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District of Columbia  
Board of Elections  
Office of the General Counsel

Board Meeting

DC Board of Elections  
Office of the General Counsel  
441 Fourth St., NW  
Suite 270 N  
Washington, D.C. 20001

June 30, 2017

10:40 a.m. - 11:01 a.m.

1                                   A P P E A R A N C E S  
2   D. MICHAEL BENNETT, Chair  
3   ALICE P. MILLER, Executive Director  
4   DIONNA LEWIS, Board Member  
5   KENNETH J. MCGHIE, General Counsel  
6   CECILY COLLIER-MONTGOMERY, Director, Office of  
7    Campaign Finance  
8   WILLIAM SANFORD, General Counsel, Office of  
9    Campaign Finance  
10  MICHAEL SINDRAM

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

2 MR. MICHAEL BENNETT: Good morning. The  
3 meeting is called to order. Let me start out by  
4 introducing the folks here. I'm Michael Bennett,  
5 Chair of the Board of Elections. To my left is  
6 Ms. Alice Miller, who is Executive Director of  
7 the Board of Elections. To my right, Mr. Ken  
8 McGhie, who is General Counsel. Cecily Montgomery  
9 is to his right, the Executive Director of the  
10 Office of Campaign Finance. On the phone, per our  
11 -- per our regs, first time, is Board member  
12 Dionna Lewis. And so, we're able to have a  
13 quorum. Member Michael Gill is not present this -  
14 - this morning.

15 We've got a fairly short agenda. Thank  
16 you so much for accommodating a shift in the date  
17 because of the holiday. This is the July meeting,  
18 although it's June 30th.

19 First on the agenda is the adoption of  
20 the -- is adoption of the agenda, and so as Ms.  
21 Lewis and I -- So, Ms. Lewis, do -- I -- I assume  
22 you have a copy of the agenda, and --

1 MS. DIONNA M. LEWIS: Yes.

2 MR. MICHAEL BENNETT: -- can I get a  
3 motion to adopt?

4 MS. DIONNA M. LEWIS: I'd like to make a  
5 motion to adopt today's meeting agenda.

6 MR. MICHAEL BENNETT: Okay. Second. And  
7 so, we both agree. Agenda is adopted.

8 Adoption of the minutes from the last  
9 meeting, June 07th. Can I get a motion Ms. Lewis?

10 MS. DIONNA M. LEWIS: Yes. I've reviewed  
11 the meeting minutes, and I'd like to make a  
12 motion to adopt the meeting minutes from last  
13 month -- or earlier this month's meeting.

14 MR. MICHAEL BENNETT: Okay. Minutes are  
15 so adopted.

16 Board matters -- I don't have any. Ms.  
17 Lewis, do you have any Board matters?

18 MS. DIONNA M. LEWIS: I do not.

19 MR. MICHAEL BENNETT: Okay. Public  
20 matters -- Is -- There's no one from the public  
21 physically here, but Mr. Sindram, do you have any  
22 matters for the Board?

1           MR. MICHAEL SINDRAM: I -- I do, Mr.  
2 Chair. Do you want me to appeal them at this  
3 time?

4           MR. MICHAEL BENNETT: Yes, please.

5           MR. MICHAEL SINDRAM: All right. As you  
6 are aware, there was a council hearing yesterday  
7 on campaign reform, and I had made a  
8 recommendation that the Office of Campaign  
9 Finance come under the watch of the Board of  
10 Ethics Government Accountability, affectionately  
11 known as BEGA. I think that would serve we the  
12 people and the public trust.

13           And Office of Campaign Finance, you know,  
14 has been, the perception is, not doing their job,  
15 and reason being is: This most recent election in  
16 -- in Ward 4 -- all right? Brandon Todd -- This  
17 was brought up last meeting, and it -- it's,  
18 really, a burning issue. Muriel Bowser was -- was  
19 fined \$13,000, illegal funding, and yet, Brandon  
20 Todd, on 80-plus counts of violations -- right? -  
21 - little slap on the wrist. I mean, that --  
22 that's -- that ought not be.

1           And -- and moreover, that was brought to  
2 light, you know, years after the election. If we  
3 had known at that time -- and we don't have an  
4 election in D.C. It's only a primary, because  
5 it's a one-party town. If we had known during the  
6 primary, the -- albeit the election, Brandon Todd  
7 would not have been elected, you know. And -- and  
8 business as usual.

9           People are sick and tired of being sick  
10 and tired. If we truly are going to make an  
11 impact and we're going to secure and ensure the  
12 public trust, then safety valves, to include but  
13 not limited to BEGA, would be a handsome  
14 complement to the Board and to Office of Campaign  
15 Finance.

16           So, I hope you all deliberate and take  
17 that under close scrutiny. They've done an  
18 excellent job with other issues. They really  
19 have. And they have the law at their disposal,  
20 and they're not afraid to use it, which is a good  
21 thing. It's one thing to have law on the books,  
22 but if you don't -- if you don't use it, you

1 know, it's of no effect.

2           The other item, as well, that would --  
3 that would serve the Campaign Finance, the Board,  
4 well -- There was -- As reported in the Express  
5 on June 16th, a report released Wednesday by D.C.  
6 Council Committee found that -- that City  
7 Administrator Rashad Young tried to appease a top  
8 campaign donor to Mayor Muriel Bowser by urging  
9 city attorneys to quickly settle contract  
10 disputes between a district and the donor's  
11 company -- pay to play, alive and well. This  
12 ought not be. So, if you -- if you all really,  
13 truly endeavor to restore the public trust,  
14 adding BEGA in the arsenal can only help, can  
15 only help.

16           And I wanted to say, as well: Ms. Terrica  
17 Jennings, the ADA coordinator, done a splendid  
18 job, excellent job, keeping on top of things.  
19 Keep up the good work, Ms. Jennings.

20           MR. MICHAEL BENNETT: Thank you, Mr.  
21 Sindram.

22           MR. MICHAEL SINDRAM: Yep.



1           MR. MICHAEL BENNETT: We -- we'll --  
2 we'll address some of those during the Office of  
3 Campaign Finance. I think we've -- there's lots  
4 of data out there, and so I'm not -- I'm -- I'm  
5 not sure, as -- But -- but we received your --  
6 your -- your -- your comments. Thank you.

7           Next on the agenda is -- Ms. Miller, your  
8 monthly report?

9           MS. ALICE P. MILLER: Sure. Thank you,  
10 Mr. Chairman. Good morning. I'm just going to  
11 start off by recognizing and pointing out what we  
12 have been doing with respect to outreach. Our  
13 outreach division has begun scheduling and  
14 attending a number of outreach events throughout  
15 the city.

16           For the month of June, the staff  
17 participated in a number of events, including the  
18 annual Truck Touch, sponsored by the Department  
19 of Public Works, on Saturday, June 10th; a  
20 naturalization ceremony on June the 13th; the  
21 sixth annual D.C. Office on Aging Senior  
22 Symposium on June 20th; and D.C. Public Schools

1 New Heights youth program on June 21st; the MPD  
2 Beat the Streets, Kennedy Recreation Center, on  
3 June 28th.

4           This -- these are a number of different  
5 programs and events, by far, by which many of the  
6 residents of the District of Columbia participate  
7 in. It provides an opportunity for individuals to  
8 register to vote and to become familiar with the  
9 voting equipment and the processes that we use on  
10 election day. Obviously, as we get closer to next  
11 year -- to next year's elections, we'll have  
12 many, many more events, and we'll continue to do  
13 this throughout the summer and throughout the  
14 remainder of the year. It provides a means for us  
15 of exposing the electorate to the process, and we  
16 also use this as a way of possibly identifying  
17 individuals to work the election, to identify  
18 qualified poll workers to assist at the polls for  
19 recruiting people for election day.

20           In general, most of these events are open  
21 to District residents, and we have onsite voter  
22 registration. We also have the equipment there to

1 allow individuals to work the equipment and use  
2 the equipment on election day.

3           So, I just want to bring that to your  
4 attention, because we have started doing that as  
5 we start gearing up for next year's primary and  
6 general election, and we'll be doing that  
7 throughout the year. It provides an opportunity  
8 to develop partnerships with other government  
9 agencies and the -- and the public schools. So, I  
10 want to commend them and thank them, and they  
11 will continue to do this, and it is an outreach  
12 and events that they will continue to do and  
13 continue to develop the partnerships and work  
14 with other government agencies throughout the  
15 city.

16           So, the other thing I want to talk about  
17 is our procurement. As I mentioned last month, we  
18 did get the \$3 million to begin the procurement  
19 for the new voter registration system. We are  
20 still in the beginning stages of that procurement  
21 as it relates to the government processes. The  
22 budget is through the capital funding, as I

1 mentioned. It's currently in the hands of the  
2 Office of Contracting and Procurement. It has not  
3 yet been assigned a contracting officer, which is  
4 the first step in the development of the  
5 solicitation process. Once that occurs, then it  
6 will be sent out for the assignment of a vendor.  
7 So, we're still a ways away from that process.

8 MALE SPEAKER: Okay.

9 MS. ALICE P. MILLER: The request for a  
10 proposal will not be put on the street, so to  
11 speak, until a -- a contracting assignment --  
12 until it has been assigned a contracting officer.  
13 Once that happens, we'll still need to advertise  
14 it, and then the vehicle for selection of a  
15 vendor will take place.

16 I've mentioned this before: We'd ideally  
17 like to have the new system in place before next  
18 year's election, but we won't do it until we are  
19 confident and sure that what we have in place  
20 will definitely, you know, meet what we need to  
21 ensure that the integrity of the process is not  
22 compromised as we move forward. So, it appears

1 that we'll probably be moving along a parallel  
2 track to make sure that the system is operating  
3 the way we need it to operate and comfortable  
4 that what is new is also adequate to meet next  
5 year's elections process.

6           And just one other thing: We've talked a  
7 lot about the eSign petition process. That's the  
8 electronic -- the electronic signature  
9 petitioning that we'll be implementing pursuant  
10 to the new law that was put in place. We've been  
11 working with the city of Denver, which has  
12 success -- successfully implemented the  
13 electronic petition process over the last few  
14 years. They have our application, our voter  
15 petitions, and all of our -- all of our -- all of  
16 our data that they need to get this in place. And  
17 while we thought this was going to take a month  
18 or 2 or a week or 2, it has taken 6 months to get  
19 this project developed, and they now have all of  
20 our forms and requirements, and they are now  
21 adjusting them to the app.

22           So, we are -- now have some dates set up

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1 for training and testing. The testing will take  
2 place August 07th through August 11th, and we are  
3 now scheduled be -- to be trained the end of  
4 September.

5 So, the petitions -- our petitions become  
6 available late January, so with this schedule, we  
7 are sure we'll be able to implement the eSign --  
8 the eSign will be in place before the January  
9 petitioning process for the June primary. So,  
10 we're, again, happy that we started this as early  
11 as we did, but we'll be able to meet the -- the  
12 January deadline with this -- with this schedule.

13 MR. MICHAEL BENNETT: Okay.

14 MS. ALICE P. MILLER: And that's about  
15 it.

16 MR. MICHAEL BENNETT: Okay. Great.  
17 Thanks. Mr. McGhie, General Counsel report?

18 MR. KENNETH J. MCGHIE: The only thing I  
19 have is a litigation status update. The first one  
20 is One Fair Wage DC versus the D.C. Board of  
21 Elections. That is Initiative 77. As the Board  
22 knows, the Board initially held that -- or

1 adopted the report of the registered voters that  
2 the Initiative 77 proposes did not meet the  
3 numerical requirement for the initiative, and the  
4 proposer filed a complaint in -- in -- in court  
5 challenging that determination.

6           We have until July 14th to answer. We  
7 have not answered, but we've been working with  
8 them and going over the -- the pages that were  
9 rejected, and some pages should not have been  
10 rejected. And so, it looks like they may get to  
11 the requirement where they will be numerically  
12 sufficient. And so, that court case might just  
13 fizzle out or get settled one way or the other --

14           MR. MICHAEL BENNETT: Okay.

15           MR. KENNETH J. MCGHIE: -- but -- but as  
16 of now, it does look like they'll -- they're  
17 going to meet the numerical requirement, which  
18 also means that we would have to address the  
19 challenge that was filed by another group to the  
20 initiative --

21           MR. MICHAEL BENNETT: Okay.

22           MR. KENNETH J. MCGHIE: -- and we'll see

1 where that goes.

2 MR. MICHAEL BENNETT: Okay.

3 MR. KENNETH J. MCGHIE: But either way,  
4 like I said, we have until July 14th to answer.  
5 If we're still trying to settle it, we'll just  
6 ask them to continue or give us another 60 days  
7 to answer.

8 MR. MICHAEL BENNETT: Okay.

9 MR. KENNETH J. MCGHIE: The other two  
10 cases are D.C. Board of Elections versus Carter I  
11 & II, and D.C. Board of Elections versus Worthy  
12 are petitions for enforcement of campaign finance  
13 fines, and those are still just pending.

14 MR. MICHAEL BENNETT: Okay.

15 MR. KENNETH J. MCGHIE: And that would  
16 conclude my report.

17 MR. MICHAEL BENNETT: All right. I forgot  
18 to ask, but, Ms. Lewis, do you have any questions  
19 on Ms. Miller or Mr. McGhie's reports?

20 MR. MICHAEL SINDRAM: Are -- are you  
21 speaking --

22 MS. ALICE P. MILLER: No questions --



1 MR. MICHAEL SINDRAM: -- to me, Mr.  
2 Chair?

3 MS. ALICE P. MILLER: -- on this end.

4 MR. MICHAEL BENNETT: No, I was speaking  
5 to Ms. Lewis, Mr. Sindram. Thank you. Okay --

6 MS. ALICE P. MILLER: No -- No -- No  
7 questions on this end, Mr. Chairman.

8 MR. MICHAEL BENNETT: Thank you. Next is  
9 Office of Campaign Finance, Ms. Montgomery.

10 MS. CECILY COLLIER-MONTGOMERY: Yes. Good  
11 morning. The first thing I would like to report  
12 is that on yesterday, I did appear before the  
13 Committee on the Judiciary and Public Safety to  
14 give testimony on Bill 22-0192, the Fair  
15 Elections Act of 2017. And the purpose of this  
16 act is to provide public financing for candidates  
17 for the office of mayor, council, and council  
18 chairman, as well as for the attorney general and  
19 for the state board of education. It will be an  
20 optional program for candidates, and those  
21 candidates who don't opt into the program will  
22 remain under the traditional campaign financing

1 requirements. The public support for -- there was  
2 tremendous public support for the legislation.

3           Next, I would report that during the  
4 month of June, there were no filing deadlines  
5 during the month. However, we did hold one  
6 entrance conference for newly registered  
7 candidates and treasurers, and that occurred on  
8 June the 14th, 2017. The participant was Nicole  
9 Marsh (phonetic), who is the treasurer for Carly  
10 for Ward 5 Council.

11           During the month of June, in our audit  
12 branch, the audit branch conducted four reviews  
13 of political action committees. With respect to  
14 our ongoing audits, we have one full field audit  
15 which is ongoing. That is of a newly elected  
16 official, Vince Gray 2016, and that is of his  
17 operation which was conducted during the 2016  
18 election cycle. With periodic random audits, we  
19 have one ongoing periodic random audit. That is  
20 of a constituent service program of the April 01,  
21 2017 report. That is the Citizen Outreach Fund.  
22 We did not issue any audits during the month of

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1 June, and I would ask Bill Sanford to give the  
2 report of the General Counsel for the Office of  
3 Campaign Finance.

4 MR. MICHAEL BENNETT: Thank you.

5 MR. WILLIAM SANFORD: Good morning, Mr.  
6 Chairman and established Board members. My name  
7 is William Sanford, General Counsel for the  
8 Office of Campaign Finance.

9 During the month of June 2017, the Office  
10 of the General Counsel did not receive any  
11 referrals. As its director indicated earlier,  
12 there were no required filing dates.

13 The Office of the General Counsel,  
14 however, did complete three informal hearings and  
15 issued seventeen orders, which included the  
16 following: Four orders were issued for ANCs,  
17 which vacated prior, previously issued hearing  
18 notices; seven orders were issued for failure to  
19 timely file, in which no fines were imposed; and  
20 six orders were issued for failure to timely file  
21 reports, in which a total of \$10,200 in fines  
22 were imposed.

1           During the month of June 2017, fines were  
2 imposed against the following respondents: A fine  
3 of \$1,700 was imposed against the D.C. Chamber of  
4 Commerce for failing to timely file a report. A  
5 fine of \$2,250 was imposed against Joshua  
6 Johnson, who was a candidate for ANC in the last  
7 election. A fine of \$1,450 was imposed against  
8 Davina Callahan, also a candidate for ANC in the  
9 last election. A fine of \$2,250 was imposed  
10 against Inez Johnson, who was a candidate for ANC  
11 in the last election. And a fine of \$2,250 was  
12 imposed against Sean Wieland, a candidate for ANC  
13 in the last election. The fines against the ANCs'  
14 candidates were imposed for failing to file their  
15 summary financial statements. And, finally, a  
16 fine of \$300 was imposed against the Brandon Todd  
17 for Ward 4 Committee for failing to file the  
18 January 31 -- failing to timely file the January  
19 31, 2017, Report of Receipts and Expenditures.

20           During the month of June 2017, the Office  
21 of the General Counsel collected \$5,400 in fines,  
22 which included a fine of \$5,100, pursuant to a

1 fine for a non-compliant audit against the  
2 Brandon Todd for Ward 4 Principal Campaign  
3 Committee and a fine of \$300 against the Brandon  
4 Todd for Ward 4 Principal Campaign Committee for  
5 failing to timely file their January 31, 2017,  
6 report of receipts and expenditures.

7           During the month of June 2017, the Office  
8 of the General Counsel maintained four open  
9 investigations, which included: OCF FI 2013-013.  
10 The complainant was internally generated, the  
11 respondent was Lee Calhoun, and the violation --  
12 the infraction was campaign contribution  
13 violations. That matter is still pending. The  
14 second open investigation is OCF FI 2013-014,  
15 also internally generated. Respondent in this  
16 case is Stanley Straughter, infraction: campaign  
17 contribution violations. That matter is also  
18 pending. And OCF FI 2013-015, internally  
19 generated. The respondent is Jeffrey Thompson.  
20 The infraction was campaign contribution  
21 violations. That matter is also pending. Finally,  
22 the last open investigation during the month of

1 June was OCF FI 2017-101. Complainant in this  
2 matter was Aquene Freechild. It was filed on  
3 March 07, 2017. The respondent was Muriel Bowser  
4 for Mayor Principal Campaign, and the infraction  
5 was receipt of excessive contributions. The order  
6 in this matter was issued on June 06th, and in  
7 the order, the Office of Campaign Finance imposed  
8 a fine of \$13,000.

9           During the month of June 2017, there were  
10 no requests for interpretative opinions, and  
11 there were no show cause proceedings, and that  
12 should conclude my report.

13           MR. MICHAEL BENNETT: Thank you.

14           MR. WILLIAM SANFORD: Thank you.

15           MS. CECILY COLLIER-MONTGOMERY: And that  
16 concludes the report of the Office of Campaign  
17 Finance.

18           MR. MICHAEL BENNETT: Thank you. Ms.  
19 Lewis, do you have any questions?

20           MS. DIONNA M. LEWIS: I do not. Thank  
21 you.

22           MR. MICHAEL BENNETT: Okay. Great. Next

1 item is any public questions regarding the  
2 reports. Mr. Sindram, do you have any questions  
3 regarding the reports that were just made by the  
4 Board of Elections and the Office of Campaign  
5 Finance?

6 MR. MICHAEL SINDRAM: Yes, sir. There  
7 was, last meeting, divulged that there were  
8 audits that were -- that were going to be sent to  
9 me, hard copy, and I've not yet received them.  
10 So, Ms. Jennings, if you could -- could do that,  
11 that would be helpful.

12 MR. MICHAEL BENNETT: Okay. Are -- Who --  
13 Are you aware of -- Okay. All right. Okay. Great.  
14 Anything else, Mr. Sindram?

15 MR. MICHAEL SINDRAM: Say again?

16 MR. MICHAEL BENNETT: I said, was there  
17 anything else?

18 MR. MICHAEL SINDRAM: No, sir.

19 MR. MICHAEL BENNETT: Okay. Great. Thank  
20 you. No other public comment?

21 (No audible response)

22 MR. MICHAEL BENNETT: Last item on the

1 agenda is adjournment. Thank you so much.

2 MR. MICHAEL SINDRAM: Have a good  
3 holiday.

4 MS. DIONNA M. LEWIS: Thank you.

5 MR. MICHAEL BENNETT: All right. Have a  
6 good holiday. Thank you, Ms. Lewis.

7 MR. MICHAEL SINDRAM: Yes, sir.

8 MS. DIONNA M. LEWIS: Okay. Bye-bye.

9 MR. MICHAEL BENNETT: Bye-bye, Mr.  
10 Sindram.

11 (Whereupon, the above-entitled matter was  
12 concluded at 11:01 a.m.)