

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

TUESDAY

OCTOBER 4, 2022

+ + + + +

The District of Columbia Board of
Elections convened via Video/Teleconference,
pursuant to notice at 10:00 a.m. EDT, Gary
Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel

CECILY COLLIER-MONTGOMERY, Office of
Campaign Finance

WILLIAM SANFORD, General Counsel

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

2 10:03 a.m.

3 CHAIRMAN THOMPSON: All right. Well,
4 good morning, everybody. I see we have a number
5 of people here. Hopefully, my volume is coming
6 in well. Thumbs up if you can hear me okay,
7 everybody? All right. Thank you.

8 Hi, good morning. My name is Gary
9 Thompson. I'm the Chair of the Board of
10 Elections. And with us, as well, is Mike Gill on
11 the Board. Karyn Greenfield couldn't make it,
12 but we do have two of the three Board members,
13 which means we have a quorum, so we will proceed
14 with our regular monthly meeting.

15 By the way, it's the 67th anniversary
16 of the Board's first meeting. Happy birthday, I
17 guess, to us. So here we are, 67 years later,
18 and we have a regular monthly meeting, but also a
19 public hearing today in the case of Kathy
20 Henderson v. D.C. Office of Campaign Finance.
21 We'll get to that in a second.

22 I also want to apologize for not being

1 able to be present. I'm actually on my way to
2 Florida to rescue my sister, Kristin, from a
3 hurricane catastrophe. She lost her entire house
4 in Fort Myers, Florida, along with about, you
5 know, half a million other people. So it's, you
6 know, it kind of puts things in perspective.

7 But, you know, I wanted to be here for
8 this. And I'm in a good spot, and I got good
9 reception.

10 So first regular order of business to
11 adopt the agenda. It's been distributed to Mike
12 and I and made public. So I would move the
13 agenda as it's been notified.

14 MEMBER GILL: Second.

15 CHAIRMAN THOMPSON: Okay. Both in
16 favor?

17 MEMBER GILL: Aye.

18 CHAIRMAN THOMPSON: All right. Also,
19 we both received copies of our minutes from our
20 last regular Board meeting of September 6. I
21 would move that we adopt those minutes as
22 distributed. Is there a second?

1 MEMBER GILL: Second.

2 CHAIRMAN THOMPSON: All right. All in
3 favor?

4 MEMBER GILL: Aye.

5 CHAIRMAN THOMPSON: All right. Before
6 we proceed with Ms. Henderson, I don't have any
7 Board matters to raise. Anything from you, Mike?

8 MEMBER GILL: No.

9 CHAIRMAN THOMPSON: Okay. We're going
10 to proceed then with the hearing in the matter of
11 Kathy Henderson v. D.C. Office of Campaign
12 Finance, and I'm just going to start by
13 describing the process for how we will proceed.

14 I think, as everybody here and
15 everybody involved understands, this is a de novo
16 hearing. Specifically under D.C. Municipal
17 Regulations 3709.11, any party adversely affected
18 by any order of the director may obtain review of
19 the order by filing with the Board of Elections a
20 request for a hearing de novo. De novo is a
21 fancy legal word for, basically, do over. It
22 means that we, the Board, start with a blank

1 slate in terms of our judgment and perspective.
2 We certainly take note of the record as it exists
3 up to this point and any evidence that will be
4 introduced, but this is a new starting point with
5 respect to a de novo hearing.

6 And our procedures today are generally
7 governed by D.C. Municipal Regs. Title 3,
8 Section 400, there's a whole series of provisions
9 about how our Board conducts hearings. They're
10 relatively flexible in terms of how we can
11 proceed under any given circumstances. Under
12 400.1, these procedures apply to alleged
13 violations of the Campaign Finance Act.

14 So that's where we are procedurally in
15 terms of the regulatory framework and the
16 standard. Those standards make clear that the
17 burden of proof today is on the Office of
18 Campaign Finance to establish the violation
19 that's been alleged. We've, of course, read
20 those orders that the OCF has issued, culminating
21 in a second amended order which corrects some
22 procedural things.

1 So how we're going to proceed is we're
2 going to hear first from the Office of Campaign
3 Finance, and I believe specifically Ms. Belinda
4 Kittles-Perry, the hearing officer, is present,
5 along with William Sanford, general counsel of
6 the OCF. We'll hear from them first since they
7 have the burden of proof. They can make an
8 opening statement, a summary of how they arrived
9 at their orders, and then they can introduce into
10 evidence anything that they believe supports
11 their findings.

12 And then when they've concluded, we'll
13 hear then from Ms. Henderson, who can obviously
14 make her statement and introduce her own
15 testimony, any evidence, and any witnesses she
16 may have. Then we'll shift back to the OCF for a
17 brief rebuttal, if they have any, and then ask
18 for any closing comments.

19 So basic process. Just before we
20 proceed, any very brief questions about the
21 process of how we're going to proceed before we
22 jump in?

1 MR. SANFORD: Good morning, Mr.
2 Chairman. This is William Sanford. I believe
3 that the moving party has the burden of proof,
4 who is Ms. Henderson. She is appealing our
5 order, so I believe the burden of proof is upon
6 her, not upon the Office of Campaign Finance.
7 But we are prepared to proceed.

8 CHAIRMAN THOMPSON: All right. Yes,
9 let me take that under advisement and dive into
10 some of the regulations about who technically has
11 the burden of proof. It matters, but, at the
12 same time, we'll certainly hear all of the
13 statements and evidence that either side would
14 like to present. And since it's de novo, we'll
15 weigh it all and reach our determination. We'll
16 pause maybe when we're in executive session to
17 make sure we understand who has the burden of
18 proof.

19 But that point having been made, are
20 there any other comments or objections before we
21 proceed in the matter that I just outlined?

22 MR. SANFORD: No, we have no further

1 comments at this point, except I believe Ms.
2 Perry is prepared to proceed.

3 MS. KITTLES-PERRY: I am.

4 CHAIRMAN THOMPSON: Okay. I just want
5 to make sure. And, Ms. Henderson, I just want to
6 make sure on the record that you're present,
7 right?

8 MS. HENDERSON: I am.

9 CHAIRMAN THOMPSON: Okay. And just
10 quickly, before we jump in, anything from Terri
11 Stroud, general counsel, before we hear from OCF?

12 MS. STROUD: Just to establish for the
13 record, Mr. Chair, how much time should be
14 allotted for each side.

15 CHAIRMAN THOMPSON: Okay. That's a
16 good point. I would like, you know, if each of
17 you could try to limit your opening statement to
18 five minutes. And then for the testimony
19 portion, you know, no strict time limits, but
20 we'll, you know, if there's other witnesses to be
21 heard from or we'll try to, you know, run the
22 clock at five minutes each. But I do want

1 everybody to have a full and fair opportunity to
2 present all of the points and arguments they want
3 to make. I'm sure Ms. Henderson has more than
4 five minutes of evidence to introduce; but just
5 in terms of, like, the statement itself, an
6 opening statement, if you will, about five
7 minutes roughly.

8 So with that, we'll proceed with the
9 Office of Campaign Finance, specifically the
10 hearing officer, Ms. Perry. I think Mr. Sanford
11 said you would proceed at this point.

12 MS. KITTLES-PERRY: Yes. Good
13 morning, good morning, Chairman Thompson and
14 Board Member Mike Gill. My name is Belinda
15 Kittles-Perry and I'm an attorney advisor for the
16 Office of Campaign Finance located at 1015 Half
17 Street, Southeast, Washington, D.C. I will be
18 testifying before you today in the matter of
19 Kathy Henderson, Docket Number 2022-F008.

20 Between the time frame of February 4th
21 and February 7th, 2022, Ms. Henderson registered
22 as a candidate and treasurer for our committee to

1 elect Kathy Henderson with the Office of Campaign
2 Finance and with the Fair Elections Program for
3 the position, running for Ward 5 council seat,
4 wherein she agreed to comply with all the rules
5 and regulations of the program.

6 On March 3rd, 2022, Ms. Henderson
7 attended the virtual entrance conference and was
8 informed of the mandatory filing requirements for
9 the reports of receipts and expenditures as a
10 candidate registered with the Fair Elections
11 Program. The Fair Elections Program, as you
12 know, has no statutory requirement to notify Ms.
13 Henderson of the mandatory filing dates.

14 However, on February 17th, March 7th, and March
15 8th, she was sent reminder notices to file the
16 March 10th report. That report was not filed on
17 March 10th.

18 On March 30th, a notice of hearing,
19 statement of violations, and order of appearance
20 regarding the March 10th failure to file was
21 emailed to Ms. Henderson scheduling a hearing on
22 the matter for April 13th. On April 12th, one

1 day before the hearing, Ms. Henderson filed the
2 March 10th report with the Office of Campaign
3 Finance.

4 On April 13th, the Office of Campaign
5 Finance did indeed hold a hearing, at which time
6 Ms. Henderson attributed her untimely filing of
7 the March 10th report to her being overextended,
8 overwhelmed with her responsibilities as
9 candidate and treasurer and represented that she
10 had a conversation with Mr. Williams of the
11 Public Information and Records Management
12 Division of the OCF, which she misinterpreted to
13 have meant that she was not required to file the
14 March 10th report, wherein, during this hearing,
15 she took full responsibility for that
16 misunderstanding, indicated she now knew and was
17 aware of the filing requirements. Going forward,
18 she would be compliant. During this initial
19 hearing, she never raised any issues involving
20 difficulty logging in the online filing system or
21 otherwise.

22 On May 18th, following the hearing,

1 OCF issued an order posting a fine calculated
2 based upon the statutory permissible penalty of
3 \$50 per day for a period of 23 days late. That
4 totaled \$1,150, which amount was reduced to \$550
5 upon an exercise of discretion by the director
6 based, in part, on the fact that there were no
7 prior violations in the FEP, Fair Elections
8 Program.

9 On May 23rd, Ms. Henderson filed a
10 motion to reconsider the May 18th order,
11 indicating to the office that she had filed a day
12 early, April 12th. In this filing, for the first
13 time she claimed to have difficulty logging in to
14 the filing system. On May 24th, the initial
15 order was amended to recalculate the amount of
16 the fine downward from 23 days late to 22 days
17 late for a revised amount of \$1,100, imposing
18 again the reduced fine in the amount of \$550.

19 On May 25th, the Office of Campaign
20 Finance filed a response to motion for
21 reconsideration of order to Ms. Henderson's
22 motion to reconsider that requested to dismiss

1 the filing in its entirety was denied because she
2 failed to submit any evidence which may have been
3 admitted from consideration at that initial
4 hearing, and the reduced fine in the amount of
5 \$550 remained intact.

6 On June 10th, Ms. Henderson filed a
7 request for review of order hearing de novo. In
8 this filing, she said she had difficulty logging
9 in to the system, again stating that she did, in
10 fact, file the required report on April 12th
11 after experiencing considerable difficulty
12 assessing the online filing system and requesting
13 log-in credentials and a new password from OCF
14 representative Wesley Williams, end quote. No
15 documents were submitted by Ms. Henderson to
16 support this claim.

17 On June 24th, a pre-hearing conference
18 was held with a representative from the Board of
19 Elections and Ms. Henderson. There was no
20 representative of the OCF present at this pre-
21 hearing conference. Thereafter, on July 22nd,
22 OCF filed a second amended order which included

1 the affirmation statement of Wesley Williams, the
2 Williams affirmation. The Williams affirmation
3 attested to Ms. Henderson's lengthy late filing
4 history with the OCF beginning in 2006 through
5 2022, which involved eight campaigns in the
6 traditional program and one campaign with the
7 Fair Elections Programs. The late filings
8 reported in the Williams affirmation resulted in
9 the OCF issuing six orders imposing fines with
10 the suspension of all but one of the fines.

11 The Williams affirmation further
12 represented that no extension was granted to Ms.
13 Henderson to late file the March 10th report.

14 At this time, with your permission,
15 after I conclude the procedural history of this
16 case, I am prepared to have Mr. Williams sworn in
17 today as a witness for purpose of adopting his
18 representations outlined in the affirmation
19 statement for the record. However, this
20 statement is included in the filing, so, if you
21 do not need him to adopt it, we can proceed
22 without that.

1 To culminate the rest of the
2 procedural history, on August 6th, Ms. Henderson
3 filed a request for reconsideration of the second
4 amended order. And on August 10th, OCF refiled a
5 response denying the relief requested due to the
6 untimeliness of that filing. It was filed beyond
7 15 days, and the statutory mandate was five days.

8 On September 28th, during a pre-
9 hearing conference held with representatives of
10 the OCF and the Board of Elections, Ms. Henderson
11 submitted several emails, but one in particular
12 dated April 11th addressed to Mr. Williams
13 stating, quote, I was unable to log in to file
14 the April 10th report, end quote. This email was
15 offered as evidence of her defense in the late
16 filing of the March 10th report. I argued that
17 this email lacks any evidentiary merit to support
18 any defense raised, and it is irrelevant because
19 it fails to address the March 10th report at
20 issue today.

21 Thank you.

22 CHAIRMAN THOMPSON: Thank you so much,

1 Ms. Perry. Maybe it would help us if you could
2 comment some more on how you weighed the
3 existence of prior violations in the traditional
4 program. It looks like there were 15 delinquent
5 filings in the past involving Ms. Henderson
6 resulting in six orders in which fines were
7 imposed. Five of them were suspended. Maybe if
8 you could just talk a little bit more about how
9 reviewing that past record influenced or affected
10 how you weighed what to do in this particular
11 case, and I guess including specifically why,
12 notwithstanding those prior violations, you did
13 exercise your discretion to reduce the
14 mathematical fine of \$1100 down to \$550.

15 MS. KITTLES-PERRY: Yes. As the
16 record demonstrates, Ms. Henderson was a first-
17 time filer with the Fair Elections Program. She,
18 however, has been involved as a candidate over
19 the years for a vast period of time between 2006
20 and 2022. As a result, we can infer that Ms.
21 Henderson has the basic wherewithal and knowledge
22 to obtain information about filing requirements.

1 In addition, Ms. Henderson did attend
2 the mandatory entrance conference when she
3 registered for the program with the Office of
4 Campaign Finance. During that entrance
5 conference, she is told and was advised of the
6 mandatory filing dates. So she has this
7 knowledge.

8 Ms. Henderson and her experience make
9 her responsible for knowing what her obligations
10 are for filing. It is a courtesy that the OCF
11 extends when they issue reminder notices, which
12 we did issue in this matter. Notwithstanding the
13 fact that Ms. Henderson may have claimed not to
14 have received them, they were extended.

15 Ms. Henderson is no stranger to the
16 system. Ms. Henderson is fully versed in how to
17 contact the Office of Campaign Finance, as
18 demonstrated from her multiple emails provided,
19 and she has become someone that is proficient in
20 running a campaign. So we weighed that, I
21 weighed that factor, and, realizing that this was
22 her first-time registration with the Fair

1 Elections Program, I decided to exercise
2 discretion or make a recommendation to the
3 director to exercise discretion to not impose the
4 full fine.

5 The past violations are in the
6 traditional program. I do understand that, so,
7 because she was a first-time filer in the Fair
8 Elections Program, I thought it was plausible to
9 exercise discretion and give her some downward
10 accommodation and reduce the fine.

11 CHAIRMAN THOMPSON: Thank you so much
12 for that. Also, can you comment on your
13 experience with other participants in the Fair
14 Elections Program? This is our second cycle with
15 it, really our first really robust cycle. I
16 forget how many people, how many candidates have
17 participated, but I know it's dozens. What is
18 your office's experience been with other
19 candidates in terms of their timeliness in filing
20 reports?

21 MS. KITTLES-PERRY: Well, I can only
22 offer this to you: I was previously with the

1 Office of Campaign Finance as a policy analyst
2 last year in the inception of the Fair Elections
3 Program. I transferred over as an attorney
4 advisor last year, so I cannot tell you from the
5 perspective of being an attorney for the Office
6 of Campaign Finance what actions or activities
7 have taken place with respect to my formula or my
8 approach in exercising discretion.

9 But I can tell you, at the inception
10 of the Fair Elections Program, it is a program
11 you can appreciate and the public can appreciate
12 that has scrutiny, that must account for
13 transparency, and has a duty, a very high duty
14 and standard to the public. Therefore, we are
15 very, very, very careful in reviewing all of the
16 filings.

17 In addition, there have been over 65
18 participants as of the first election cycle; and
19 this election cycle, I believe, give or take,
20 there are approximately 55 participants. So the
21 participants are monitored closely, the reports
22 are monitored closely. Mr. Williams refers any

1 candidate that is delinquent to the Office of
2 Campaign Finance, Office of General Counsel, and,
3 from there a hearing is scheduled. I am very
4 open to listen to any mitigating circumstances or
5 factors raised by the candidates. And as the
6 statute grants, there is room for discretionary
7 application of the fine and, in this situation,
8 that is what has been done.

9 Again, the statute allows for
10 discretion and discretion calls for the
11 implementation of a fine on a case-by-case basis.
12 And those factors include anywhere from what the
13 excuse was, how improvement may have been
14 affected by the candidate in running their
15 campaign. There's a whole host of factors that
16 go into the exercise of discretion on an
17 individual case-by-case basis, and all of those
18 factors were taken into consideration by me after
19 conferencing with my general counsel and the
20 director in this matter.

21 CHAIRMAN THOMPSON: Yes, just two
22 follow-ups, and maybe Mr. Sanford can comment in

1 a moment. With 55 participants, have you seen,
2 you know, 50 people with similar issues of filing
3 reports late relative to the March 10th date or,
4 you know, more like four or five? In other
5 words, has this been a substantial compliance
6 issue by participants, or has there only been a
7 handful of cases, perhaps only this one for all I
8 know?

9 MR. SANFORD: Would you like for me to
10 respond to that, Mr. Chair?

11 CHAIRMAN THOMPSON: Oh, sorry. I
12 froze for a second. Hopefully, you heard my
13 whole question. Yes, go ahead, Mr. Sanford.

14 MR. SANFORD: Yes. As a general rule,
15 the compliance in the Fair Elections Program is
16 higher than the traditional program because
17 there's a much higher level of scrutiny because
18 public funds are being dispersed. So the
19 noncompliance rate in the Fair Elections Program
20 is relatively low compared to the traditional
21 program.

22 So in the case of, I mean, for

1 instance, Ms. Henderson's case, she would be the
2 exception, not the rule. The majority of
3 candidates registered in the Fair Elections
4 Program do comply with the filing requirements.

5 CHAIRMAN THOMPSON: Okay. Yes, that's
6 kind of what I was getting at, has this been an
7 issue for other participants in the program, and
8 it sounds like, in the majority of cases, it's
9 not been an issue.

10 But more specifically, have you been
11 made aware of widespread issues with logging in
12 to the OCF system for purposes of the filing
13 report? Has that been a substantially reported
14 issue?

15 MR. SANFORD: Occasionally, there are
16 contacts, inquiries submitted to the division
17 manager of the Fair Elections Program, Eric
18 Jackson, and the employees who are assigned to
19 that division always are prepared to provide
20 assistance with regard to logging in. But here
21 again, the number of inquiries that we receive is
22 relatively low. And in this particular case,

1 that was never raised during the period that the
2 filing was due.

3 MS. KITTLES-PERRY: I'd also add, Mr.
4 Thompson, if I might, in making this inquiry with
5 Mr. Williams who is in charge of recordkeeping
6 and to whom all inquiries are directed with
7 respect to log-in problems, once the complaint is
8 made or an email is sent to Mr. Williams, he is
9 completely responsive in an extremely short
10 response period of time. He then resets the
11 system. He enters a password, and the problem is
12 remedied within a very, very short period of
13 time. And in this situation, there's no record
14 during the whole month of March where any
15 communication was had between Ms. Henderson and
16 Mr. Williams with respect to any requests for
17 purposes of logging in or resetting the system.

18 CHAIRMAN THOMPSON: Okay. Next, maybe
19 this is a question more for Mr. Sanford, but I
20 want to make sure the record is confirmed. You
21 made reference to Wesley Williams' statement as
22 being part of the record, along with the second

1 amended order, first amended order, original
2 order. Maybe it would be helpful, Mr. Sanford,
3 if you could review what is in the record already
4 just in case there's any objections by Ms.
5 Henderson.

6 MR. SANFORD: When you say review
7 what's in the record, I believe Ms. Perry went
8 through the entire record at the outset. But if
9 you'd like, I mean, we do have a --

10 CHAIRMAN THOMPSON: Well, let me --
11 maybe I can shortcut it. I assume the second
12 amended order is in the record.

13 MR. SANFORD: It is.

14 MS. KITTLES-PERRY: Yes.

15 CHAIRMAN THOMPSON: Okay. And that
16 makes reference to everything, I believe, that
17 Ms. Perry reviewed and, you know, the various
18 notices and responses and amendments to the
19 original order, et cetera, including the
20 statement of Mr. Williams, among other things. I
21 just want to make sure we understand exactly what
22 is in the record since this is a de novo hearing.

1 MR. SANFORD: And Ms. Henderson's
2 motions for reconsideration, the Office of
3 Campaign Finance's responses to those motions,
4 and the final entrance, I'm sorry, the final pre-
5 hearing conference notes should also be included
6 in the record.

7 CHAIRMAN THOMPSON: Okay. Is there
8 anything else you would like to introduce into
9 the record at this point?

10 MR. SANFORD: Ms. Perry has indicated
11 that Mr. Wesley Williams is available to provide
12 testimony under oath if, you know, if the Board
13 is so inclined to hear from him or, otherwise, we
14 just submit his affirmation statement.

15 CHAIRMAN THOMPSON: Yes, I mean,
16 personally, I'm fine with his affirmation
17 statement. It's attached to the second amended
18 order. I mean, it's really up to you all. If
19 you want to call him to supplement the record.
20 But if he's just going to repeat the paragraphs
21 that are in that affirmation statement, then it's
22 really your --

1 MR. SANFORD: That would be the extent
2 of his testimony.

3 CHAIRMAN THOMPSON: Okay. Then we
4 don't need him.

5 MR. SANFORD: All right. Thank you.

6 CHAIRMAN THOMPSON: Okay, all right.
7 So with that, is there anything else from the OCF
8 before I ask Ms. Henderson a few process
9 questions and then we hear from her in full?

10 MR. SANFORD: Not at this point.

11 MS. KITTLES-PERRY: And not from me,
12 as well.

13 CHAIRMAN THOMPSON: All right. Thank
14 you so much.

15 Ms. Henderson, before you make your
16 statement, I want to make sure that you're
17 comfortable or if perhaps you have objections to
18 what's been entered into the record. I don't
19 believe you're represented by counsel today. I
20 apologize. Maybe you are a lawyer; I can't
21 recall. But you are entitled to object to any of
22 this being entered into the record. You are

1 entitled to object specifically to the entry into
2 the record of the affirmation statement of Wesley
3 Williams. If you'd like, we can call him to
4 testify so we have an opportunity to cross-
5 examine him. Also, if you'd like, you can cross-
6 examine Ms. Perry who has testified as a fact
7 witness under oath.

8 You, yourself, might be subject to
9 cross-examination, as well, when it's your turn
10 to testify. I'll just tell you my preferences
11 would be just to proceed with your statement and
12 anything you would like to introduce, but we can
13 certainly pause to allow you to state objections
14 to evidence being entered into the record. We
15 can pause to allow you to object to the statement
16 of Mr. Williams and ask him to appear so that you
17 can cross-examine him, and we can certainly pause
18 for you to cross-examine Ms. Perry. It's really,
19 procedurally, I would like to give you that
20 choice how you would like to proceed at this
21 point. Hopefully, that makes sense, and you can
22 certainly ask me a question to clarify.

1 MS. HENDERSON: Thank you, Chairman
2 Thompson. And also let me share my concerns with
3 you regarding helping your sister. Thankfully,
4 our president has committed all of the resources,
5 the Federal Emergency Management Agency, to help
6 all of the affected Floridians during Hurricane
7 Ian.

8 So with that, I wish everyone a good
9 morning. I am Kathy Henderson, a candidate for
10 the Ward 5 council seat. I am a 20-year
11 effective, award-winning advisory neighborhood
12 commissioner, and I'm the only elected
13 representative in this city that has won multiple
14 awards for serving the public well.

15 I appreciate the framework of this
16 process, but I am very, very disappointed by the
17 tone and tenor of this gathering today. And I
18 certainly have lots of objections. I object to
19 Ms. Perry's characterization. She took bits and
20 pieces from each of the motions and my
21 willingness to participate in this process, you
22 know, as it's outlined. I mean, this is really

1 an unfair, horribly unfair process.

2 At no time have I ever refused to
3 comply with any OCF directive. And for the
4 Office of Campaign Finance to lead with a fine
5 for a campaign that never qualified for any
6 public funding is an abuse of authority. And I
7 object to Mr. Williams' statement. Mr. Williams
8 need to be part of this hearing. Mr. Williams
9 need to be available to answer questions. And if
10 he doesn't want to answer questions, then
11 certainly I would like to be advised of my rights
12 pending the outcome, the unfavorable outcome of
13 this hearing if that's the case.

14 Why are we here? Because they're --
15 well, let me just go back first. I did not
16 receive any reminder notices to file. I had
17 never, ever failed to file a report or comply
18 with any OCF directive. Ms. Perry indicated that
19 she wasn't aware of any log-in issues, I never
20 raised it during the September 28th pre-hearing
21 conference. That simply isn't true. And I asked
22 her and I'll ask her again today, when did I file

1 the April 10th report? I filed it on April 12th.
2 Why? Because in an effort to -- and I didn't
3 even know about the March 10th filing. Yes, I
4 did take the training, as all the candidates do.
5 Did I memorize the filing calendar? No, I did
6 not. I did not memorize the filing calendar.

7 And if the argument is that, well, we
8 don't have to send out reminder notices, well, if
9 you feel you don't have to send out reminder
10 notices then don't send out reminder notices.
11 Change the statute so that candidates are
12 completely responsible for adhering to the
13 entrance training schedule and governing
14 themselves accordingly in filing. But the fact
15 that you do send out a reminder notice, and
16 candidates like myself and others do rely on
17 those notices as a reminder to file, that's
18 excellent.

19 And I'm really taken aback as to why
20 it's even relevant about other participants in
21 the Fair Elections campaign process and what
22 their experience is. It's not relevant. If I

1 didn't receive the notice, I didn't receive the
2 notice. And I actually sent Ms. Perry and Ms.
3 Pembroke numerous emails, numerous emails,
4 outlining difficulty with log-in issues. And
5 then there was an effort to try to paint me as
6 someone who doesn't know how to use a computer.
7 Ms. Pembroke asked me, well, do you want me to
8 help you log-in to your email? I mean, that's
9 really just insulting, it's offensive. I'm not
10 computer illiterate. I host Zoom meetings, I
11 participate in Zoom meetings, I had legitimate
12 technical difficulties, but the Office of
13 Campaign Finance wants to then say, well, you're
14 an experienced candidate. I'm experienced in
15 running for office. That does not make, that
16 does not, that in no way alleviates the real
17 issue here, which is I had log-in issues and it's
18 documented that I had log-in issues. But, no,
19 you want to make a test case of me, and, if you
20 want to make a test case of me and use this as
21 some type of political standing, political issue
22 to sort of undermine my record, my stellar record

1 if I may -- I've won multiple awards, including
2 from the U.S. Attorney's Office, I've been in
3 People magazine, Essence magazine. Why? Because
4 I take government service very seriously.

5 So why would someone of my standing
6 say, you know what, I'm just not going to file.
7 I don't care what you say, it's absurd, it's
8 absolutely absurd. I have never, ever taken any
9 issue with the Office of Campaign Finance's
10 legitimate request that I file like everyone
11 else. I simply had log-in issues. The only
12 reason we're here today is because I would not
13 agree to a fine. Why is the Office of Campaign
14 Finance leading with fines to say that they are
15 upholding the public trust? You're not upholding
16 the public trust by fining candidates,
17 particularly a candidate such as myself who
18 didn't even, I never even raised enough money to
19 --

20 CHAIRMAN THOMPSON: You can go ahead.

21 MS. HENDERSON: Bear with me. Okay.

22 I never even raised enough money to qualify for

1 one dollar of public financing. Instead of
2 looking at the legitimate log-in issues that I
3 raised multiple times over the years, and I'll
4 certainly make those emails, which I've saved,
5 available to the Chairman and the members of the
6 Board to demonstrate that there's a problem.
7 Instead of making an effort to ensure that no
8 candidate has any log-in issues, why would my
9 password need to be reset multiple times? I
10 don't control that. I don't control issuing the
11 password. I simply control using what is
12 provided to me and logging in.

13 Now, I think there is an issue because
14 I waited to file maybe within the last hour or so
15 before the deadlines, and I've encountered
16 difficulties. But to say that, I mean, this
17 whole proceeding is just very, very disturbing.

18 But the real issue here today, the
19 real issue here today is that there is a recall
20 case pending before the Court of Appeals, in
21 which the person who currently holds the seat who
22 has been accused of multiple, multiple violations

1 of the law. Her response is I've had multiple
2 campaign finance late filings over the years and
3 the Office of Campaign Finance has let me gotten
4 away with it. That's absolutely, that case is
5 going to be heard on November 15th. That is why
6 we are here today. The Office of Campaign
7 Finance is digging in their heels. They've made
8 an argument that is not even, it's not even
9 completely logical. But you're determined. You
10 are determined to bring me down, so to speak.

11 And then to say, well, Ms. Henderson
12 has run multiple times, therefore, she's an
13 expert at this, that's just ridiculous and it's
14 not relevant. If I had log-in issues because I
15 didn't -- well, actually, it was log-in issues
16 regarding the April 10th report. I actually
17 filed the April 10th and the March 10th report on
18 the same day. I didn't even know about the March
19 10th. Very simple. There was no need to concoct
20 this entire proceeding and waste the government's
21 time, the taxpayers' time with going forward with
22 this.

1 You want to fine me. I'm not going to
2 agree to a fine. I would respectfully request
3 that this Board waive any fines. You can
4 admonish me, but, going forward from this
5 process, I don't even rely on any reminder
6 notices. I tried to file the August 10th report
7 early. You can't file the reports early. You
8 have to file them on the date.

9 So this process is very offensive. It
10 does not uphold the public trust. I will be
11 requesting any and all records associated with
12 this matter. And if the Board wants to continue
13 and support the flawed reasoning on the Office of
14 Campaign Finance, which I'm very disappointed by,
15 I'm going to appeal the matter and exercise my
16 rights to the fullest extent of the law.

17 And finally, finally, I requested that
18 Mr. Wesley Williams be here today and Council
19 Member McDuffie be here today to talk about their
20 relationship, and how this whole matter arises
21 from their conversations. I don't have privy to
22 those conversations yet but I can assure you if

1 you continue with this matter and you continue to
2 want to subject me to this public lynching of
3 sorts, then everything will come out. Everything
4 will come out, and I've already included the
5 Office of the Inspector General.

6 Just as Clifford Tatum tried to keep
7 me from picking up my petitions on January 10th
8 to file for the office of the Ward 5 council
9 member and now he's gone, just as Karen Brooks
10 has committed numerous malfeasance issues
11 regarding her term as the registrar of the office
12 of the Board of Elections and now she's gone, oh,
13 it will all come out.

14 And with that, I respectfully, I rest,
15 and thank you all for your time.

16 CHAIRMAN THOMPSON: Okay. Thank you
17 so much, Ms. Henderson. I have a couple of
18 questions, but I also do want to -- first, I just
19 want to make sure is Mr. Williams with us today?
20 Could he testify?

21 MR. WILLIAMS: I'm here.

22 CHAIRMAN THOMPSON: Okay, all right.

1 Well, we'll turn to Mr. Williams in just a
2 moment.

3 Ms. Henderson, thank you. Just a
4 couple of quick questions, if you'll permit. I
5 realize you registered to become a candidate for
6 Ward 5 on February 7th, 2022, and then I believe
7 you attended the OCF training -- what's that
8 called -- the entrance conference on March 3rd,
9 2022. Do you recall attending that, I think it's
10 called a virtual entrance conference, presented
11 by the OCF on March 3rd?

12 MS. HENDERSON: Did attend.

13 CHAIRMAN THOMPSON: You did attend.
14 Okay. And according to the OCF, specifically Mr.
15 Williams' testimony, during that conference, the
16 candidates were informed about the mandatory
17 filing dates for the reports of receipts of
18 expenditures. There was no written notice
19 thereafter to remind you, but that's something
20 that was covered in the March 3 conference. Do
21 you disagree or do you --

22 MS. HENDERSON: The overall process

1 for the Fair Elections campaign was covered in
2 that training, but all of the questions
3 surrounding their additional questions is not on
4 the website and it wasn't in that training. And,
5 yes, there are a series of little timed modules
6 that you have to read through and click that
7 you've read it and move on.

8 CHAIRMAN THOMPSON: Okay.

9 MS. HENDERSON: So, yes, I did
10 participate in it and I signed off. Yes, I did.

11 CHAIRMAN THOMPSON: Okay. And on
12 March 10th, 2022, the date that the report of
13 receipts and expenditures was required, did you
14 have it completely filled out, you know, like as
15 a PDF on your desktop ready to upload? Was it
16 completely filled out and ready to go on March
17 10th?

18 MS. HENDERSON: I'm sorry. I don't
19 understand your question. Can you repeat the
20 question, please?

21 CHAIRMAN THOMPSON: Yes. On March
22 10th, according to the OCF, your committee was

1 required to file a report of receipts and
2 expenditures. Did you have that report filled
3 out and completed and ready to upload on March
4 10th?

5 MS. HENDERSON: I had the form. I
6 wasn't aware of the March 10th filing. Yes, I
7 did complete the training. I did not commit all
8 of the dates, which are the 10th of each month --
9 I know that now -- I did not commit those to
10 memory. And had I received a reminder notice,
11 like I received subsequent reminder notices, I
12 would have certainly filed a report timely.

13 I reached out to Mr. Williams and I
14 did receive a contribution form of how to report
15 the expenditures, and it's sort of a cumbersome
16 process because you have to upload the donor data
17 separately and then upload each document
18 separately.

19 So, no, I didn't have that ready on
20 March 10th because I didn't know about the March
21 10th report. Now, subsequent reports have been
22 filed correctly, and they are filed in accordance

1 with the Office of Campaign Finance.

2 And I'm really -- and Mr. Williams,
3 you know, it wasn't an effort to throw him under
4 the bus regarding what he said to me. I didn't
5 have any expenditures for March 10th, and I
6 mistakenly thought and Mr. Williams said to me,
7 well, anything that's not captured on the March
8 10th report, well, anything that's not captured
9 on the previous report can be captured on a
10 subsequent report. So I was under the impression
11 that I didn't have to file a March 10th report.
12 I didn't receive any reminders. I didn't have
13 any expenditures. Having gone back through my
14 records, I did find one \$20 donation that fell
15 within the window of March 10th, and I
16 subsequently amended a report to reflect that.

17 So, again, at no time did I ever
18 refuse to comply with an OCF directive. You
19 know, this is simply, it's a couple of issues,
20 and I've already outlined that. But I did not
21 receive the notice. Had I received the reminder
22 notice, I would have certainly have just filed

1 the report. I mean, who wants to go through all
2 of this?

3 CHAIRMAN THOMPSON: Okay. Before I
4 turn to Mr. Williams, Board Member Mike Gill, do
5 you have any questions for Ms. Henderson?

6 MEMBER GILL: Well, I just want to
7 make sure I have -- let me try to summarize, Ms.
8 Henderson. And thank you for being here.

9 Your request is a waiver from the
10 fine? I mean, what's the request here? That you
11 would have filed on time were it not for the
12 portal, or you would have filed on time had you
13 been given notice, and because of those two
14 issues, you didn't file on time?

15 MS. HENDERSON: Yes, I did not receive
16 -- again, I filed the April 10th report on April
17 12th, and I clearly had a log-in issue, which I
18 sent to, Ms. Kittles-Perry has a copy of that,
19 Ms. Pembroke has a copy of that, and I can
20 certainly make everything that I've provided to
21 the Office of Campaign Finance available to you.
22 I had technical difficulties, so I couldn't even

1 -- I received the notice to the file the April
2 10th report but I couldn't even comply because of
3 log-in issues.

4 Now, to say -- again, it is not
5 relevant how many other people had this issue or
6 didn't have this issue. I had this issue. Now,
7 why am I having log-in issues? No, it's not
8 because I'm technologically deficient. I am not.

9 Again, in the past, I strenuously
10 attempted to appear before you in person this
11 morning because I didn't have any reasonable
12 belief or faith that I wouldn't be interrupted
13 during my testimony, as I've been before due to
14 technical issues. And I went back and forth with
15 Ms. Pembroke, you know, to let her know that the
16 technical issues, the host muted me and stopped
17 my camera. I know how to use Zoom. I know how
18 to file a report. I know how to use my computer.
19 I don't have a technical deficiency.

20 As soon as I was made aware that I
21 needed to file that report, oh, yes, I got right
22 on it and I did file the report. And when I

1 attempted to timely file the April 10th report, I
2 could not because the log-in credentials that I
3 was provided didn't work. I didn't assign myself
4 the log-in credentials, and there's no reason why
5 the log-in credentials that I was provided should
6 not have been recognized by my device. But here
7 we are.

8 And I've provided numerous, numerous
9 emails over the years that demonstrate that
10 there's a log-in issue or there's some type of
11 technical difficulty. And then the Office of
12 Campaign Finance, they give you this little
13 survey at the end of your filing, how was your
14 experience. Only recently has the experience,
15 and I shared that with Mr. Williams, it's not
16 effective. You know, it needs to work better.
17 And instead of wasting, well, I shouldn't say
18 waste because this is part of the government
19 process, and, again, I thank each and every one
20 of you for your service in this framework, even
21 though I am adversely affected by this matter.

22 We need to be looking at ways to

1 improve our technological proficiency, you know.
2 The District has what? A \$19.6 billion budget.
3 So maybe we need to give Office of Campaign
4 Finance more money so that we can get a system
5 that works every time for every filer. I can
6 only tell you it didn't work for me.

7 Now, I can tell you why I believe it
8 didn't work for me, and I believe that there's
9 some underhanded backroom dealing here in this
10 matter. But that, you know, that will come out,
11 if this matter goes forward. I'm going to -- I
12 stand, I stand before you as an honorable person
13 with integrity. I'm always happy to comply with
14 any government directive, and I will do so.

15 So, Ms. Perry, yes, I did say
16 previously that I'm overwhelmed by, well, not
17 overwhelmed, but I didn't have a treasurer
18 because I didn't want to, there's only one person
19 that I wanted to be a treasurer, someone that I
20 hold in high regard that I knew would not steal
21 from the campaign or do anything that I'd have to
22 worry about that would end up in, you know, any

1 publication as a smear on the campaign. That
2 person did not want to serve as my treasurer, and
3 I'm very particular. So I had to do it myself,
4 and, in doing it myself, you know, it's my
5 responsibility to keep up with all the deadlines
6 and so forth. And, yes, I take responsibility
7 for that, but I just didn't receive the notice.
8 That's why we're here.

9 So don't take this and use this as an
10 opportunity to say, hey, we finally got her, we
11 finally got something on Commissioner Kathy
12 Henderson. No, you don't. No, you don't.
13 You've opened up a can of worms. And now that
14 we've opened that door, let's see everything that
15 comes out.

16 So I don't want to be too negative.
17 I just wanted to share with you. I'm a
18 layperson, I am not an attorney, but I do stand
19 on righteousness. I respect the law. I have
20 never, at any time, failed, I've never defied
21 filing any OCF required documents. And to say
22 otherwise is simply not true. It's simply not

1 true. So this is a matter where I didn't receive
2 the notice. Now, maybe you should talk about why
3 I didn't receive the notice and work to make sure
4 that, again, every candidate receives the notices
5 because clearly there's a problem, and it's not
6 solely on my end.

7 CHAIRMAN THOMPSON: Ms. Henderson,
8 just to clarify, I think between my questions and
9 Mr. Gill's questions, I think it seems clear to
10 me that -- I just want to separate the notice
11 issue from the log-in issue. It sounds to me
12 like you're saying you did not receive notice
13 that a report was due to on March 10th, and so
14 you didn't file one. And then later, when you
15 went to file your April 10th report, you had some
16 log-in issues such that, by April 12th, you were
17 able to upload that report, which subsumed and
18 cured the delinquent March 10th report on its
19 own. Have I stated that correctly?

20 MS. HENDERSON: Well, the March 10th
21 report was still delinquent; but on April 12th,
22 after the log-in issues were resolved, I was able

1 to successfully file the March 10th report and
2 the April 10th report, which I did.

3 CHAIRMAN THOMPSON: And when did you
4 have that first log-in issue? Was it April 10th?

5 MS. HENDERSON: Yes.

6 CHAIRMAN THOMPSON: Like, when you
7 went to file the -- April 10th.

8 MS. HENDERSON: Yes, yes. And I sent
9 Mr. Williams, because I filed close to, it was
10 close, it was after 11 p.m., I believe, so I sent
11 Mr. Williams some emails and I think some
12 screenshots indicating that I couldn't file it,
13 or I'll have to go back and look to see exactly
14 what I sent him. But I wanted to make it clear
15 that I could not file the April 10th report, and
16 it was on the weekend. And I believe that -- let
17 me just look at my calendar, if I will. I
18 believe April 12th was a weekday. No, actually,
19 April 12th was a Tuesday, so I'm not sure, I'm
20 not sure why there was no response until then.
21 But I was able to successfully overcome the log-
22 in challenges and file both reports, which I did.

1 CHAIRMAN THOMPSON: Okay. I think it
2 makes sense at this point to hear from Mr.
3 Williams. And thank you for focusing on these
4 particulars because I think we do have a few
5 questions for Mr. Williams.

6 So I'm going to shift over and ask Mr.
7 Williams to, you know, state his name for the
8 record and confirm that he's under oath.

9 MR. WILLIAMS: My name is Wesley
10 Williams. I'm the public affairs manager for the
11 D.C. Office of Campaign Finance.

12 MS. STROUD: And, Mr. Williams, I'm
13 going to ask you to state that you will swear or
14 affirm that you will tell the truth, the whole
15 truth, and nothing but the truth, in connection
16 with the testimony that you are about to give in
17 this matter.

18 MR. WILLIAMS: I will.

19 MS. STROUD: Thank you.

20 CHAIRMAN THOMPSON: All right. Yes,
21 thank you, Mr. Williams. We've read your
22 affirmation statement. That's Exhibit A, it's

1 the second amended order. It looks like it's
2 dated July 22nd. Indeed, you affirmed that the
3 statement is true to the best of your knowledge
4 and belief. So I don't know if you need to read
5 it into the record, but, if you could, if you
6 could go through the chronology as you
7 experienced it and, in particular, I'd like you
8 to pause on March 3rd, 2022. It's paragraph
9 three and four of your statement. Specifically,
10 in paragraph four you state that, during that
11 virtual entrance conference, Ms. Henderson, I
12 suppose like other candidates, received notice of
13 the mandatory filing dates of the report that was
14 due on March 10th. If you could speak to that in
15 particular, please go ahead.

16 MR. WILLIAMS: Yes. During the
17 entrance conference, there are some slides
18 presented that present the filing dates for the
19 candidates, of which March 10th is a filing date.
20 Also, if I can move on, just in terms of
21 notifications, we sent out notifications via
22 email. I think it's stated in the record the

1 date that was sent out on February 17th and
2 additionally on March 8th to Ms. Henderson.

3 Also, in regards to log-in information
4 --

5 CHAIRMAN THOMPSON: Can I just pause
6 right there?

7 MR. WILLIAMS: Okay.

8 CHAIRMAN THOMPSON: That's kind of
9 important. You're saying that on February 17th
10 and March 8th Ms. Henderson received emails that
11 stated the requirement for filing the report by
12 March 10th?

13 MR. WILLIAMS: That's correct.

14 CHAIRMAN THOMPSON: All right. Yes,
15 go ahead.

16 MR. WILLIAMS: I was just going to
17 speak to the log-in issues. First, with the Fair
18 Elections Program, candidates, when we register
19 them in the system, they receive an auto-
20 generated email from the office providing them
21 with a link to create their own log-in
22 information, including user ID, password, and PIN

1 number. The log-in information is not pre-
2 generated by the OCF e-filing system for Fair
3 Elections candidates. They create their own log-
4 in information. If they need a reset of the
5 password or PIN number, then we send out another
6 email providing them with a link to regenerate
7 that themselves.

8 Ms. Henderson sent me an email, I
9 believe, on April 11th saying that she was having
10 some log-in issues in regards to her password,
11 and I had the system send out an email for her to
12 regenerate her password. And I received an email
13 back from her, I believe, that said thank you and
14 no further correspondence in regards to password
15 issues were received by me in regards to that
16 report.

17 CHAIRMAN THOMPSON: Okay. I think
18 your testimony is clear. I take your verbal
19 testimony today as supplementing what you've
20 already submitted in writing in your affirmation
21 statement. Mike Gill, do you have any questions
22 for Mr. Williams?

1 MEMBER GILL: No, no questions.

2 CHAIRMAN THOMPSON: Okay. Ms.

3 Henderson, you are free to ask Mr. Williams
4 questions. We call it cross-examination, but,
5 basically, you can just ask him a question. Try
6 to keep it short. You know, not like a long
7 statement or a rhetorical point or a rhetorical
8 argument, just, you know, an actual factual
9 question or any questions you have for Mr.
10 Williams. Go ahead.

11 MS. HENDERSON: Thank you. Good
12 morning, Mr. Williams.

13 MR. WILLIAMS: Morning.

14 MS. HENDERSON: So we've been
15 communicating for many years; is that correct?

16 MR. WILLIAMS: That's correct.

17 MS. HENDERSON: And how many times
18 would you say that I've emailed you regarding
19 log-in issues? Now, I understand that, in the
20 Fair Elections campaign, you indicated that I had
21 to create my own credentials, but let's talk
22 about all the times when your office generates

1 the log-in credentials and how has that process
2 been for me?

3 MR. WILLIAMS: I can't say that I can
4 specifically recall. I don't recall it being a
5 major issue with you or anything like that. And
6 if you've had some issues with log-in, I have
7 responded quickly and provided you with an
8 updated password. I've never had continual
9 issues with you in regards to filing reports with
10 our system in terms of having log-in issues, not
11 to my knowledge.

12 MS. HENDERSON: So you don't recall
13 from, let's say, 2013 to present, me emailing you
14 with log-in issues?

15 MR. WILLIAMS: I'm not saying that you
16 didn't, but I'm not saying that it was excessive
17 or anything like that. It may have been a one-
18 time thing. You have a number of committees, Ms.
19 Henderson, a number of committees, so sometimes
20 you get confused as to which committee you're
21 filing for, and we've had that --

22 MS. HENDERSON: I wasn't confused in

1 this regard, and I see that you threw that in
2 there, you know, to make it clear that I have
3 some confusion.

4 So are you always available to assist?
5 Have you ever apologized to me for not getting
6 back to me promptly?

7 MR. WILLIAMS: I may have, yes, but
8 it's never, I may not have responded within the
9 24-hour period, but I have responded to you.

10 MS. HENDERSON: So what's your overall
11 impression of me, Mr. Williams?

12 MR. WILLIAMS: You're a candidate that
13 has run for a number of offices.

14 MS. HENDERSON: And how do you feel
15 about me? Do you like me? Do you think I'm
16 competent, incompetent?

17 MR. WILLIAMS: I don't have an opinion
18 one way or the other.

19 MS. HENDERSON: That's the end of my
20 questions. Thank you, Mr. Williams.

21 CHAIRMAN THOMPSON: All right. Thank
22 you, Ms. Henderson. I may have asked you before,

1 but do you have any questions for Ms. Perry, who
2 also testified?

3 MS. HENDERSON: I don't have any
4 questions for Ms. Perry, but I do have objections
5 to many of her statements. And certainly, if
6 there's an opportunity following the hearing, I
7 will outline those objections in detail because
8 Ms. Perry just sort of jumbled all of her
9 assertions in one platform, and she misspoke. I
10 never told her, you know, that I was feeling
11 overwhelmed and that's why I didn't file the
12 March 10th report. And then she said I never
13 raised any issues. She continued to raise the
14 same issue that I never talked about any log-in
15 issue, and I had to, again, refer her back to my
16 previous response to her order or to the Office
17 of Campaign Finance order fining me, and I made
18 it clear that I had log-in issues and I had to
19 ask her that when did I file the March 10th and
20 the April 10th report. I filed them both on
21 April 12th, after the log-in issues.

22 And I don't know if Ms. Perry or Ms.

1 Pembroke have actually provided all of those
2 emails that I've sent, that I have provided her
3 on actually the same day of the pre-hearing
4 conference. But I can certainly make those
5 available to the Board.

6 But, you know, this is not simply a
7 matter of me filing late. This is a larger
8 issue, and the larger issue is that Kenyan
9 McDuffie is attempting to make an argument to
10 undermine my candidacy, as you know, through his
11 surrogates. And, we don't know or we won't know
12 yet the extent of that surrogate network until
13 the process plays out. So if you want to
14 continue this matter, I'm assuming that I have
15 the right to appeal it. I'm going to do that and
16 I'm going to request, make FOIA requests. I'm
17 sure they will be denied and I'm going to
18 exercise all of my rights to the fullest extent
19 of the law.

20 But at the end of the day, this is
21 simply a matter of a new program. I did not file
22 that first report because I didn't receive the

1 notice. And for Ms. Perry to say that it's not
2 relevant about the courtesy notice, I think it is
3 relevant. If it wasn't relevant, you wouldn't be
4 sending out the courtesy notices. The goal is to
5 help candidates file with those reminder notices.
6 Had I received those notices, I certainly would
7 have filed. I didn't receive it, I didn't file
8 it on the date. But as soon as I was made aware,
9 I moved very quickly to comply with all OCF
10 directives because, again, I appreciate the
11 framework of the Office of Campaign Finance
12 exists to protect the public. The public wasn't
13 harmed in this matter. I'm harmed, but the
14 public wasn't harmed. I didn't receive one
15 dollar of public financing. And if you want to
16 throw the book at me for filing the first report
17 late, then I stand here for any unjust
18 punishment, you know, that you would choose to
19 hurl at me.

20 But if you decide to be reasonable and
21 to look at this matter for what it is, as I
22 didn't receive the notice, I don't have a history

1 of failing to comply with OCF directives, you can
2 simply say that that first report in a new
3 program with new requirements and new dates is
4 something, you know, you can chalk it up to
5 excusable neglect. I know that's an attorney
6 term, but I'm not an attorney. I'm simply
7 someone who has offered myself for office because
8 I believe that I have a lot to offer the District
9 of Columbia. I've already offered a tremendous
10 amount of work, dedication, and time, and I've
11 actually changed the history of the District of
12 Columbia and I'm not saying that, you know,
13 because I have a grandiose sense of self. I'm
14 simply talking about the body of work. So, if
15 this an opportunity to say we got her, we got
16 her, go for it. And with that, I rest.

17 CHAIRMAN THOMPSON: Before you rest in
18 a formal sense, do you have a witness to present
19 today? I just want to make sure for the record
20 that you have that opportunity.

21 MS. HENDERSON: No, he's not here.
22 Kenyan McDuffie is not here. That's my witness.

1 CHAIRMAN THOMPSON: Okay.

2 MS. HENDERSON: I would have loved to
3 have -- I requested that he be sent whatever
4 notice to appear at this hearing. Ms. Pembroke
5 went back and forth, you know, and she ultimately
6 said no. So he's not, but I'd like to ask him a
7 series of questions on all of the misdeeds he has
8 done that are now coming to light. I'd like to
9 ask him those questions, but he's not here.

10 CHAIRMAN THOMPSON: Okay. And just in
11 terms of the record, the record includes, you
12 know, everything submitted through the OCF and as
13 referenced in the second amended order and from
14 the pre-hearing conference. I believe you
15 mentioned a series of emails. They may already
16 be in the record. I apologize. Maybe someone
17 else can answer this if they're in the record.
18 But if they're not in the record and you'd like
19 to make sure they are, so we take the time to
20 read them, I just want to cover that base here
21 before we conclude.

22 MS. HENDERSON: Oh, no apologies

1 necessary. If you don't have them, I'm happy to
2 forward them to you. I provided Ms. Pembroke and
3 Ms. Kittles-Perry numerous emails over the years
4 since they raised the issue of me being, you
5 know, this expert on campaign finance rules
6 because I've run before, I've run several times
7 before. But I'll make them available to the
8 Board because that argument --

9 MS. STROUD: I'm sorry for the
10 interruption, Ms. Henderson. I'm sorry to
11 interrupt. Mr. Chair, we do have the emails that
12 Ms. Henderson is referring to. They were sent to
13 Ms. Pembroke, and we do have them and they can be
14 included in the record.

15 CHAIRMAN THOMPSON: Okay. I would ask
16 that they be included in the record and ask if
17 OCF has any objections.

18 MS. KITTLES-PERRY: No objections on
19 my behalf.

20 CHAIRMAN THOMPSON: Okay.

21 MR. SANFORD: I have no objections.

22 CHAIRMAN THOMPSON: All right. Thank

1 you so much. So, Ms. Henderson, the emails will
2 be in the record. Anything else that you wanted
3 to present today before we conclude with your
4 hearing? We certainly have heard all your points
5 and, you know, comments. You don't need to
6 repeat, but I just want to make sure you got a
7 chance to say anything else you'd like to say.

8 MS. HENDERSON: Thank you so much. I
9 appreciate that. Just very briefly, I would
10 simply respectfully request that you dismiss this
11 matter in its entirety and waive any and all
12 penalties. I don't think the Office of Campaign
13 Finance should be leading with fining not only
14 myself but any candidate. This is a new program.
15 This was the first filing. And I don't think it
16 says that you are doing your due diligence to
17 protect the public. I think it says that you are
18 trying to present an image that you're tough and
19 you're foreclosing on the possibility of other
20 issues that certainly mitigate someone filing
21 timely.

22 Now, there are people, presumably,

1 that scoff at Office of Campaign Finance. There
2 are people that, you know, steal public funds.
3 I'm not one of them. I have no interest in
4 misappropriating any public funds or doing
5 anything that's going to diminish the public's
6 faith, not only in me but in the government as a
7 whole. So I don't think the Office of Campaign
8 Finance should be leading with fining someone who
9 has not raised one, has not raised enough money
10 to qualify for one dollar of public financing.
11 It's abusive. The process is abusive, and I
12 think we need to look at ways to make Office of
13 Campaign Finance better, stronger, more
14 responsive, to make sure that no candidate can
15 ever come before you again to talk about log-in
16 issues. You know, this is a new millennium. We
17 should have a system that works all of the time
18 for every candidate, and we should even, we
19 shouldn't even have an issue where you have
20 difficulty filing. I shared with Ms. Pembroke
21 you cannot file your reports, you know, you can
22 only file it on a computer. You can't file it on

1 any other device.

2 And the Office of Campaign Finance
3 should also consider having an opportunity for
4 candidates to come into the office, have a public
5 computer so you can upload your reports timely,
6 maybe have some assistance if you need
7 assistance. The public is not served when you
8 take people that want to do the job of serving
9 the public and you drag them through a public
10 process and you create a permanent record that is
11 going to be used for political purposes, you
12 know, to diminish them. That doesn't serve the
13 public's best interest. You know, let's do this
14 right, let's get this right.

15 And I thank you. I'm not happy about
16 this, but I thank you for your respective roles,
17 and God bless each and every one of you.

18 CHAIRMAN THOMPSON: Thank you. Let me
19 turn to the OCF. Any rebuttal or final comments
20 from Mr. Sanford or Ms. Perry?

21 MS. KITTLES-PERRY: Yes, I would like
22 to address a few issues with respect to a

1 rebuttal in this matter. I want to say that log-
2 in issues in this case were not raised until the
3 motion for reconsideration on May 23rd and again
4 on June the 10th, as well as September 28th.
5 Prior to that, log-in issues were not addressed.
6 The attempt to bring something new was not
7 considered because it was not raised at the
8 initial hearing.

9 Reminder notices were sent. They were
10 not returned as undeliverable, so there's a
11 presumption that she did receive them. However,
12 Ms. Henderson claims she did not. But, again, as
13 the Board knows, this is a courtesy and that was
14 sent to her and provided to her.

15 Ms. Henderson's argument is
16 disingenuous and lacks credibility for this whole
17 issue. I'd like to draw attention, on March
18 30th, a notice of hearing and statement was sent
19 to her concerning that they needed to file the
20 March 10th report. At no time prior to
21 attempting to file the report on April the 12th
22 did she contact Mr. Williams or myself concerning

1 any failure to be able to log in. So apparently
2 the log-in problems started when she attempted
3 some time in April. But between March 30th and
4 April, there is no communication.

5 Finally, the statute is clear
6 concerning the prescribed filing requirements.
7 They are fixed. The penalty is fixed. The
8 penalty that was issued in this case was reduced
9 as a courtesy to Ms. Henderson based upon the
10 exercise of discretion by the director. And I
11 submit to the Board that filings and the
12 testimony presented here today imposing that
13 reduced fine based upon that exercise of
14 discretion permissible by statute is neither
15 excessive, punitive, arbitrary, capricious, and,
16 as such, should be enforced and upheld by this
17 Board.

18 And I thank you for your time this
19 morning. That concludes my rebuttal.

20 CHAIRMAN THOMPSON: All right. Thank
21 you, Ms. Perry. Mr. Sanford, anything from you?

22 MR. SANFORD: Just a short statement,

1 Mr. Chairman. I think it's important to state
2 that whether or not Ms. Henderson qualified for
3 the Fair Elections Program or not is irrelevant.
4 She has repeatedly stated that she did not
5 qualify for the program. That is not the
6 standard regarding mandatory compliance with the
7 filing dates. It's not based upon whether Ms.
8 Henderson qualified and received public funds.

9 I would also like to say that filing
10 the March 10th report on April 12th with the
11 April 10th report did not remove the fact that
12 the March 10th report was filed, was delinquent.
13 It was due on March 10th. It was not due on
14 April 10th or April 12th. So it does not absolve
15 her of that filing requirement.

16 And with regard to her comment
17 regarding the agency, the Office of Campaign
18 Finance for many years has had a public computer
19 in our reception area with which members of the
20 staff are more than happy to assist anyone who
21 comes to the agency and seeks assistance. That
22 has been a longstanding courtesy that the agency

1 has offered to members of the public and those
2 who are engaged in our system.

3 And the last reminder I'd like to make
4 is that Ms. Henderson seems to think that someone
5 is out to get her. Well, I can assure that Ms.
6 Henderson that no one at the Office of Campaign
7 Finance is out to get her. We've had cordial
8 relations over the years, and we expect to
9 continue those relationships.

10 And that concludes my statement.

11 CHAIRMAN THOMPSON: Okay. I think --

12 MS. HENDERSON: Mr. Chairman, may I
13 say one brief statement?

14 CHAIRMAN THOMPSON: Yes, I guess
15 that's what we call surrebuttal after the
16 rebuttal has been completed.

17 MS. HENDERSON: Okay. Thank you very
18 much.

19 CHAIRMAN THOMPSON: Why don't you try
20 to hold it to just two minutes, if you can, of
21 surrebuttal because I don't think we heard
22 anything new. But go ahead.

1 MS. HENDERSON: Absolutely. Thank
2 you. First, I will say that, over the years,
3 I've had nothing but cordial relations with Mr.
4 Sanford, so this isn't personal. I disagree, I
5 do think that there's an effort; and I think, as
6 we uncover another series of emails and
7 communications, we'll find out exactly who those
8 parties are. But I have had a respectful
9 relationship with you, and I certainly would like
10 to go forward with continuing to have a
11 respectful relationship with you.

12 I do agree that, and I already said we
13 agree on one point that the March 10th report,
14 yes, I filed the March 10th report and the April
15 10th report on the same day. That did not, that
16 still made the March 10th report late. I didn't
17 receive a notice for the March 10th report. It's
18 that simple. So why create, you know, a malstrom
19 over a missed email and the presumption that you
20 received, that the recipient receives an email
21 because it didn't bounce back, you know, that's
22 not technologically, that doesn't comport with

1 technology. And, certainly, you know, I would
2 love the opportunity to add some testimony from
3 someone who is a technology expert. I'm not an
4 technology expert. I am technologically
5 proficient in managing the work that I need to do
6 to comport my life's business.

7 But a technology expert would not tell
8 you that, simply because an email wasn't
9 returned, that the recipient received it. I
10 didn't receive it. I didn't receive it.

11 And Ms. Kittles-Perry, I don't have
12 any, I take some issues with you because you also
13 sent me some emails from your personal email
14 address, and then you tried to create some type
15 of drama indicating that you wanted me to stop
16 sending you communications to your personal email
17 address. I just responded to all of the email
18 addresses you sent. I wasn't, you know, and you
19 tried to turn it into something else. And I
20 understand that that's what attorneys do, so it's
21 okay. You get a point for that one.

22 But I do think there's an effort to be

1 out to get me. Now, is it Mr. Sanford? Perhaps
2 not. We've had cordial relationships. I'd like
3 to have cordial relationships with each and every
4 one of you, and I'd certainly like to not be
5 found outside of any OCF law or administrative
6 issuance. But here we are, and there's a problem
7 here, but the problem on its face isn't all that
8 is presented and there is some underlying
9 malfeasance here, and I do have a knack for
10 uncovering it, so here we go.

11 So, again, I respectfully request that
12 you waive the fine in this issue, as you have the
13 power to do. If you choose not to, for whatever
14 reasons, please know that I am going to go
15 forward to strenuously assert my rights.

16 And with that, I do rest and I will
17 not request any opportunity for a surrebuttal or
18 anything else. So thank you so much.

19 CHAIRMAN THOMPSON: All right. Yes,
20 thank you. I think what we'll do is this is we
21 will proceed with the rest of our regularly-
22 scheduled meeting. At the conclusion, I will

1 move that we go into executive session
2 specifically to discuss this particular matter
3 that we just heard involving Ms. Henderson.

4 And I want too leave the record open
5 for, I'll say through the end of tomorrow, I want
6 to make sure all the emails you'd like us to read
7 are in the record. We think we have them all,
8 but, Ms. Henderson, feel free to batch together
9 and forward anything else you'd like us to
10 review. When we go into executive session, we'll
11 leave that record open, so we'll give ourselves
12 time to read all those emails and anything else
13 you want to supplement the record with. And then
14 Mr. Gill and I will discuss in a couple days'
15 time in executive session, and then we'll provide
16 you notice if we're coming back into the public
17 record to issue our determination. But we'll
18 give it a few days to make sure we've got
19 everything covered. Sound okay? Ms. Henderson,
20 is that all right with you?

21 MS. HENDERSON: Well, if I have a
22 choice, I'd like you to leave the record open

1 until the end of the week, but, you know, I
2 certainly respect whatever decision you make.

3 CHAIRMAN THOMPSON: Okay. How about
4 tomorrow 5:00, anything you want to put into the
5 record, that will give us a chance to read it and
6 then make a decision by the end of the week. I
7 think that's what we'll do.

8 Okay. Anything from anybody else,
9 General Counsel Stroud, before we proceed with
10 the regular update reports?

11 MS. STROUD: No, Chairman Thompson, I
12 have nothing.

13 CHAIRMAN THOMPSON: Okay. All right.
14 Thank you so much. Terri Stroud, why don't you
15 proceed then with our, I think you've got three
16 litigation status updates.

17 MS. STROUD: Thank you, Mr. Chair.
18 Next item on my agenda is litigation status.
19 There are three matters that I have updates on
20 since our last meeting on September 6th. The
21 first is Henderson v. the District of Columbia
22 Board of Elections, which is in the D.C. Court of

1 Appeals. This involved a recall petition that
2 Ms. Henderson filed against Sydelle Moore,
3 current Advisory Neighborhood Commissioner for
4 single-member District 5D05. The petition was
5 rejected due to an insufficient number of
6 signatures, and Ms. Henderson appealed that
7 matter to the D.C. Court of Appeals.

8 The matter has been fully briefed. On
9 September 27th, the court issued a notice of
10 calendaring that scheduled the matter for its
11 summary calendar on November 15th at 2 p.m.

12 The next matter is Public Interest
13 Legal Foundation v. Monica Evans in her official
14 capacity as the Executive Director of the Board
15 of Elections. This matter is in the U.S.
16 District Court for the District of Columbia.
17 This matter was filed in the U.S. District Court
18 under the National Voter Registration Act. The
19 suit alleges that the Board is out of compliance
20 with the NVRA's public records provision. PILF
21 requested records from the Board, and that
22 request was denied due to the records not being

1 subjected to public disclosure under several
2 federal laws.

3 This matter has been fully briefed,
4 and there are currently no updates since the last
5 meeting.

6 The final matter is Valerie Graham v.
7 the Board, and it was a consolidated case that
8 was in the D.C. Court of Appeals. It involved a
9 consolidated appeal from the Board's June 1st
10 order denying Ms. Graham's challenge to
11 Initiative Measure number 82, the Ward 2
12 signatures that were counted in that matter. An
13 appeal from the Superior Court order denying
14 injunctive relief to Ms. Graham, John Batwell,
15 and the Initiative 82 Committee.

16 On August 31st, the court granted the
17 Board's motion for summary affirmance of its June
18 1st order and of the Superior Court order. The
19 appellants filed a petition for rehearing on
20 September 2nd, and the Board and intervenors
21 filed a responses on September 6th, and the court
22 denied the petition on September 8th. And so

1 that matter has been officially concluded.

2 And so we'll have, at current, at the
3 current moment, two cases that are in active
4 litigation at this time.

5 Thank you. And that concludes my
6 report.

7 CHAIRMAN THOMPSON: All right. Thanks
8 very much. Moving on with Monica Evans' report
9 from the Executive Director of BOE.

10 MS. EVANS: Thank you, Mr. Chair and
11 Board Member Gill. Good morning. I will begin
12 with voter education and outreach.

13 During the month of September, the
14 Voter Education and Outreach Division conducted
15 50 outreach events on behalf of the agency. We
16 participated in events at the D.C. State Fair,
17 Deanwood rehabilitation Center, George Washington
18 Hospital, Gallaudet University, and the H Street
19 Festival.

20 National Voter Registration Day was
21 held on September 20. We participated in several
22 events to commemorate the day. Those events

1 included engagements at So Others Might Eat, or
2 SOME; Carlos Rosario International Public Charter
3 School; University of the District of Columbia;
4 United Medical Center; Richard Wright Public
5 Charter School; and the Martin Luther King Jr.
6 Memorial Library.

7 Moving to voter registration, in
8 September, we registered 4,532 new voters and
9 processed 5,213 registration changes. In total,
10 we prepared 9,745 voter registration cards to be
11 mailed.

12 Online voter registration. We are
13 continuing to register voters using our website
14 portal. The website portal has the same
15 functionality as a mobile application. To date,
16 we have processed 20,809 applications using the
17 portal. These include new voter registrations
18 and updates to existing registrations.

19 Redistricting. The process of moving
20 voters affected by redistricting has been
21 finalized in our database. Consistent with the
22 information we received from the Council, we now

1 have 345 single-member districts, or SMDs.
2 Approximately 300,000 residents receive postcards
3 that reflect a new SMD assignment effective
4 January 2nd, 2023.

5 Automatic Voter Registration Expansion
6 Amendment Act of 2022. On September 16, I
7 testified before the committee on judiciary and
8 public safety. While the Board takes no position
9 on pending legislation, I discussed the impact
10 the Automatic Voter Registration Expansion
11 Amendment Act will have on our operations and our
12 budget.

13 General election planning. The
14 general election will be held on Tuesday,
15 November 8th. We will mail a ballot to every
16 registered voter for the general election. Our
17 mail house mailed the first batch of ballots
18 yesterday, October 3rd, and voters have begun
19 getting text notifications regarding mailed
20 ballots.

21 A few mail ballot drop boxes have
22 moved since the primary election. All locations

1 are listed on our website, and mail ballot drop
2 boxes will open on October 14.

3 We are finalizing our communications
4 plan for the general election. We will engage in
5 print, radio, and television advertising. We
6 will produce postcard mailers, a voter guide,
7 door hangers, yard signs. We will also advertise
8 in local newspapers. The first postcard was
9 mailed on October 1st. The second postcard was
10 sent to eligible but unregistered D.C. residents.
11 They were encouraged to register and vote. This
12 postcard was mailed on September 29th.

13 Our voter guide will be sent to the
14 printer this week, and election worker training
15 began on August 15. Our goal is to train between
16 2,000 and 2,500 election workers for the general
17 election. To date, we have trained 1,500
18 election workers.

19 Special election planning. On August
20 31st, the Board accepted the petition in support
21 of a recall of Amber Gove, ANC Commissioner for
22 SMD 6A04. We will conduct a special recall

1 election for 6A04 voters on Sunday, October 23rd,
2 from 1 p.m. to 5 p.m. The in-person election
3 will be held at two locations, the Northeast
4 Library and Maury Elementary School.

5 And that concludes my report. Thank
6 you.

7 CHAIRMAN THOMPSON: All right. Thank
8 you so much. And campaign finance report from
9 Director Cecily Collier-Montgomery. I'm not sure
10 if she's present.

11 MS. STROUD: She is. She's just going
12 to turn on her mike.

13 CHAIRMAN THOMPSON: Oh, okay.

14 MS. COLLIER-MONTGOMERY: Again, good
15 morning. And for the record, the full report of
16 the activity of the Office of Campaign Finance
17 for the month of September 2022 will be posted at
18 our website, www.ocf.dc.gov, before the close of
19 business today. I will, however, at this time,
20 highlight a few items of interest for the public
21 from the report.

22 First, the Office of Campaign Finance

1 conducted debates on September the 19th, 2022 and
2 September the 21st, 2022 and the contested races
3 for the office of mayor and at-large member of
4 the council. These offices are scheduled for
5 election during November the 8th, 2022 general
6 election in the District of Columbia. All
7 candidates certified to participate in the Fair
8 Elections Program in these contested city-wide
9 elections were required to participate in the
10 debates, and all candidates who achieved ballot
11 access in the traditional campaign finance
12 program were invited to participate. The debates
13 were presented in a virtual format and live
14 streamed at the OCF 2022 D.C. debates website,
15 www.dcdebates.com. The debates were moderated by
16 Denise Rolark Barnes, the publisher and owner of
17 The Washington Informer.

18 A total of four candidates
19 participated in the debate for the office of
20 mayor of the District of Columbia, and eight
21 candidates participated in the debate for at-
22 large member of the council. The video of the

1 debates will remain available for viewing by the
2 public through the November the 8th, 2022 general
3 election, again, at our debate website,
4 www.dcdebates.com.

5 In our Fair Elections Program Division
6 during the month of September, the Office of
7 Campaign Finance, as of this date in the 2022
8 election cycle, has authorized the total sum of
9 \$13,216,207.20 for disbursement from the Fair
10 Elections Fund and base amount and matching
11 payment to the 41 candidates who are certified in
12 the program who participated in the June 21st,
13 2022 primary election; 31 candidates are
14 certified in that election. And the November the
15 8th, 2022 general election, there are 10
16 candidates certified in the program to
17 participate and received the total sum of
18 \$632,388.79 for deposit in the Fair Elections
19 Fund for remission from the campaign operations
20 of candidates who were certified to participate
21 in the 2022 election cycle.

22 During the month of September, the OCF

1 certified one new candidate to participate in the
2 Fair Elections Program and authorized 23
3 disbursements from the fund to participating
4 candidates in the 2022 election cycle. The new
5 certified candidate is Alphonso Gregory Way, Jr.,
6 A Way for D.C. 2022, PCC. The candidate was
7 certified on September the 7th as a participating
8 candidate in the November the 8th, 2022 general
9 election for the office of member of the State
10 Board of Education Ward 1. The sums of \$5,000
11 for the first half of the base amount payment for
12 this covered office, which is a contested race,
13 and \$5,050 in matching payments were authorized
14 for disbursement.

15 The division also conducted 51 desk
16 reviews of the August 31st, 2022 reports and
17 amended reports and receipts and expenditures and
18 issued 18 requests for additional information as
19 a result of the desk reviews. The division
20 conducted one candidate treasurer consultation,
21 and that was for Alphonso Gregory Way, Jr.,
22 again, A Way for D.C. 2022, PCC, on September the

1 8th, 2022.

2 There are currently 27 post-election
3 audits which are ongoing before the division at
4 various stages. And the status of each one of
5 those audits is listed in our report in detail.
6 And, again, those are post-election audits of
7 candidates who were certified to participate in
8 the 2020 election cycle.

9 In our Public Information and Records
10 Management Division, there were two dates for the
11 filing of reports of receipts and expenditures
12 during the month of September 2022. The first
13 was the third report of receipts and expenditures
14 by Ballot Measure Number 82, which was due on
15 September the 12th, 2022, and was timely filed.
16 And also the optional report date of September
17 the 30th, 2022 for the FEP principal campaign
18 committees and five reports were timely filed by
19 committees who are registered in the FEP program.

20 The new candidates and committees who
21 have registered in this election cycle for the
22 2022 election cycle, there are a total of 83

1 candidates who are registered in the traditional
2 campaign finance program, 72 candidates
3 registered to participate in the June 21st
4 primary election, and 12 candidates registered to
5 participate in the November the 8th, 2022 general
6 election. There was one new candidate
7 registration in the traditional program for
8 September 2022, and that candidate registered for
9 the office of the mayor, and that candidate's
10 name is Rhonda Hamilton, who is a write-in
11 candidate, and she registered on September the
12 2nd, 2022.

13 In the Fair Elections Program, there
14 are a total of 52 candidates who have registered
15 to participate in the program, 39 candidates
16 registered to participate in the June 21 primary
17 election, and 13 candidates are registered to
18 participate in the November the 8th general
19 election. No new candidates registered during
20 the month of September to participate in the Fair
21 Elections Program.

22 There were two new committee

1 registrations for the month of September 2022,
2 and those were independent expenditure
3 committees. The first one, Democracy for D.C.,
4 the committee registered on September the 7th,
5 2022. The second is We are Labor, and the
6 committee registered on September the 15th, 2022.

7 Three new candidates and treasurers
8 completed the mandatory training program during
9 the month of September.

10 In our reports analysis in Audit
11 Division, and, again, this is the traditional
12 audit program, this is the audit program for the
13 traditional campaign finance program. The Audit
14 Division conducted 20 desk reviews and issued
15 four requests for additional information as a
16 result of the review of the financial reports.
17 The audit branch also issued two compliance
18 audits. The first was for Hannibal for Mayor,
19 which was issued on September the 7th, and that
20 was a final report of the March 10th financial
21 report which had been filed by the committee.
22 The second was Ward 1 Democrats PAC. The report

1 was issued on September the 28th, and that was of
2 the July 31st report which was filed by the
3 committee. And both of the final audit reports
4 are available for review by members of the public
5 at the OCF website.

6 We do have ongoing audits in the audit
7 branch, and the ongoing audits are of candidates
8 who are in the upcoming 2022 general election.
9 And the audits are being conducted of the August
10 the 10th, 2022 report. The audit notification
11 letters were issued on September the 7th with a
12 due date of October the 3rd for the submission of
13 the financial reports for the conduct of the
14 audit. The committees being audited are Kenyan
15 2022 and Stacia 2022.

16 And that concludes my report, but I
17 would ask the general counsel, William Sanford,
18 for the Office of Campaign Finance, to present
19 the legal report.

20 MR. SANFORD: Good morning, Mr.
21 Chairman and distinguished Board Member Gill. My
22 name is William Sanford, general counsel for the

1 Office of Campaign Finance.

2 During the month of September 2022,
3 the Office of the General Counsel received one
4 referral from the Reports Analysis and Audit
5 Division for failure to timely respond to a
6 request for additional information. The Office
7 of the General Counsel completed nine informal
8 hearings and issued nine orders, which included
9 the following: six orders were issued in which a
10 total of \$7,800 in fines were imposed and three
11 orders in which no fines were imposed.

12 During the month of September 2022,
13 the Office of the General Counsel imposed fines
14 against the following respondents: a fine of
15 \$1,300 was imposed against the committee to elect
16 Bill Lewis, a fine of \$1,300 was imposed against
17 the Monica Palacio principal campaign committee,
18 a fine of \$1,300 was imposed against the Randy
19 Downs principal campaign committee, a fine of
20 \$1,300 was imposed against Marcus for D.C.
21 principal campaign committee, a fine of \$1,300
22 was imposed against Washington for Ward 8

1 principal campaign committee, and a fine of
2 \$1,300 was imposed against the James for Ward 2
3 State Board of Education committee.

4 During the month of September 2022,
5 the Office of Campaign Finance did not receive
6 any payments of fines.

7 During the month of September 2022,
8 the Office of the General Counsel had four open
9 investigations. The latest investigation to be
10 opened was pursuant to a complaint filed by Chuck
11 Days against former Ward 3 council candidates
12 Patricia "Tricia" Duncan and Benjamin Bergmann.
13 The allegation was that they had accepted illegal
14 in-kind contributions during the campaigns, and
15 the complaint was docketed on the 1st of
16 September.

17 During the month of September 2022,
18 the Office of the General Counsel did not receive
19 any requests for interpretive opinions, nor did
20 the office conduct any show cause proceedings.

21 The contents of this report will be
22 published at the Office of Campaign Finance

1 website by close of business on today's date,
2 October 4th, 2022. And that should conclude my
3 report.

4 CHAIRMAN THOMPSON: All right. Thank
5 you very much. And, finally, public comment.
6 This is a regular BOE meeting, so we always take
7 a moment or moments, whatever we need, to hear
8 from members of the public. And we'll just ask
9 anybody that's joined us today to use the raise
10 hand function on Zoom, and we'll recognize you to
11 speak for a minute or so.

12 I'm not sure I can see it myself. I
13 would ask IT to pull anybody up that's raised a
14 hand, and I don't see any.

15 MS. BRIZILL: Mr. Chairman, this is
16 Dorothy Brizill, and I'd like to raise a concern.

17 CHAIRMAN THOMPSON: Okay. Ms.
18 Brizill, hello. If you could just take two
19 minutes, please, we're a little pressed for time.
20 Go ahead.

21 MS. BRIZILL: First and foremost, I'm
22 going to be sending you and the other Board

1 members a letter indicating that I'd like to
2 change the tone of my participation in these
3 meetings. Oftentimes, in the past, it has been
4 perceived that when I raised a question it is an
5 actual attack on the Board. I can assure you it
6 is not. With my 20 years of being involved and
7 monitoring the Board of Elections, it reflects
8 mostly a deep concern regarding specific matters
9 going on at the Board.

10 Now, with regard to the issues I'd
11 like to raise today, today was the umpteenth time
12 that I tried to join your Zoom meeting and was
13 not able to. And the only way I was able to do
14 it today was I called the front office of the
15 Board of Elections and they were able to get in
16 touch with, I don't know what it was, but I think
17 it was technical support. But whoever is
18 supposed to be logging people in and allowing
19 them access to the meeting, it's falling
20 seriously short.

21 My second issue I'd like to raise with
22 the Board is a matter that I also will send to

1 you in writing, and that has to do with public
2 observation of the vote count election day and
3 election night. There has been a growing issue
4 as regards the public not being able to access
5 the actual vote count of the mail-in ballots.
6 And as you know, a fundamental foundation of our
7 elections is public observation of the vote
8 procedure.

9 So I want to make you aware publicly
10 at this meeting that there has been a problem and
11 that, as you know, the mail-in ballots are
12 tabulated at the warehouse. Most people don't
13 even know that. Access to the warehouse is not
14 forthcoming in large measure, and I want to make
15 sure that at least an effort has been made, to be
16 made to allow people, especially those with
17 observer credentials, to observe the vote count
18 process on election night and any subsequent days
19 it might take to tabulate any mail-in ballots.

20 CHAIRMAN THOMPSON: All right. Thank
21 you so much. We will certainly look into that
22 and make sure, especially those with credentials,

1 can observe at the warehouse the counting of the
2 mailed ballots.

3 And thank you so much for the letter
4 I think you said you were going to send.

5 All right. So with that, before I
6 move to adjourn and also go into executive
7 session on the Henderson matter, anything else
8 from any of the executive directors or general
9 counsels?

10 MS. STROUD: I have nothing further,
11 Mr. Chair.

12 CHAIRMAN THOMPSON: All right. With
13 that, I move that we adjourn the regular matter
14 and also move that we go into executive session
15 specifically to discuss the matter of Henderson
16 v. D.C. OCF, which we talked about in this
17 meeting, specifically leaving the record open
18 until tomorrow at 5 p.m. Eastern Time. Either
19 party can enter into the record anything else
20 they would like to, emails or otherwise. And
21 then Mr. Gill and I will, in executive session,
22 discuss the matter either on Thursday or Friday

1 and endeavor to come back after a period of
2 notice, back on to the public record to state our
3 determination.

4 I guess that was all a very long-
5 winded motion. If I could ask Mr. Gill to second
6 or comment or --

7 MEMBER GILL: You'll allow me just to
8 second it and not repeat it all.

9 CHAIRMAN THOMPSON: Yes, okay. So in
10 favor?

11 MEMBER GILL: Aye.

12 CHAIRMAN THOMPSON: Aye. All right.
13 Thank you, everybody, for your patience today.
14 It's been a long meeting, but we got through it,
15 and we will proceed from here with Ms.
16 Henderson's case. And, otherwise, really look
17 forward to a successful general election cycle
18 coming up soon with early voting. I think you're
19 going to find me on my bike again biking to every
20 early voting center. I can't wait. It's only, I
21 think, 24 now, so I think I can do that in one
22 day.

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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 10-04-22

Place: teleconference

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Court Reporter

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