to deal with, your input has
19 just been invaluable to the whole Board, and
20 certainly to me on a personal basis as Chair.
21 So, I thank you.

22 Your new Board service that you had to

1 give up this one to engage will benefit greatly
2 from your expertise and from your
3 professionalism. So, our loss is certainly their
4 gain and the gain of the city going forward. So,
5 thank you for your service.

6 Mr. Gill?

7 MEMBER GILL: Mr. Chairman, I echo
8 your remarks.

9 Dionna, such a great pleasure to have
10 met you and had this opportunity to work with
11 you. I appreciate your commitment to this city.
12 You are passionate about the city. I appreciate
13 your legal mind. You brought a lot of legal
14 firepower into your meetings after the hearings
15 to sort of parse through a lot of these things.

16 So, I just want to say it's really
17 great to serve on this Board and get to do a
18 little bit of work for the city, but really the
19 honor has been to meet great people like
20 yourself. It is a pleasure to have had you for a
21 colleague, and it's an honor to call you a
22 friend.

1 CHAIR BENNETT: Great.

2 Ms. Miller?

3 MS. MILLER: Thank you.

4 I have probably known Dionna longer
5 than most on here. I've known Dionna since she
6 was a rising collegiate at the University of
7 Virginia with my son. And I watched her in that
8 capacity take on many, many challenges with the
9 University, and even take on the President of the
10 University. I can say she doesn't remember
11 this --

12 CHAIR BENNETT: I'm shocked.

13 (Laughter.)

14 MS. MILLER: She did not step down,
15 made it quite clear that some of the racial
16 matters that they were facing were totally
17 unacceptable. And in fact, because of her and
18 others, with her guidance, there were some things
19 put in place at the University during that time
20 that address problems.

21 So, I will say I'm not at all
22 surprised at her onward/upward kind of mobility.

1 As I said, I've watched her for a long time, and
2 we will miss you sincerely. I know you'll go on
3 to great and wonderful things, just from what
4 I've seen from you as, I would say, an 18-year-
5 old to now. So, we'll miss you, but
6 congratulations.

7 CHAIR BENNETT: Ms. Stroud?

8 MS. STROUD: Hi, Dionna. I just think
9 you're simply brilliant. I think the sentiment
10 that comes to my mind when I think of you is the
11 sentiment that someone expressed in support of
12 you very recently, and I thought it was totally
13 accurate. And that comment was, "She measures
14 twice and cuts once." You are very surgical in
15 your skill and you're precise. There's no filler
16 with you; there's no fluff. You are a model of
17 an attorney of any age.

18 And it's a pleasure to work with you.
19 I learned a lot from you, from watching you, your
20 poise in the face of ridiculousness sometimes.
21 And so, I'm honored to have met you, to have
22 worked with you, and I just think you're

1 brilliant and awesome.

2 CHAIR BENNETT: Mr. Sanford?

3 MR. SANFORD: At times like this I
4 wish I had gone first because of all the good
5 things people have said.

6 (Laughter.)

7 So, I will just say that I agree with
8 everything that has been said about the eminent
9 Ms. Lewis, who is a great attorney, a great legal
10 mind, and was a fantastic Board Member. It's
11 been an honor and privilege to work with you.

12 CHAIR BENNETT: Great. So, we're
13 going to come around now, and Mr. Budoo is going
14 to take a picture. Thank you.

15 And we're going to present. We've got
16 your nameplates, too, that you can have.

17 Come on up. Come on up.

18 MS. LEWIS: Good morning. My name is
19 Dionna Maria Lewis. I'm a resident of Ward 7.
20 My physical, and where I lay my head, address is
21 3958 Blaine Street, Northeast, Washington, D.C.
22 20019.

1 Thank you all so much for these kind
2 remarks. I really appreciate it. I mean, it's
3 so nostalgic just coming here, coming to the
4 parking lot on the first Wednesday of the month.
5 And it's really bittersweet, quite frankly. I
6 mean, I look to you all as family. You know, I
7 love you. Mike and Michael, I look to you all as
8 like uncles. Alice is like the sister I never
9 had, and so is Terri and Bill; you're the same --
10 not sister, of course -- brother.

11 (Laughter.)

12 But I really appreciate just working
13 with you all. I appreciate the familial
14 relationships and collegial relationships that
15 we've had, and that I expect we will continue to
16 have because I genuinely look at all of you as
17 lifelong friends, I mean including Cecily. You
18 know, I actually went to high school with
19 Cecily's daughter. I mean, it's like zero
20 degrees of separation here.

21 And I'm just really honored to have
22 had this opportunity.

1 CHAIR BENNETT: And my son, right?

2 MS. LEWIS: Yes. Yes, and your son.

3 Look at that. That's right. That's right.

4 You know, I'm just really honored to
5 have had this privilege. It really is a
6 privilege. It's a privilege to see the work that
7 the Members and the staff at BOE do every day to
8 ensure that voters are enfranchised. I mean,
9 it's a privilege to be on a Board, or to have
10 been on a Board, with such esteemed people like
11 yourselves who are pushing forward this often
12 thankless work.

13 A lot of people don't really know just
14 how much work goes into the Board of Elections,
15 how much work goes into an election. And
16 sometimes all they see is the output, right, and
17 they don't really know the 24-hour nights where
18 people have been working non-stop with no sleep.
19 They don't know the weekend hours where there's
20 no additional pay or things like that.

21 So, I'm just really honored and very
22 happy, quite frankly. This has really been a

1 pleasure, one of my like more pleasurable
2 chapters of my life. I'm, of course, very
3 grateful for the opportunity, the new opportunity
4 at OEA. But you all, always and forever, have a
5 very, very special place in my heart. I'm trying
6 not to get teary-eyed.

7 CHAIR BENNETT: And we love you.

8 MS. LEWIS: I will miss you all very
9 much.

10 CHAIR BENNETT: We'll miss you, too.
11 We miss Royal, too.

12 (Laughter.)

13 Why didn't you bring her today?

14 MS. LEWIS: She's a teenager now.

15 (Laughter.)

16 CHAIR BENNETT: Okay. Let's go
17 around.

18 (Applause.)

19 MS. LEWIS: Thank you.

20 CHAIR BENNETT: Okay, on to the next
21 matter. That's Office of Campaign Finance
22 Report. Ms. Cecily Montgomery, as I said, is not

1 here. General Counsel Sanford is going to
2 provide that report, along with the General
3 Counsel's Report for the Office of Campaign
4 Finance.

5 Mr. Sanford?

6 MR. SANFORD: Good morning, Mr.
7 Chairman and distinguished Board Member Gill.
8 I'm William Sanford, General Counsel for the
9 Office of Campaign Finance, appearing on behalf
10 of Cecily Collier-Montgomery, the Director.

11 We are pleased to report that, during
12 month of September, the Fair Elections Program
13 grew to 14 registered candidates, and they
14 include the following:

15 On Wednesday, September 11th, the 11th
16 candidate, the Committee to Elect Taurus Phillips
17 registered with the Office of Campaign Finance.

18 On Thursday, September 12th, the 12th
19 candidate under the Fair Elections Program, Yilin
20 Zhang from Ward 2 registered with the Office of
21 Campaign Finance.

22 On Friday, September 13th, the 13th

1 candidate in the Fair Elections Program, Markus
2 for DC Council At-Large registered with the
3 Office of Campaign Finance.

4 And on Thursday, September 19th, the
5 14th candidate, Boston for State Board of
6 Education, registered with the Fair Elections
7 Program.

8 During the month of September 2019,
9 two candidates were certified in the Fair
10 Elections Program, and they include:

11 John Fanning. John Fanning was
12 certified after submitting 163 contributions that
13 total 6,390, which is beyond the requirement of
14 150 contributions with a total of \$5,000.

15 Also certified under the Fair
16 Elections Program in September was Janeese Lewis
17 George, and she was certified after submitting
18 proof of 307 contributions that totaled \$12,290.

19 On September 12th, 2019, John Fanning,
20 John Fanning for Ward 2, candidate was certified
21 for participating in the Fair Elections Program.
22 And Mr. Fanning will receive a payout amount of

1 \$31,000 in matching funds and \$20,000 in the base
2 amount.

3 On September 17th, Candidate Janeese
4 Lewis George, who is a candidate for City Council
5 in Ward 4, was certified participating in Fair
6 Elections Program. And Ms. George will receive a
7 total of \$61,450 in matching funds and \$20,000 in
8 the base amount.

9 On September 3rd, the Fair Elections
10 staff participated in outreach at ANC 4A02 at the
11 Metropolitan Police Department for the District
12 at 6001 Georgia Avenue.

13 On September 4th, the Fair Elections
14 staff participated in outreach at ANC 3D at the
15 Wesley Theological Seminary at 4500 Massachusetts
16 Avenue, Northwest.

17 And on September 14th, the Fair
18 Elections staff participated in a forum for DC
19 Women in Politics at the Greater Washington Urban
20 League Building, 14th Street, Northwest.

21 The following stats are the statistics
22 for the Public Information and Records Management

1 Division during the month of September. During
2 the month of September, new candidates were
3 registered, including:

4 Veda Rasheed for Ward 2, City Council,
5 who registered on the 9th of September;

6 Taurus Phillips, Committee to Elect
7 Taurus Phillips, City Council, Ward 8, under the
8 Fair Elections Program, registered on September
9 11th, 2019;

10 Yilin Zhang, Yilin Zhang for Ward 2,
11 City Council, under the Fair Elections Program,
12 registered on September 12, 2019;

13 Markus Batchelor, Markus for DC City
14 Council At-Large, under the Fair Elections
15 Program, registered on the 13th of September;

16 Charles Boston for the State Board of
17 Education for Ward 7 registered under the Fair
18 Elections Program on the 19th of September;

19 And the D.C. Legal Defense Committee
20 for Jack Evans registered on September 23rd,
21 2019.

22 The Office of Campaign Finance

1 conducted two entrance conferences. The first
2 entrance conference was conducted on September
3 11th, a single participant, Mr. Taurus Phillips,
4 a candidate under the Fair Elections Program from
5 Ward 8, Council.

6 And the second entrance conference was
7 conducted on the 25th of September and the
8 following candidates and committees participated:
9 Charles Boston, candidate for State Board of
10 Education; Robert Lee, candidate for City
11 Council, Ward 2; Leola Jenkins, Treasurer, D.C.
12 Political Action Candidate Election; Robert
13 White, candidate for Friends of Robert White,
14 candidate for At-Large Council; Veda Rasheed,
15 candidate for Ward 7; Sean Watson, Treasurer,
16 Veda Rasheed, and Donald Dinan, Treasurer for
17 D.C. Legal Defense Committee for Jack Evans.

18 During the month --

19 CHAIR BENNETT: Mr. Sanford, I'm
20 sorry.

21 MR. SANFORD: Sure.

22 CHAIR BENNETT: I think you just

1 corrected it, but Veda Rasheed is corrected as
2 Ward 7, not Ward 2. I think you misstated
3 earlier that it was Ward 2, not Ward 7.

4 MR. SANFORD: She's with Ward 7.

5 CHAIR BENNETT: Okay. Great. Thank
6 you.

7 MR. SANFORD: Sure. Thank you, Mr.
8 Chairman.

9 During the month of September, the
10 Reports Analysis and Audit Division conducted the
11 following activity:

12 They reviewed reports from five
13 Political Action Committees.

14 They reviewed reports and amended
15 reports from 16 principal campaign committees.

16 They issued 19 audit letters or
17 requests for additional information.

18 They resolved nine cases, referred
19 five cases to the Office of the General Counsel.

20 The Reports Analysis and Audit
21 Division terminated 15 cases.

22 They conducted three in-house training

1 seminars and attended and participated in two
2 entrance conferences.

3 The Reports Analysis and Audit
4 Division is engaged in the following activity as
5 well:

6 Two full field audits which include:
7 The Committee to Elect Zachary Parker,
8 which was a campaign in 2019, and that audit was
9 commenced on March 5th, 2019.

10 Emily for Education, and that audit
11 was commenced on March 4th of 2019.

12 The Office also engaged in three
13 random audits which include: Reelect Brandon
14 Todd 2020. That audit was initiated on September
15 4th, 2019. The Gertrude Stein Political Action
16 Committee, and the DC Democratic State Committee.
17 That audit was initiated on September 10th, 2019.

18 During the month of September, the
19 Office of the General Counsel received five
20 referrals from the Reports Analysis and Audit
21 Division. The Office of General Counsel
22 completed 11 informal hearings and issued 11

1 orders, which include the following:

2 One order for failure to timely file
3 an ANC Summary Financial Report Order in which
4 the Notice of Hearing and Statement of Violation
5 was vacated, was issued. Six orders regarding
6 failure to timely file: the \$500 exemption
7 confirmation in which no fines were imposed; two
8 orders denying Motions for Reconsideration, and
9 two orders in which a total of \$3,300, and fines,
10 1,000.

11 During the month of September 2019,
12 the Office of the General Counsel imposed fines
13 against the following respondents:

14 A fine of \$2,300 was imposed against
15 Karen for the Ward 7 State Board of Education for
16 failure to timely file a report.

17 A fine of \$1,000 was imposed against
18 the DC Bike Life Campaign for failure to timely
19 file a report.

20 And during the month of September
21 2019, the Office of the General Counsel collected
22 a total of \$1,550 in fines. The Office collected

1 the final payment of \$1,550 in fines from Jeffrey
2 Thompson. This marks the conclusion of Mr.
3 Thompson's obligations under a Settlement
4 Agreement that was reached between Mr. Thompson
5 in December of 2017 in which he was required to
6 pay a total of \$80,000 in fines. The breakdown
7 on the payments included a \$50,000 payment
8 initially and 20 payments on a monthly basis of
9 \$1,500 each. I am pleased to announce that Mr.
10 Thompson was fully compliant with the agreement
11 and this concludes his engagement with our
12 Office.

13 In addition, the Office of General
14 Counsel collected a \$50 fine from the Economic
15 Protection PAC.

16 During the month of September 2019,
17 the Office of the General Counsel opened a full
18 investigation. The Complainant in the
19 investigation was ANC Commissioner Edward Hanlon.
20 His Complaint was received on the 5th September
21 2019, and the Respondents were the following
22 Advisory Neighborhood Commissioners: Daniel

1 Warwick of Single Member District B02; Aaron
2 Landry of Single Member District B04; Randy Downs
3 of Single Member District B05; Matthew Sampson,
4 Single Member District B01; Mike Silverstein,
5 Single Member District B06, and Kari Cunningham
6 of Single Member District 2B07.

7 The allegation in Mr. Hanlon's
8 Complaint was that these members of the Advisory
9 Neighborhood Commission have engaged in
10 inappropriate use of government resources.
11 Specifically, he has alleged that they used the
12 government ANC Twitter account to promote the
13 candidacy of a candidate for Ward 2, City
14 Council.

15 During the month of September 2019,
16 there were no requests for opinions and no show
17 cause proceedings were conducted.

18 And that should conclude the report
19 from the Office of Campaign Finance.

20 CHAIR BENNETT: All right. That's it,
21 Mr. Sanford?

22 MR. SANFORD: That should conclude our

1 report.

2 CHAIR BENNETT: Great. Thank you.

3 Any questions, Mr. Gill?

4 MEMBER GILL: No questions. Thank
5 you, Bill.

6 CHAIR BENNETT: Any questions from
7 anybody else?

8 (No response.)

9 Okay. Great.

10 The next item on the agenda is Ms.
11 Miller, the Executive Director's Report.

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

13 The first item on my agenda, on my
14 report, I will turn it over to Mr. Budoo
15 regarding the proposed polling relocations and
16 final adoption of one precinct.

17 MR. BUDOO: Good morning. Arlin
18 Budoo, Facility Operation Manager for the Board
19 of Elections.

20 My first relocation will be for
21 Precinct No. 14, St. Thomas Episcopal Church
22 Parish was the former voting place, and we

1 relocated to the M.A.A. Carriage House meeting
2 space for construction that was being done to the
3 church. The construction has now been completed.
4 I have went back to the facility and requested
5 that we relocate back, and they have approved the
6 Board to relocate back to St. Thomas Episcopal
7 Church, located at 1517 18th Street, Northwest.

8 The voter registration for that
9 precinct is 4,798 in Ward 2. The building is
10 accessible with slight modifications. And when I
11 say "slight modifications," there is no push-
12 button door to enter the facility, but that was
13 something that they'll again work out with the
14 poll workers. The voting area is the
15 multipurpose room. The voting space is excellent
16 and their lighting is excellent. There's street
17 parking, and it's directly across the street from
18 the previous polling place right now.

19 The next site is Precinct No. 27,
20 which is Eaton Elementary School. This facility
21 will not be available for the upcoming 2020
22 primary and general elections. The facility is

1 closed right now for scheduled renovations. I
2 propose that we relocate to Cleveland Park
3 Library, located at 3310 Connecticut Avenue,
4 Northwest. We'll be using the multipurpose room.

5 The facility is accessible. The
6 voting space is excellent. The lighting is
7 excellent. There is street parking, and it is
8 located approximately two blocks from the current
9 polling place.

10 MS. MILLER: Mr. Budoo?

11 MR. BUDOO: Yes?

12 MS. MILLER: On that one, is that the
13 same location we use for early voting?

14 MR. BUDOO: Yes, ma'am.

15 MS. MILLER: Thank you.

16 CHAIR BENNETT: We use the library --

17 MR. BUDOO: Yes.

18 CHAIR BENNETT: -- for early voting
19 now?

20 MR. BUDOO: Yes.

21 CHAIR BENNETT: But not for regular
22 voting?

1 MR. BUDOO: Not for regular voting.
2 We just use it for early voting, but we'll be
3 using it for both for the upcoming elections.

4 CHAIR BENNETT: Okay. Okay.

5 MEMBER GILL: It just reopened.

6 CHAIR BENNETT: Yes, it did. That's
7 a nice facility. Okay.

8 MR. BUDOO: Okay. The next location
9 is Precinct No. 40, which is Bancroft Elementary
10 School. We relocated from Bancroft Elementary
11 School because it was not available for the 2018
12 primary and general elections for scheduled
13 renovations. The renovations have been
14 completed.

15 The Board was contacted by the current
16 ANC residents after the school completed their
17 renovations requesting that we relocate back. I
18 did speak with the school staff and we have been
19 approved to relocate back to Bancroft Elementary
20 School, located at 1755 Newton Street, Northwest.
21 We will be using the gymnasium.

22 This site is successful with a few

1 modifications. And when I say "modifications,"
2 the entrance that they would use at the school is
3 not a smooth surface, but we will contact and
4 speak with the site and DGS to see if we can
5 bring that up-to-speed.

6 The area that we'll be using is the
7 gymnasium. The voting space is excellent. Their
8 lighting is excellent. There is street parking,
9 and it's approximately four blocks from the
10 current location, which is the Mt. Pleasant
11 Neighborhood Library.

12 The next precinct will be Precinct No.
13 54, which is West Education Campus. This
14 facility, the school is also going into
15 construction, due to be completed around
16 September of 2021, and it will not be available
17 for the upcoming 2020 primary and general
18 election.

19 I propose that we relocate to St.
20 Luke's Baptist Church, located at 1415 Gallatin
21 Street, Northwest. This facility is directly
22 across the street from the school. It is

1 accessible with a few modifications. The area
2 that we'll be using is the church hall. The
3 voting space is excellent. The lighting is
4 excellent, and there's street parking.

5 The next facility we will be
6 relocating is Precinct No. 57, which is currently
7 the Hattie Holmes Senior Wellness Center, located
8 at 324 Kennedy Street. The school staff reached
9 out to the Board to get more engaged with the
10 facility. They used to use the school when it
11 was Rudolph Elementary School, but the school
12 closed and a charter school did come in. So,
13 there was major construction done to the facility
14 where it was unavailable. The school has
15 reopened and they did reach out to the Board
16 requesting us to come back and use the site as a
17 polling place.

18 So, I would propose that we relocate
19 to the new Washington Latin Public Charter
20 School, located at 5200 Second Street, Northwest.
21 We will be using the gymnasium. It is accessible
22 with slight modifications. And what the slight

1 modification is, the entrance to the door has
2 that bar that holds the door in place. So, that
3 will have to be removed to make it fully
4 accessible.

5 For voting here, we'll be using the
6 gymnasium. The voting space is excellent. The
7 lighting is excellent. There is a parking lot
8 and street parking, and it is located
9 approximately six blocks from the Hattie Holmes
10 Senior Wellness Center.

11 The next site is Precinct No. 89. As
12 you may be aware, during the November 2018
13 general election, there was a longer-than-normal
14 line at the Eastern Market, and that was because
15 we had two precincts combined, Precinct No. 88
16 and Precinct No. 89. The reason they were
17 combined is because there are no alternative
18 locations located within Precinct 88 that would
19 have met the Board's needs and requirements.

20 So, therefore, I propose that we
21 relocate Precinct 89 to the Capitol Hill United
22 Methodist Church, located at 421 Seward Square,

1 Southeast. We will be using the fellowship hall.

2 This site is accessible with slight
3 modifications. The voting space is excellent.
4 The lighting is excellent. There's street
5 parking, and it's approximately three blocks from
6 the current place. Precinct 88 will remain at
7 Eastern Market, and we'll just be relocating
8 Precinct 89.

9 The last precinct for relocation is
10 Precinct 99.

11 CHAIR BENNETT: Let's go back on that
12 one.

13 MR. BUDOO: Yes.

14 CHAIR BENNETT: That one was a major
15 issue then and for several voting cycles. I
16 guess the question I have, part of the challenge
17 there was just equipment. Are we doing -- I
18 meant this question for Ms. Miller -- are we
19 getting additional equipment for 89 --

20 MR. BUDOO: Yes.

21 CHAIR BENNETT: -- that's over and
22 above what we already had? So, we would actually

1 plus-up our equipment --

2 MR. BUDOO: Yes.

3 CHAIR BENNETT: -- at the new 89?

4 MR. BUDOO: Yes, sir.

5 CHAIR BENNETT: Okay.

6 MS. MILLER: And with the relocation,
7 we'll be splitting -- half of those people won't
8 be in that location anyway.

9 CHAIR BENNETT: Right. Very good.

10 MS. MILLER: Yes. So, it will help
11 with equipment plus minimizing the number of
12 voters that will be voting within 89 as well.

13 CHAIR BENNETT: Good. All right. And
14 how close -- I think this is pretty close, isn't
15 it, to Eastern Market?

16 MR. BUDOO: Yes.

17 CHAIR BENNETT: The new place?

18 MR. BUDOO: It's three blocks.

19 CHAIR BENNETT: Okay. So, what are we
20 doing to make sure people don't get confused?

21 MR. BUDOO: Okay. Well, this is just
22 a proposal stage. But we'll come back to the

1 Board for you to approve it finally, and then,
2 we'll contact all the registered voters letting
3 them know their precinct has moved.

4 CHAIR BENNETT: Okay. Because --

5 MR. BUDOO: And we'll also put it
6 in --

7 CHAIR BENNETT: Absolutely. Everybody
8 needs to go in there and not stand in lines.

9 MR. BUDOO: Right.

10 CHAIR BENNETT: So, we've really got
11 to work on making sure that people who are
12 assigned to the new place know. I don't have the
13 magic wand, but we just need to focus on that.

14 MS. MILLER: That's will all
15 relocations. With all our relocations, we have
16 to put that same process in play.

17 CHAIR BENNETT: I understand, but this
18 one is going to be a little different. I mean,
19 well, this, in my view, has a little more -- you
20 know, everybody is used to going there. It's a
21 boatload of people. It has a very high voter
22 turnout, and we've just got to make sure that

1 there's as little confusion as possible. There
2 will be some confusion, but we just have to make
3 sure there's very few. Because we need to have
4 somebody onsite to say, hey, your -- just
5 suggesting.

6 All right. Thanks.

7 MR. BUDOO: And the last precinct for
8 relocation is Precinct No. 99. As you know, in
9 past elections Precinct 99 was relocated with
10 Precinct 98 at Smothers Elementary School. We
11 were previously at the Ward Memorial AME Church,
12 but that church was condemned structurally after
13 the earthquake in 2011. The renovations and
14 construction have been completed to the facility.

15 And I propose that we relocate back to
16 Ward Memorial AME Church, located at 241 42nd
17 Street, Northeast. The facility is accessible
18 with slight modifications. We'll be using the
19 fellowship hall. The voting space is excellent.
20 The lighting is excellent. There's street
21 parking, and it's approximately three blocks from
22 the current polling place.

1 CHAIR BENNETT: And how long were we
2 at Smothers?

3 MR. BUDOO: We were at Smothers
4 through the 2012, 2014, and 2016, and 2018.

5 CHAIR BENNETT: So, it's been a while?

6 MR. BUDOO: Yes, sir.

7 CHAIR BENNETT: Okay.

8 MR. BUDOO: It took the church some
9 time to get that structure redone. They had to
10 raise the funds for the facility. It did take a
11 while, but it has been completed now.

12 CHAIR BENNETT: Okay. Okay.

13 MR. BUDOO: And my last item is for
14 the new proposed Precinct 144. I did submit this
15 at the August 7th Board hearing. We did receive
16 feedback from the ANC Commissioners of that area
17 and they did approve the new proposed 144. So, I
18 just would ask that that be made final today.

19 CHAIR BENNETT: Okay. All right.

20 Any questions, Mr. Gill?

21 MEMBER GILL: No questions. Thanks,
22 Arlin. Again, great job.

1 CHAIR BENNETT: Can we get a motion to
2 approve the relocation of the precincts?

3 MEMBER GILL: So, we have a motion to
4 approve the proposed polling place relocations,
5 and then, we have a motion to finalize the
6 creation of 144.

7 MR. BUDOO: Yes, sir.

8 CHAIR BENNETT: Good. All right.

9 Second. So, it's unanimous.

10 MR. BUDOO: All right.

11 CHAIR BENNETT: Thanks.

12 Ms. Miller?

13 MS. MILLER: Thank you. Thank you,
14 Mr. Bennett.

15 To continue with my agenda, we've been
16 working on a National Voter Registration Act
17 Training Manual for our Voter Registration
18 Agencies. There are 12 D.C. agencies that have
19 been designated as Voter Registration Agencies.
20 Federal and District law requires VRAs, which are
21 the Voter Registration Agencies, to offer voter
22 registration services as part of their agencies'

1 core duties. The manual addresses various
2 topics, including what VRAs must do to comply
3 with District and Federal law, or services VRAs
4 must offer and how and when it must be offered,
5 and what information must be kept confidential.

6 So, we'll be using the manual as a
7 training guide when we go out to train our Voter
8 Registration Agencies on how to process and offer
9 voter registration to their clients, as they sign
10 up for the various services that they offer.

11 Also, our continuing poll worker
12 training, which we've been doing all summer, we
13 were able to get the stipends out for the first
14 set of trainings that we had. That's for our
15 captains and special ballot clerks. They went
16 through two sessions of training. The first
17 session had 251 participants and the second one
18 276. They have received their payments of \$80
19 per session that they were trained for, for a
20 total of \$160. I just want to put that on the
21 record, that that payment has gone out.

22 As of yesterday, we began continuing

1 poll worker training for our check-in clerks, and
2 we'll do two sessions a day for the next two
3 weeks with the check-in clerks to have them
4 trained.

5 With respect to outreach, our National
6 Voter Registration Week was held last week in the
7 last week of September. At the time, the Voter
8 Education and Outreach Division, VEOD,
9 coordinated and attended 19 events for that week.
10 For example, on Saturday, September 21st, they
11 were at a total of four or five different
12 locations between the hours of noon and 7:00.
13 All of those were overlapping events.

14 So, again, I just want to congratulate
15 and thank them for doing that. Because they are
16 a very small team of two, we use other members of
17 the staff to try to help supplement what's needed
18 to get the D.C. events covered for outreach. For
19 the month of September, we did a total of 37
20 events.

21 Obviously, again, the purpose of these
22 events is to identify and register eligible

1 voters. We do some poll work recruitment and
2 provide information to our returning citizens and
3 incarcerated eligible voters, as well as reaching
4 out to high school students for voter
5 registration. We had equipment available at many
6 of the events, and it provides an opportunity for
7 voters to begin to learn how to, and have access
8 to, the equipment for using it on Election Day.

9 We begin training on Monday for our
10 new Voter Registration System. So, the staff
11 right now is in the process of being trained on
12 how to perform the various functions that they'll
13 be responsible for completing with the new
14 upgrades, with the new system. That's with our
15 new contractor. The upgrades will include,
16 obviously, how to now enter a voter record,
17 assign polling locations, voters' absentee ballot
18 processing, and all the other details associated
19 with voter registration. So, the training is
20 end-user training and it's currently scheduled
21 with the various Divisions for the next two
22 weeks.

1 And that concludes my portion.

2 CHAIR BENNETT: Good.

3 Any questions, Mr. Gill?

4 MEMBER GILL: No questions.

5 CHAIR BENNETT: Great. Thanks.

6 The next item on the agenda is the
7 General Counsel's Report, Ms. Stroud.

8 MS. STROUD: Good morning, everyone.

9 The first item on my agenda is OCF
10 Petitions for Enforcement, and I'll have Staff
11 Attorney Rudolph McGann come and do a
12 presentation on the Petitions for Enforcement
13 that we are seeking to bring before the D.C.
14 Superior Court for enforcement on behalf of the
15 Office of Campaign Finance.

16 CHAIR BENNETT: Great. Thanks.

17 Good morning, Mr. McGann.

18 MR. MCGANN: Good morning. Rudolph
19 McGann, staff attorney for the Board of
20 Elections.

21 The matters that the Office of General
22 Counsel seeks enforcement for are as follows:

1 First, Docket No. 17C-027, Justin
2 Green for Treasurer, the amount in question of
3 \$1650 for a failure to report receipts and
4 expenditures that was due on October 10th, 2017.
5 The Respondent has not filed to date. However,
6 phone calls were placed to the Respondent and
7 letters sent on September 18th and September
8 25th; informed him of this proceeding. And the
9 Board also conducted prehearing conferences on
10 July 11th and July 24th, and the Respondent did
11 not appear at those conferences.

12 The next matter is, again, Justin
13 Green, Docket No. 18C-002, and the amount of the
14 fine is \$1400 for failure to report receipts and
15 expenditures for January 31st, 2018. The
16 Respondent has not to date filed. Letters were
17 sent by first class mail on the 18th and the 25th
18 of September informing him of this hearing.
19 Prehearing dates were July 17th and August 9th of
20 this year, and the Respondent did not appear at
21 either of those prehearings.

22 The next matter is Oliver for Ward 4,

1 2015, Docket No. 18C-003. The amount of the fine
2 is \$2150 for failure to report receipts and
3 expenditures, due February 16th, 2018. The
4 Respondent was notified by mail on the 18th and
5 25th of September about this meeting. The
6 Board's Office of General Counsel held prehearing
7 conferences on July 17th and August 9th of this
8 year, and the Respondent has not appeared.

9 The next matter is Committee to Elect
10 Khalid Pitts 2014, 18C-005. The amount of the
11 fine is \$2150 for failure to report receipts and
12 expenditures, due February 16th, 2018. The
13 Respondent has not filed the report as of today.
14 The Respondent was notified by mail on the 18th
15 and the 25th of September about this hearing, and
16 the Respondent was invited to appear on the 17th
17 of July and the 9th of August of this year for a
18 prehearing conference in an attempt to settle
19 this matter, and did not appear.

20 The next matter is Patterson for Ward
21 8, Docket No. 18C-007. The amount of the fine is
22 \$2150. The missing filing was the January 31st

1 report of receipts and expenditures, which was
2 due on February 16, 2018. The Respondent has
3 failed to file that report to date. The
4 Respondent was notified by mail on the 18th and
5 25th of September about this meeting, as well as
6 the Office of General Counsel attempted to hold
7 prehearing conferences in this matter on July
8 17th and August 9th of this year. The Respondent
9 has not shown for any of these hearings or
10 prehearing conferences and is not here today.

11 The next matter is Justin Green At-
12 Large, 18C-018, for fines for \$1,000 for failure
13 to file the March 10th report of receipts and
14 expenditures. The Respondent has not filed as of
15 today. Respondent was notified by mail on the
16 18th and 25th of this month -- excuse me -- of
17 September regarding this meeting, as well as the
18 Respondent was requested to be at a prehearing in
19 this matter on July 17th and August 9th of this
20 year. The Respondent has not appeared in any of
21 those hearings.

22 The next matter is MMC Foundation,

1 18C-021, a fine of \$500 for failure to report
2 receipts and expenditures, due March 10th, 2018.
3 The Respondent has filed and is in compliance
4 with the OCF statute at this time. The Office of
5 General Counsel sent mail on the 18th and 25th
6 regarding this meeting. The Respondent is not
7 here today, although he did appear at a
8 prehearing notice -- or excuse me -- a prehearing
9 conference on July 17th, at which time he
10 stressed that he didn't have the money to pay,
11 but he offered to pay \$5 a month with respect to
12 this fine.

13 The last is, again, MMC Foundation,
14 Docket No. 18P-001, fine in the amount of \$1,050
15 for failure to file the January 31st report of
16 receipts and expenditures. However, the
17 Respondent has filed his report and is in
18 compliance with the statute. He was notified of
19 this hearing on the 18th and 25th of September
20 and attended a prehearing conference on July 11th
21 -- excuse me -- July 17th of this year. And at
22 that time, again, he expressed that he didn't

1 have the money to pay the fine. He offered to
2 pay \$5 a month for a \$1,000 fine, a \$1,050 fine.

3 And that is all the matters that we
4 have before you. These are the same matters that
5 were introduced last meeting. However, service
6 was, admittedly, short, and what we did was we
7 tried to accommodate these respondents coming
8 before the Board this meeting, but no one has
9 appeared.

10 CHAIR BENNETT: Okay. Great.

11 MS. STROUD: In light of the
12 information presented by Mr. McGann, and the
13 Board's efforts to secure resolution of these
14 matters prior to the Board hearing, and that
15 being to no avail, we ask that the Board move to
16 proceed before the D.C. Superior Court for
17 enforcement of these orders on behalf of OCF.

18 CHAIR BENNETT: Is there any motion?
19 Mr. Gill?

20 MEMBER GILL: Motion to proceed.

21 CHAIR BENNETT: Seconded. Please
22 proceed. Thank you.

1 MR. MCGANN: Thank you.

2 MS. STROUD: So, the next item on my
3 agenda is the litigation status. And I'll just
4 note for the record, in response to a question
5 that was asked earlier with respect to litigation
6 for the Office of Campaign Finance, that the
7 Board's Office of the General Counsel represents
8 OCF in litigation matters in the District Courts.
9 And so, those Petitions for Enforcement will be
10 handled by the Office of the General Counsel on
11 behalf of OCF.

12 And our current litigations that I
13 will now read are the cases that the Board and
14 OCF have pending currently. There are no cases
15 that involve the Office of Campaign Finance, but
16 if there were, we would handle those on behalf of
17 the Office of Campaign Finance. I just wanted to
18 say that for the record.

19 CHAIR BENNETT: Okay.

20 MS. STROUD: Litigation status. The
21 first case is William Hunt v. the Board. This
22 matter was filed in the U.S. District Court for

1 the District of Columbia in October of 2018. And
2 it's a complaint regarding a counting of write-in
3 votes cast in the 2018 election. Mr. Hunt was a
4 write-in mayoral candidate, and he wanted the
5 Board to count and give him an itemization of the
6 ballots that had been tallied for him, and the
7 Board was not required to do so.

8 Mr. Hunt filed -- we filed a Motion to
9 Dismiss in April of 2019. Mr. Hunt filed a
10 Motion in Opposition to that motion on August
11 20th. On August 27th, the Board filed a reply to
12 Mr. Hunt's opposition to the Board's Motion to
13 Dismiss. And briefing should be completed until
14 the Court renders an order.

15 The second item on litigation status
16 is Butler v. the Board of Elections. This was an
17 action for writ in the nature of mandamus to
18 compel the Board to accept the D.C. Time Limits
19 Campaign Initiative as a proper subject. Both
20 parties have attempted to file Cross-Motions for
21 Summary Judgment on November 21st.

22 The next case is Graham v. the Board.

1 This involves the Board's appeal on a Permanent
2 Injunction entered by the D.C. Superior Court on
3 December 12th, 2018 which prohibits the Board
4 from taking any action on Referendum 8.

5 The Board and the proposer who joined
6 the matter as an Intervenor filed a joint brief
7 and appendix on June 26th. On September 10th,
8 the Appellees filed their brief, and the Board
9 filed a reply to the Appellees' brief on
10 yesterday. The Court of Appeals has ordered the
11 case be scheduled for consideration before its
12 Merit Division as soon as the calendar permits.

13 The next two cases have been
14 consolidated. They are Phillip Hammond v. the
15 Board and Robin Marlin v. the Board. These
16 matters involve appeals of Board orders which
17 upheld the resolutions of ANC 7B, finding no
18 vacancies in Single Member Districts 7B04 and
19 7B05. The resolutions found that the Advisory
20 Neighborhood Commission at issue did, in fact,
21 meet the residency qualifications necessary to
22 continue serving as ANC Commissioners.

1 On August 13th -- actually, on
2 September 6th, the Board filed a response to a
3 previous pleading filed by the Petitioners in
4 which they asserted that their claim should not
5 be dismissed for untimeliness. On September 6th,
6 the Court of Appeals consolidated both cases and
7 directed the Board to file the designations of
8 record in these matters on or before September
9 30th, and the Board complied on September 30th,
10 this past Monday.

11 And that concludes my litigation
12 status.

13 The next item on my agenda are two
14 rulemakings, both from the Office of Campaign
15 Finance. And I will defer to the Office of
16 Campaign Finance's General Counsel, Mr. Sanford,
17 for discussion on the purpose of these
18 rulemakings.

19 MR. SANFORD: Thank you very much.
20 Good morning again, Mr. Chairman and
21 Distinguished Board Member Gill.

22 The first item regarding final

1 rulemaking for Chapters 42 and 43 involved the
2 Fair Elections Program. And this was previously
3 approved by the Board for publication in the D.C.
4 Register on August 16th of this year. And so, we
5 are now requesting final approval. And just to
6 give a few of the highlights of this rulemaking,
7 I will just point out the changes that have
8 occurred.

9 Subsection 4201.11 requires candidates
10 and registrants to provide W-2s and W-9s and the
11 ACH enrollment forms in order to receive payment
12 through the electronic disbursement process under
13 the Fair Elections Program.

14 Subsection 4205.3 provides that a
15 donor may agree to recurring contributions after
16 the initial assent has been provided in writing
17 if they indicate that they will accept that.

18 Subsection 4205.5 also provides that
19 contributions by telephone may include an oral
20 assent to the contribution.

21 Subsection 4205.6 provides for the
22 establishment of Fair Elections Committees and

1 Fair Elections Committees are limited to a
2 contribution of \$1,500 to a Fair Elections
3 candidate.

4 Subsection 4206.10 defines immediate
5 family under the Fair Elections Program to
6 include spouse or domestic partner of a
7 candidate; any parent, grandparent, brother,
8 sister, or child of the candidate, and the spouse
9 or domestic partner of any such parent,
10 grandparent, brother, sister, or child.

11 Subsection 4205.1 requires return of
12 excessive or prohibited funds by candidates and
13 committees through a bank or certified check.

14 Subsection 4206.3 provides for 10
15 business days for the Office of Campaign Finance
16 to certify a committee or a candidate for the
17 Fair Elections Program. It also provides 10 days
18 to appeal a denial of a certification. That
19 Subsection, further, provides that the revocation
20 of a certification may also be appealed within 10
21 days.

22 Subsection 4206.13 provides for

1 rolling certifications dates that are generally
2 every 30 days through October 31st and they
3 continue on the 10th of each month, commencing in
4 January during an election year.

5 Subsection 4207 provides that the
6 Office of Campaign Finance, the Director of the
7 Office of Campaign Finance is required to submit
8 a Request for Disbursement for the base amount
9 funds within five days after certification. It
10 also provides that the balance of the base amount
11 in funds will be provided after the candidate or
12 committee has achieved ballot access.

13 Subsection 4208.2 addresses the
14 matching funds provisions of 5-to-1, which means
15 that a certified candidate or committee is
16 entitled to receive matching funds under this
17 program that are five times the amount that they
18 have raised from District residents.

19 Chapter 42 also includes provisions
20 for remitting and donating equipment within 60
21 days of the conclusion of the campaign or the
22 conclusion of the election. It also requires

1 that the equipment may be donated to a nonprofit
2 which is in good standing in the District of
3 Columbia for at least one year prior to the
4 donation.

5 And Chapter 42 also requires that the
6 candidates and committees file their reports of
7 receipts and expenditures on new filing dates
8 that will commence on March 10th, June 10th,
9 August 10th, October 10th, and December 10th in
10 the seven months prior to the date of an
11 election, and March 10th, April 10th, May 10th,
12 June 10th, August 10th, October 10th and the 8
13 day pre-primary and pre-general dates of a year
14 of elections.

15 The second rulemaking covers Chapters
16 30, 37, 41, and 99. And they include the
17 following:

18 Subsection 300.29 requires a
19 certification that expenditures -- independent
20 expenditure committees certify to the Office of
21 Campaign Finance that they have not been
22 controlled, coordinated, or consulted with any

1 public official or political committee. It
2 further requires that an independent expenditure
3 committee has not transferred funds to a public
4 official, political committee, or Political
5 Action Committee.

6 Subsection 3008.16 requires any person
7 other than a political committee, a Political
8 Action Committee, or an independent expenditure
9 (sic) who makes an independent expenditure of
10 \$1,000 or more within a calendar year provide a
11 report to the Office of Campaign Finance within
12 14 days of the independent expenditure.

13 Subsection 3008.24 requires political
14 committees, Political Action Committees, and
15 independent expenditure committees to report in a
16 separate schedule the names, address, employer,
17 and occupation of each person who has bundled an
18 amount in excess of \$5,000 during any reporting
19 period.

20 Subsection 3008.27 requires also the
21 certification of non-control by a political
22 committee or Political Action Committee or public

1 official.

2 Subsection 3011.3 limits contributions
3 to political committees and Political Action
4 Committees to \$5,000.

5 Subsection 3015 identifies the methods
6 for disbursement of surplus funds and imposes
7 personal liability against candidates for any
8 unresolved debts that have not been resolved 12
9 months after the election. It also requires an
10 oral statement in a political advertisement that
11 identifies independent expenditures -- identifies
12 the top five contributors to independent
13 expenditures whose contributions were made during
14 the 12 months prior to the advertisement.

15 Subsection 3711.3 establishes \$4,000
16 as the maximum fines for all violations of the
17 Campaign Finance Act, including violations
18 related to constituent services problems.

19 Subsection 3800.1, 3803.1, and 3904.1
20 reduces the amount that may be contributed to
21 legal defense committees and inaugural
22 committees. Under Subsection 3803.1, the

1 contribution limits to legal defense committees
2 have been reduced from \$10,000 to \$2,000. Under
3 Subsection 3904.1, the contribution limits for
4 mayoral inaugural committees have been reduced
5 from \$10,000 to \$4,000.

6 Also, provides that the duration of a
7 mayoral inaugural committee cannot exceed six
8 months after the beginning of the new term.

9 Also, indicates that all unresolved debts -- that
10 all personal liability is imposed for all
11 unresolved debts of inaugural committees.

12 Subsection 4004.1 reduces
13 contributions to mayoral transition committees to
14 \$2,000. Also, provides for contributions of not
15 more than \$1,500 to transition committees for
16 Council Chair and Attorney General.

17 Subsection 4006.1 requires the
18 termination of all mayoral, chairmen, and
19 Attorney General transition committees no later
20 than six months after the new term and imposes
21 personal liability on the mayor, the chairmen,
22 Attorney General for all unresolved debts for

1 transition committees after six months after the
2 beginning of the new term.

3 And Subsection 9900 expands the
4 definition provisions, and that will be available
5 at the website of the Office of Campaign Finance,
6 in addition to publication in the D.C. Register.

7 And in view of the information
8 foregoing, the Office of Campaign Finance
9 respectfully asks the Board to approve these
10 provisions for final rulemaking regarding
11 Chapters 42 and 43 and emergency rulemaking for
12 the additional chapters that we just covered.

13 CHAIR BENNETT: Can I get a motion?

14 Ms. Stroud, do you have something else
15 you would add?

16 MS. STROUD: Well, I would just
17 reiterate Mr. Sanford's request that the Board
18 allow for the submission of these rulemakings to
19 the D.C. Register for publication.

20 With respect to the final rulemaking,
21 that just closes the loop with respect to we
22 initially published it in emergency and proposed

1 form. And so, once this is published as final,
2 it will be final and effective upon publication
3 in the D.C. Register.

4 And with respect to the second
5 rulemaking, the emergency or proposed rulemaking
6 with respect to the Campaign Finance Reform Act,
7 this would send the document up to the D.C.
8 Register for public comment for the review
9 period, and the Board would not take final
10 rulemaking action until at least 30 days have
11 passed. But they will be in emergency or
12 proposed rulemaking form upon publication in the
13 D.C. Register, which should take place not this
14 Friday, but next Friday.

15 So, I move that we be permitted to
16 proceed, that you adopt these regulations, and
17 that we be permitted to submit them to the D.C.
18 Register for publication.

19 MR. SANFORD: I would just want to add
20 that the emergency rulemaking is required because
21 the provisions in the emergency rulemaking
22 already into the record are provisions that

1 become effective subject to, pursuant to the
2 Budget Support Emergency Act of 2019, which was
3 effective on September 11th, 2019.

4 CHAIR BENNETT: Okay.

5 MEMBER GILL: So, we're making two
6 motions here? A motion for the proposal and a
7 motion for the final, or can we --

8 MS. STROUD: We can combine them.

9 MEMBER GILL: Okay. So, we're on a
10 motion to combine both rulemaking and proceed to
11 send them to D.C. Register.

12 MS. BRIZILL: Mr. Chairman, I have a
13 question.

14 CHAIR BENNETT: And the final rule.

15 MS. BRIZILL: I have a question.

16 CHAIR BENNETT: Yes, ma'am.

17 MS. BRIZILL: This is Dorothy Brizill
18 with DC Watch.

19 On the agenda you have two separate
20 items. No. 1, final rulemaking, and, No. 2,
21 emergency and proposed rulemaking. Given what
22 Mr. Sanford has gone through, what are the

1 emergency rulemaking positions and what's the
2 difference between the emergency and proposed?
3 Because, look, my question is, what is the
4 difference between the emergency and the
5 proposed?

6 CHAIR BENNETT: Ms. Brizill, we'll
7 entertain your question. We're a little bit off
8 the agenda, but we're happy to entertain the
9 question.

10 To Ms. Stroud and Mr. Sanford, do you
11 want to respond to that?

12 MS. STROUD: So, there are two
13 separate rulemakings. One is a final rulemaking
14 regarding the Fair Elections Program.

15 MS. BRIZILL: And that is the ones
16 that you have listed in the agenda under No. 1?

17 MS. STROUD: Yes.

18 MR. SANFORD: Yes, yes.

19 MS. BRIZILL: Okay. Then, on No. 2,
20 you have the term "emergency and proposed
21 rulemaking," and you don't make a distinction in
22 the agenda. What is the emergency and what are

1 the proposed rulemakings?

2 MS. STROUD: It's combined. It's
3 emergency and proposed.

4 MEMBER GILL: It's one rulemaking. It
5 is both emergency and proposed.

6 MS. BRIZILL: So, if you took action
7 today, if the Board took action today, this
8 rulemaking would go into effect immediately upon
9 being published in --

10 MS. STROUD: On an emergency basis,
11 yes.

12 MS. BRIZILL: And how long would it be
13 in effect as an emergency?

14 MS. STROUD: Well, we're going to take
15 final rulemaking action on it after 30 days have
16 passed to allow for a public comment period.

17 MS. BRIZILL: Well --

18 MS. STROUD: It would be in effect I
19 believe -- and I can check this -- for, I think,
20 120 days, but I can check that.

21 MS. BRIZILL: Can I ask the question
22 then, if the Board was going to put on its agenda

1 emergency rulemaking, why didn't it at least
2 publish on its website this emergency rulemaking?

3 MS. STROUD: Because the Board has to
4 approve them for publication, for publication in
5 the D.C. Register. The Board has not taken
6 action with respect to these rules yet. They're
7 doing that right now, which will allow us to --
8 they're going to adopt them now. Before they
9 adopted them, there was nothing to read --

10 MEMBER GILL: They could change up
11 until the time we vote to put them in there. So,
12 the time --

13 MS. BRIZILL: They can change up until
14 the time of what?

15 MEMBER GILL: Until they're --

16 MS. STROUD: They're adopted.

17 MEMBER GILL: Until they're adopted.
18 So, there's no point in publishing them for
19 comment because there's nothing to comment on
20 until we agree that these are the ones we want.

21 CHAIR BENNETT: And the public has an
22 opportunity to comment after they are published

1 anyway.

2 MS. BRIZILL: Mr. Chairman, my
3 question and concern is, the emergency rules will
4 go into effect for 120 days, correct? After the
5 Board votes on them today?

6 CHAIR BENNETT: Yes, that's correct.

7 MS. BRIZILL: Okay. If a citizen or
8 a voter had a concern or an issue about the
9 proposed rulemaking, you did not publish it on
10 your website before today. I made inquiry of
11 your Public Information Officer two days ago for
12 a copy of it. I was told it would not be ready
13 until today's meeting. Okay. But, meanwhile,
14 you're enacting rules that will affect citizens
15 for at least 120 days.

16 MEMBER GILL: Well, it's the emergency
17 nature of the --

18 CHAIR BENNETT: Well, that's the
19 nature of the emergency, and you do have an
20 opportunity to comment on it while it's on the
21 website.

22 Are there any other --

1 MR. SANFORD: May I make one
2 response --

3 CHAIR BENNETT: Sure.

4 MR. SANFORD: -- to Ms. Brizill?

5 These rules are designed to implement
6 legislation that's already been passed by the
7 Council that became, under the Budget Support
8 Review Act of 2019, that became effective on
9 September 11th. So, we are providing emergency
10 rules so we can implement what the Council has
11 already passed. So, it is not that these rules
12 originate with us. These are rules that are
13 pursuant to legislative action by the D.C. Court.

14 MS. STROUD: And this is not distinct
15 from our process in the past.

16 MS. BRIZILL: I didn't say your
17 process in the past was right then, did I?

18 CHAIR BENNETT: Well, we're going to
19 move forward. Are there any other comments, Ms.
20 Brizill?

21 Thank you.

22 So, can we entertain the motion,

1 please?

2 MEMBER GILL: So, I think we have a
3 motion to proceed with the proposed rulemaking
4 and the -- the emergency and proposed rulemaking
5 and the final rulemaking.

6 CHAIR BENNETT: That motion is
7 seconded. And so, it is unanimous. We will move
8 forward accordingly. Okay? Thank you.

9 Anything else, Ms. Stroud?

10 MS. STROUD: No, that concludes my
11 report. Thank you.

12 CHAIR BENNETT: Okay. Final is public
13 matters. And so, if you don't mind, what I would
14 like to do is I believe, if Mr. Sindran is still
15 on the line, I will ask Mr. Sindran to bring back
16 any pertinent matters that he had, and then,
17 we'll go to people that are physically here in
18 the room.

19 Mr. Sindran, do you have any items for
20 the Board?

21 MR. SINDRAN: Yes. Thank you, Mr.
22 Chair.

1 CHAIR BENNETT: Well, if there is
2 anybody else on the line -- I don't know if
3 there's anybody else on the line. I only have
4 heard from Mr. Sindran.

5 Okay, Mr. Sindran?

6 MR. SINDRAN: Mr. Gill, we need the
7 elephant in the room. And obviously, the donkey
8 has got to go. We need an elephant in the room,
9 Mr. Gill, desperately.

10 CHAIR BENNETT: Mr. Sindran, would you
11 identify yourself, please, for the record?

12 MR. SINDRAN: Absolutely. You already
13 did, Mr. Chair. Michael Sindran, disabled
14 veteran, served our country more than most.

15 My concern --

16 CHAIR BENNETT: And your address, sir?

17 MR. SINDRAN: 6645 Georgia Avenue,
18 Northwest, Ward 4, Washington, D.C., which
19 happens to be a federal territory, although we're
20 not a state yet.

21 My concern and question is -- and I
22 think Mr. Gill touched on it somewhat -- the

1 duplicative recall petitions. And the danger is
2 that seeking the same objective, although
3 different agendas, they sink both. So, what
4 mechanism is in place or can be put in place to
5 merge the two to achieve the objective,
6 notwithstanding separate agendas, or what have
7 you, so that it will not be an exercise in
8 futility?

9 MEMBER GILL: So, Michael, I'm not so
10 sure we'd want something hardwired in place.
11 This is a rare occasion. And you could
12 conceivably have two petitions that are looking
13 for the same outcome, but distinctly different,
14 and would end up with different ballot measures
15 because of the way the petitions are written and
16 what they're seeking to do.

17 And so, I would rather keep the rules
18 as they are and encourage people that have the
19 same objective to join forces before they put
20 together two separate petitions. The problem
21 here is that you've got two separate petitions,
22 two separate groups that have organized for the

1 same outcome, and rather than put the cart before
2 the horse and have the Board of Elections change
3 its statutes or have the Council sort of make a
4 process to combine these things, I think it's
5 just a matter of, you know, if people can't join
6 forces, then this is what they face. They have
7 two different petitions that are under two
8 separate requirements. I think it's a lot easier
9 just to have people organize beforehand rather
10 than everything get convoluted on the back-end.

11 MR. SINDRAN: Well, that having been
12 said, it may be easiest, but what will accomplish
13 the goal? The two petitions as they stand may
14 neutralize one with the other. And so, we're
15 back to square one. And we're letting the
16 corrupt official continue with impunity. That's
17 what we're looking to avoid.

18 So, I want to defer to your wisdom,
19 Mr. Chair. Maybe the wisdom of the Board can
20 come up with something. Yes, we want to have
21 democracy. Yes, we want to have transparency,
22 and so on. But if you've got conflicting

1 petitions attempting to achieve the same goal,
2 that will torpedo/neutralize one another, that
3 makes no sense.

4 CHAIR BENNETT: Yes, if I understand,
5 I don't necessarily have an answer, nor I'm not
6 quite sure I agree with your position. But let
7 me kind of take a right turn for a moment.

8 I've been urged to follow our
9 regulations relative to limit public comment to
10 three minutes. I would like to not do that. And
11 so, I ask that the comments be efficient. And
12 don't take it personal for anyone, Mr. Sindran on
13 the phone or anybody here. But we want to try to
14 be efficient. We understand that sometimes there
15 are some concerns about our actions, and we want
16 to hear about those. But if you can be efficient
17 with your comments, I will work really hard to
18 not impose the three-minute limit on the
19 comments.

20 Anyway, please continue, Mr. Sindran.

21 MR. SINDRAN: I'm done. I put it out
22 there, and something needs to get -- you've got

1 an objective, the same objective sought by two or
2 more groups. And yet, they may neutralize one
3 another in achieving that goal. So, I'm putting
4 it out there to you, Mr. Chair, to you, Mr. Gill,
5 anyone else within the sound of my voice. And I
6 hear you. You know, come and let us reason
7 together and join forces voluntarily. But if
8 that's not possible to the different agendas,
9 what could be done then? So as not to just
10 rearrange the lawn chairs on a Titanic.

11 CHAIR BENNETT: Thank you, Mr.
12 Sindran.

13 MEMBER GILL: So, I think your
14 comments are helpful, Michael, and that's the
15 reason we brought it up earlier, to reflect on
16 this. We wanted to make people aware of this.
17 And so, I think your comments are helpful in that
18 respect.

19 CHAIR BENNETT: Okay.

20 MR. SINDRAN: We need an elephant in
21 the room, Mr. Gill.

22 MEMBER GILL: We've heard that comment

1 also.

2 (Laughter.)

3 CHAIR BENNETT: Thanks, Mr. Sindran.

4 Is there anyone other than Ms. Brizill
5 with public comment?

6 (No response.)

7 Ms. Brizill, if you'd like to rejoin
8 the podium?

9 And to try to respond to, I think, at
10 least the questions you had initially in terms of
11 preparation for 2020 elections, most of the
12 questions were around information security from
13 an IT or electronic perspective.

14 One of the things that we did was we
15 had the same or very similar question, far more
16 general, from Councilmember Cheh. And we did a
17 pretty comprehensive response to her that I think
18 addresses all, certainly 95 percent, if not all,
19 of your questions that you provided earlier. So,
20 rather than trying to answer each particular one,
21 I'd like to give you a copy, if you don't have it
22 already, of that particular response that we gave

1 to her.

2 The other item that you asked about,
3 I think specific to my comment, was whether or
4 not the voting machines were, in fact, connected
5 to the internet. And the answer is they are not.
6 They are closed. They do submit information to
7 devices that end up being, but the voting machine
8 itself, there is no connectivity to the internet
9 overall for the voting machine. That doesn't
10 mean somebody couldn't potentially tamper with
11 it, or something like that. I think, though, if
12 you take a look at that response we provided to
13 Councilmember Cheh -- we also provided that to
14 the Mayor's Office -- relative to our
15 preparation, it gives a lot of detail about our
16 connectivity in relationship with the federal
17 government and work in that area.

18 So, Ms. Miller, did you want to add
19 anything after that?

20 MS. MILLER: Just with respect to the
21 question about all of the ballots being paper
22 ballots, with the electronic machines, the

1 attached-screen machines that you vote on, what
2 happens is that a paper ballot then comes out of
3 that machine. Then, the voter places the paper
4 ballot into the scanner, which then gives you the
5 paper ballot for all our ballots, in addition to
6 the regular paper ballot that a voter may have to
7 use.

8 CHAIR BENNETT: So, any other
9 comments, Ms. Brizill?

10 MS. BRIZILL: Can I go back? Mr.
11 Bennett, at the September 5th meeting, in
12 response to a question that was raised regarding
13 the Windows 7 program and its impact on voting
14 machines in the 2020 elections, you responded by
15 stating that, "Voting machines in the District of
16 Columbia are closed. They are not connected to
17 the internet."

18 To Ms. Miller, my understanding is,
19 once the polls close, the voting machines are, in
20 fact, linked up by modem, and vote returns are
21 returned to the Board of Elections by modem, is
22 that correct?

1 MS. MILLER: We receive the results by
2 modem, yes.

3 MS. BRIZILL: Okay.

4 CHAIR BENNETT: But that's not the
5 individual machines. That's downloaded to the
6 machines that the -- it's not the actual voting
7 machines that you use. It's actually another
8 machine that the votes are actually loaded into.
9 So, the actual machine itself where one goes to
10 cast their ballot is not connected to the
11 internet.

12 MS. BRIZILL: Ms. Miller, what is
13 connected? What machine? And if you don't call
14 it a "voting machine," what do you call it in the
15 polling site that is connected to the modem to
16 send the returns here? What is it called?

17 MS. MILLER: A Ballot Box. It's a
18 DS200.

19 MS. BRIZILL: DX --

20 MS. MILLER: DS200.

21 MS. BRIZILL: And it's called a
22 "Ballot Box"?

1 MS. MILLER: It's the Ballot Box.

2 MS. BRIZILL: So, Mr. Bennett was
3 technically correct when he says the voting
4 machines are not connected to the internet, but
5 the Ballot Box is connected to the internet to
6 send the voting returns to the Board of Elections
7 on election night? Correct?

8 MEMBER GILL: It's the modem, right?

9 MS. MILLER: It's a modem. It's not
10 connected to the internet.

11 MEMBER GILL: It doesn't touch the
12 internet. Where does the internet come into play
13 in all this?

14 MS. BRIZILL: Ms. Miller, you just
15 indicated that -- well, let me go back. At the
16 September 5th Board meeting, Mr. Bennett
17 indicated that the Board uses all paper ballots.

18 CHAIR BENNETT: If I said that, I was
19 mistaken, Ms. Brizill. I don't recall.

20 MS. MILLER: That's not incorrect.
21 That's correct. We use paper ballots. When you,
22 when a voter goes to vote on the electronic

1 machine, a paper ballot is produced.

2 CHAIR BENNETT: Right.

3 MS. MILLER: That paper ballot, then,
4 is placed in the DS200 to tabulate the vote.

5 MS. BRIZILL: Ms. Miller, not unless
6 you're changing it for the 2020 election. We
7 have two separate voting machines at the polling
8 sites, correct?

9 MS. MILLER: We have two separate ways
10 to vote. You can vote with the actual paper
11 ballot or you can vote on the electronic machine
12 that produces a paper ballot.

13 MS. STROUD: And that is a ballot-
14 marking device. So, you're just marking your
15 ballot on that machine. Results voting --

16 MS. BRIZILL: Ms. Stroud, I was asking
17 Ms. Miller the question.

18 Ms. Miller, you vote -- there are two
19 ways to vote. One is you're given a paper
20 ballot --

21 MS. MILLER: Correct.

22 MS. BRIZILL: -- and you feed it into

1 the machine, and you vote. The second is by --
2 there's an electronic means in the machine in
3 which you just indicate on that machine what your
4 choices are, is that correct?

5 MS. MILLER: That's correct.

6 MS. BRIZILL: Do you consider that a
7 paper ballot?

8 MEMBER GILL: It produces a paper
9 ballot. You look -- you have a piece of paper in
10 your hand.

11 MS. BRIZILL: Does it hand the voter
12 a paper ballot?

13 MEMBER GILL: Yes.

14 MS. MILLER: Yes, it does.

15 MEMBER GILL: Have you voted?

16 MS. BRIZILL: Mr. Gill, I was asking
17 Ms. Miller who --

18 MEMBER GILL: Have you voted?

19 CHAIR BENNETT: Hold on. Time out.

20 MS. BRIZILL: -- whether it gives the
21 voter a paper ballot.

22 MS. MILLER: Yes, it hands the voter

1 a paper ballot.

2 MS. BRIZILL: Okay.

3 MS. MILLER: It does hand the voter a
4 paper ballot.

5 MS. BRIZILL: Okay.

6 CHAIR BENNETT: Ms. Brizill, if you
7 would, I would prefer that you read -- look, with
8 all the questions with regard to the preparation
9 of --

10 MS. BRIZILL: No, I'm not going to
11 read it now. I came here --

12 CHAIR BENNETT: I'm not suggesting
13 that you --

14 MS. BRIZILL: You have a once-a-month
15 meeting. The public has the right to come and
16 ask questions. Okay?

17 CHAIR BENNETT: Ms. Brizill, but you
18 don't have the right to sit here and talk and
19 harass people for 20 or 30 minutes.

20 MS. BRIZILL: And you think this is
21 harassment? This is --

22 CHAIR BENNETT: Yes, ma'am.

1 MS. BRIZILL: -- the public asking you
2 questions.

3 Ms. Miller, what can you tell us about
4 cybersecurity as regards the Board of Elections
5 2020 election preparation?

6 CHAIR BENNETT: Ms. -- all of that is
7 answered in that --

8 MS. BRIZILL: I would like, I would
9 like --

10 CHAIR BENNETT: Ms. Miller is not
11 going to answer your question, Ms. Brizill. All
12 that is answered in that particular --

13 MS. BRIZILL: I hope the court
14 reporter is taking all of this.

15 CHAIR BENNETT: Yes, I really wish you
16 would. But your questions are all answered in
17 that document, Ms. Brizill.

18 MS. BRIZILL: Mr. Bennett, I can
19 here --

20 CHAIR BENNETT: I'm not going to argue
21 with you, Ms. --

22 MS. BRIZILL: I have once a month to

1 come and ask -- okay? -- these questions. Okay?

2 CHAIR BENNETT: Ms. Brizill, and we
3 have answered those questions. We have provided
4 you with something that's even better than
5 sitting here and having a conversation. We have
6 provided you with a document that answers all
7 those questions you raise.

8 MS. BRIZILL: Ms. Miller, have you
9 hired a cybersecurity staff person down here?

10 MS. MILLER: No, not at this time.
11 We're in the process of doing that.

12 MS. BRIZILL: Ms. Miller, in terms of
13 federal funds, what federal funds have you
14 received in 2018 and you received in 2019 from
15 the Federal Elections Systems Commission?

16 MS. MILLER: Nothing in 2019 and 2018.
17 EAC provided a \$3 million grant to the Board.

18 MS. BRIZILL: A \$3 million grant for
19 what?

20 MS. MILLER: It was for election
21 administration.

22 MS. BRIZILL: Election administration?

1 MS. MILLER: Yes.

2 MS. BRIZILL: Would you be surprised
3 in their report and documents on their website
4 they indicate that they have given you money for
5 four areas: cybersecurity, voting equipment,
6 voter registration, and communication? So, what
7 are you doing in those four areas that you got
8 the money from the federal government for?

9 MS. MILLER: Okay. That's all under
10 the EAC, under the HAVA funds. All of the HAVA
11 funds are defined for the administration of
12 elections. Those are just specific that we
13 indicated that we would use the money for.

14 MS. BRIZILL: Okay. Let me go back
15 and give you a chance to amend your answer. You
16 indicated that you did receive \$3 million for
17 election administration.

18 MS. MILLER: Right.

19 MS. BRIZILL: What do you include in
20 the term "election administration"?

21 MS. MILLER: The administration of
22 elections as defined by HAVA.

1 MS. BRIZILL: You applied for funds
2 specifically to the Federal Election Assistance
3 Commission for four areas: cybersecurity, voter
4 equipment, voter registration, and communication.
5 What are you doing, what are you going to use
6 those funds in terms of expenditures for voting
7 equipment?

8 MS. MILLER: Rather than me sit here
9 and try to recall it, let me give it to you in a
10 written document, because there's a number of
11 different things that we're doing. I just can't
12 recall offhand all of the ways that money is
13 being disbursed.

14 MS. BRIZILL: Do you believe that the
15 Board will do a better job in expending those
16 funds than it did in previous HAVA funds which
17 sat in the Office of CFO for years and not were
18 expended, even when we had voting machines that
19 did not work?

20 MS. MILLER: I was not -- I can't talk
21 about what they did previously. I can only talk
22 about what we're doing now. I wasn't around for

1 that.

2 CHAIR BENNETT: Ms. Brizill, we've
3 been here trying to answer your questions. Do
4 you have additional questions, Ms. Brizill?

5 MS. BRIZILL: Yes, I do.

6 CHAIR BENNETT: And unfortunately, I'm
7 going to have to limit your time. Would you
8 please try and be succinct, Ms. Brizill?

9 MS. BRIZILL: I will try to be
10 succinct if the answers are truthful and
11 succinct.

12 CHAIR BENNETT: And you have an
13 additional -- and you have another two minutes,
14 Ms. Brizill.

15 MS. BRIZILL: You're going to limit
16 the time now?

17 CHAIR BENNETT: Yes, ma'am, I am.

18 MS. BRIZILL: Under what rules? On
19 what laws and rules are you going to limit my --

20 CHAIR BENNETT: Ms. Brizill, I'm going
21 to limit the time under the rules of the Board.

22 So --

1 MS. BRIZILL: What rules of the Board?
2 Can I see the written rules of the Board?

3 CHAIR BENNETT: So, you have two
4 minutes, Ms. Brizill.

5 MS. STROUD: Yes, you can, Ms.
6 Brizill.

7 CHAIR BENNETT: I'd be happy to
8 present them to you.

9 MS. BRIZILL: Okay. I'd like a copy
10 of the rules of the Board at this time.

11 CHAIR BENNETT: After the meeting is
12 over, you will be handed -- you can have a copy.
13 And they're on the website, too.

14 MS. BRIZILL: Can the Board tell me
15 what Ken McGhie's position is currently at the
16 Board?

17 MS. MILLER: His position --

18 MS. BRIZILL: I'd like the Chairman to
19 answer the question.

20 MEMBER GILL: You know, well, before
21 we go to this, so if someone has a problem with
22 personnel, I think that's something that doesn't

1 need to be done at a hearing. Are we going to go
2 through every single employee and open it up and
3 allow citizens to ask for the judgment of
4 employees and salaries? It's all public. Why do
5 we have to go through a public process --

6 MS. BRIZILL: Mr. Gill, where is it
7 public? You fired Mr. McGhie, but you didn't
8 walk him out the door. Then, you hired Ms.
9 Stroud and you didn't do that in the public --

10 MEMBER GILL: I don't want --

11 MS. BRIZILL: I simply asked, because
12 he comes to work every day, I would like to know
13 what his position is.

14 CHAIR BENNETT: Would you tell Ms.
15 Brizill what Mr. McGhie's --

16 MS. MILLER: Election Management
17 Advisor is his title.

18 MS. BRIZILL: Election Management --

19 MS. MILLER: -- Advisor is his
20 position.

21 MEMBER GILL: I just think this is a
22 really bad precedent where people can walk in off

1 the street and start asking about people's
2 employment.

3 MS. BRIZILL: People walking off the
4 street?

5 CHAIR BENNETT: It's on the website.

6 Ms. Brizill, do you have any other
7 questions?

8 MS. BRIZILL: Where is it on the
9 website? Where is Mr. McGhie's new position on
10 the website?

11 CHAIR BENNETT: Please take a look.

12 MS. MILLER: It would be on the org
13 chart.

14 CHAIR BENNETT: It would be on the org
15 chart.

16 Do you have any other questions, Ms.
17 Brizill?

18 MS. BRIZILL: What is his salary?

19 CHAIR BENNETT: It's on the website,
20 Ms. Brizill.

21 MS. BRIZILL: Are you giving your word
22 that it's on the website?

1 MS. STROUD: All public salaries are
2 on the public body information --

3 MS. BRIZILL: But it's not on the
4 Board of Elections website.

5 CHAIR BENNETT: Well, it's not
6 required to be.

7 MS. BRIZILL: So, I have to scroll
8 through thousands of D.C. Government employees
9 that's on the Mayor's site to find Mr. McGhie's
10 salary?

11 MS. STROUD: And that is what you
12 would have to do if you visited any agency site.
13 It refers to that listing.

14 MS. BRIZILL: So, I am asking the
15 Chairman of the Board --

16 CHAIR BENNETT: I don't recall --

17 MS. BRIZILL: Since you demoted him,
18 what is his salary?

19 CHAIR BENNETT: I don't recall his
20 salary, Ms. Brizill, but that's certainly
21 available.

22 MS. BRIZILL: You made a decision to

1 demote him.

2 CHAIR BENNETT: I don't recall. I
3 don't recall.

4 Do you have another question, Ms.
5 Brizill? Your two minutes are just about up,
6 ma'am.

7 MS. BRIZILL: Can you tell me what the
8 name of the new attorney who was hired in the
9 Office of Campaign Finance to do, oversee the
10 Fair Elections Program?

11 MR. SANFORD: There is no new attorney
12 hired in the Office of Campaign Finance for the
13 Fair Elections Program.

14 MS. BRIZILL: I'm sorry?

15 MR. SANFORD: There is no new attorney
16 hired in the Office of Campaign Finance for the
17 Fair Elections Program.

18 MS. BRIZILL: So, what does Melinda
19 Perry do?

20 MR. SANFORD: Hold on, please, Ms --

21 MS. BRIZILL: What does she do?

22 MR. SANFORD: Would you allow me to

1 finish --

2 MS. BRIZILL: Uh-hum.

3 MR. SANFORD: -- what I'm saying here?

4 The Office of the General Counsel provides the
5 legal support for the Fair Elections Program.

6 There is no new attorney hired for the Fair
7 Elections Program.

8 CHAIR BENNETT: Do you have another
9 question, Ms. Brizill?

10 MS. BRIZILL: Are you on the record
11 telling me that you did not hire a new attorney
12 from New York to be the lead attorney in the Fair
13 Elections Program?

14 MR. SANFORD: Absolutely, I'm on the
15 record telling you that.

16 MS. BRIZILL: Thank you.

17 CHAIR BENNETT: Is there anything
18 else, Ms. Brizill?

19 MS. BRIZILL: Mr. Sanford, can you
20 tell me about the status of the lawsuit that was
21 just completed regarding the Office of Campaign
22 Finance and the charge that was upheld in

1 Superior Court regarding discrimination against
2 an employee by the Director of the Office of
3 Campaign Finance?

4 MR. SANFORD: I am not familiar with
5 that. We have not been served with that
6 information.

7 MS. BRIZILL: You're not aware of the
8 lawsuit brought by --

9 CHAIR BENNETT: He said he was not,
10 Ms. Brizill. Please stop harassing people.

11 MS. BRIZILL: I'm --

12 CHAIR BENNETT: Ms. Brizill, do you
13 have anything else?

14 MS. BRIZILL: Mr. Bennett --

15 CHAIR BENNETT: Do you have anything
16 else?

17 MS. BRIZILL: Mr. Bennett --

18 CHAIR BENNETT: Do you have anything
19 else, Ms. Brizill?

20 MS. BRIZILL: Mr. Bennett --

21 CHAIR BENNETT: Ms. Brizill, do you
22 have anything else?

1 MS. BRIZILL: I --

2 CHAIR BENNETT: Your time is up,

3 ma'am.

4 MS. BRIZILL: On paper, on paper --

5 CHAIR BENNETT: Ma'am, your time is

6 up.

7 MS. BRIZILL: -- you said you were an

8 attorney.

9 This is not harassment.

10 CHAIR BENNETT: Ma'am, your time is

11 up.

12 MS. BRIZILL: This is the public

13 asking you questions.

14 CHAIR BENNETT: Ma'am, ma'am, your

15 time is up. You're not going to sit here and act

16 as if you are the prosecutor prosecuting people

17 here. Your time is up, Ms. Brizill. Thank you

18 very much.

19 MEMBER GILL: Thank you, Mr. Chairman.

20 CHAIR BENNETT: Ma'am, your time is

21 up.

22 Are there any other public matters?

1 (No response.)

2 Okay.

3 MS. BRIZILL: I don't know, I don't
4 know --

5 CHAIR BENNETT: So, if not, this
6 meeting is adjourned.

7 (Whereupon, at 12:43 p.m., the meeting
8 was adjourned.)

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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: 10-02-19

Place: Washington, DC

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Court Reporter

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