

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

JANUARY 8, 2020

+ + + + +

The District of Columbia Board of Elections convened in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 10:30 a.m., D. Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

D. MICHAEL BENNETT, Chair
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD, ESQ., General Counsel

ALSO PRESENT:

CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
WILLIAM SANFORD, ESQ., General Counsel,
Office of Campaign Finance

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(10:36 a.m.)

CHAIRMAN BENNETT: It is 10:36. This is the first meeting of 2020 of the DC Board of Elections. So welcome and thank you for coming.

I call the meeting to order. The first thing on the agenda is to determine the quorum. Board has three members. We will have a third member very soon.

The two of us are here. We need two to make a quorum. Myself and Mr. Gill are here so we have a quorum and can begin the meeting and take action.

The next thing on the agenda is the adoption of the agenda for the day and the approval of the minutes from the December 5 Board meeting.

And so Mr. Gill, I'd like to do those at the same time. If you can give me a motion to approve the agenda for today and the minutes from the December meeting I'd appreciate it.

MEMBER GILL: I make a motion to

1 approve today's agenda and the minutes from
2 Thursday, December 5.

3 CHAIRMAN BENNETT: The motion is
4 properly made, accepted. And I second. And so
5 that's unanimous. The minutes -- the agenda for
6 today and the minutes from the last meeting are
7 hereby approved.

8 And Board matters. Do you have any
9 Board matters, Mr. Gill?

10 MEMBER GILL: No, I do not.

11 CHAIRMAN BENNETT: I have only one and
12 that is what I alluded to earlier is that on
13 yesterday I believe it was the Council confirmed
14 the nomination of Karyn Greenfield to be a member
15 of this Board.

16 She has not been sworn in yet, but my
17 guess is between now and the February meeting she
18 will be sworn in and we will have a new Board
19 member in February.

20 So looking forward to that and having
21 a full complement for 2020 of the Board.

22 Item number 5 on the agenda is

1 campaign finance. Ms. Cecily Montgomery,
2 director of Office of Campaign Finance, your
3 report.

4 MS. COLLIER-MONTGOMERY: Yes. Good
5 morning. The first thing I wanted to report is
6 that in the Fair Elections Program Division
7 during the month of December we had two new
8 candidates who registered for the program.

9 The first was on December 15, 2019 and
10 that is the Committee to Elect Jeanne Lewis for
11 City Council at-large.

12 On December 23 the Committee to Elect
13 Mario Cristaldo at-large Council member
14 registered.

15 They at this point -- Jeanne Lewis was
16 the 23rd candidate to register in the program,
17 and Mario Cristaldo was the 24th candidate to
18 register in the program.

19 We have 11 candidates at this time who
20 are registered in the traditional campaign
21 finance program.

22 During the month of December we also

1 authorized seven matching payments and one base
2 amount to candidates who are certified in the
3 program in the total sum of \$128,499.50.

4 And also the names of those candidates
5 and the amounts of the payment amounts as well as
6 the approval date and also the reports to which
7 those matching funds referred will be listed in
8 our staff at the end of the day.

9 On December 31, 2019 we certified the
10 seventh candidate in the Fair Elections Program.
11 That is Yilin Zhang for Ward 2. And she was
12 certified as a participating candidate.

13 We issued three status reports for
14 candidates who have indicated intent to seek
15 certification in the Fair Elections Program.

16 And that was for the Committee to
17 Elect Renee Bowser, Kelvin Brown for DC Council
18 Ward 7, and Daniel Hernandez for Ward 2.

19 But the threshold to date have not
20 been met by those candidates.

21 There was no community outreach during
22 the month of December.

1 During the month of December also the
2 Fair Elections Program conducted 18 desk reviews
3 and also issued three requests for additional
4 information letters as a result of their review
5 of the December 10, 2019 R&E reports.

6 Again, as a result of the total
7 amounts that have been issued during Fiscal Year
8 2020 as of this date we have basically directed
9 the payment for \$202,401.05 with respect to
10 matching payments which qualified for match to
11 the seven candidates who were previously
12 certified and to the newly certified candidate
13 including the base amount.

14 Also, there is one referral to the
15 Office of the General Counsel from the FEP
16 program and that is on December 19, 2019. And
17 that was with respect to Green from Ward 7
18 Principal Campaign Committee.

19 In the Public Information and Records
20 Management Division there were two filing dates
21 during the month of December.

22 The first was for the Legal Defense

1 Committee and that report of receipts and
2 expenditures was due on December 2, 2019. And
3 the report was in fact timely filed.

4 With respect to our principal campaign
5 committees and our political action committees
6 December 10 was the filing deadline for the
7 report of receipts and expenditures.

8 We had 60 required filers, and 53
9 timely file, and there were 7 referrals to the
10 Office of the General Counsel.

11 In our Fair Elections Program
12 principal campaign committees December 10 is also
13 a filing deadline for the report of receipts and
14 expenditures.

15 We had 11 required filers, 10 timely
16 filed. We had one late filer, and one request
17 for an extension. And there was one referral to
18 the Office of the General Counsel.

19 With our independent expenditure
20 committees, again December 10 was the deadline
21 for the filing of the report of receipts and
22 expenditures.

1 We had six required filers, five
2 timely filers, and one failure to file. This was
3 referred to the Office of the General Counsel.

4 In total there were nine referrals to
5 the Office of the General Counsel and the names
6 of those committees will be listed in our stats
7 at the end of today at the OCF website.

8 We have new candidates and committees
9 who registered during the month of December.
10 Jeanne Lewis, Committee to Elect Jeanne Lewis
11 registered on December 15.

12 Mario Cristaldo, Committee to Elect
13 Mario Cristaldo at-large City Council registered
14 on December 23.

15 Franklin Garcia, Franklin for DC 2020
16 at-large City Council registered on December 27.

17 The Campaign to Decriminalize Nature
18 DC which is an initiative committee registered on
19 December 27, 2019.

20 We held one entrance conference during
21 the month of December on December 4. There were
22 four participants. Again, the names of those

1 participants will be listed in our stats at the
2 end of the day at our website.

3 In the Reports, Analysis and Audit
4 Division for the month of December the audit
5 division conducted 66 desk reviews of reports
6 which had been filed with the agency.

7 With our ongoing reviews, ongoing
8 audits we have a full field audit of a newly
9 elected official to the State Board of Education
10 as a result of a 2018 general election.

11 The audit is ongoing. It's the
12 Committee to Elect Zachary Parker 2018 which was
13 initiated in March of 2019.

14 We have an ongoing periodic random
15 audit, Re-elect Brandon Todd 2020 which was
16 initiated on September 4, 2019.

17 And that is of an active candidate in
18 the 2020 election cycle. And it is with respect
19 to the July 31, 2019 filing.

20 We issued two audits during the month
21 of December and they are available at our website
22 for review by members of the public.

1 The first was Emily for Education,
2 full field audit. It was issued on December 13,
3 2019.

4 Phil's Fund Constituent Service Fund
5 which was a periodic random audit was issued on
6 December 13, 2019. And both were compliance
7 audits.

8 At this time I would ask the General
9 Counsel William Sanford to give the report for
10 the Office of the General Counsel in the Office
11 of Campaign Finance.

12 CHAIRMAN BENNETT: Thank you.

13 MR. SANFORD: Good morning, Mr.
14 Chairman and distinguished Board Member Gill. My
15 name is William Sanford and I am the general
16 counsel for the Office of Campaign Finance.

17 During the month of December 2019 the
18 Office of the General Counsel received nine
19 referrals which included the following.

20 One referral of a principal campaign
21 committee, six referrals of political action
22 committees, one referral of an independent

1 expenditure committee, and one referral of a fair
2 elections committee.

3 During the month of December 2019 the
4 Office of General Counsel issued one order and a
5 full investigation, imposed a fine of \$4,000.

6 The fine of \$4,000 was imposed against
7 Advisory Neighborhood Commissioners Daniel
8 Warwick, Aaron Landry, Randy Downs, Matthew
9 Sampson, Mike Silverstein, and Kari Cunningham
10 collectively.

11 That is subject to being reduced to a
12 \$1,000 fine if the commissioners complete ethics
13 training with BEGA, the Board of Ethics and
14 Government Accountability within 60 days, or
15 within a schedule that has been prescribed by
16 BEGA.

17 During the month of December 2019 the
18 Office of the General Counsel completed the
19 investigation of the six named commissioners.

20 The full investigation docket number
21 was OCF-FY2019-001. The complainant was Edward
22 Hanlon. The date of the submission of the

1 complaint was September 5. Investigation was
2 completed on the 2nd of December and the order
3 was issued on December 17.

4 During the month of December 2019 the
5 Office of the General Counsel received one
6 request for an objective opinion. The requestor
7 was Jordan Grossman.

8 That request was submitted to the
9 office on the 13th of December, 2019. And the
10 issue in the request was campaign expenditures
11 related to attendance at local events.

12 And that request is pending and will
13 be issued within the 30-day prescribed period.

14 And during the month of December 2019
15 there were no show cause proceedings. And that
16 should conclude my report.

17 CHAIRMAN BENNETT: Thank you, Mr.
18 Sanford. Ms. Montgomery?

19 MS. COLLIER-MONTGOMERY: Yes, that
20 concludes the report of the Office of Campaign
21 Finance.

22 CHAIRMAN BENNETT: Thank you. I don't

1 have any questions so we're good.

2 Next on the agenda is the report from
3 the executive director, Ms. Miller.

4 MS. MILLER: Thank you, Mr. Chairman.
5 The first item on our agenda is the request that
6 the Board certify the vacancy in the Ward 2
7 member of the Council which we received notice
8 yesterday, Tuesday, January 7 of the Ward 2
9 member's intent to resign.

10 At this point the Board needs to
11 declare the seat vacant. The vacant seat is
12 effective based on notice of resignation on
13 January 17. The Board has five days within which
14 to declare the seat vacant so I would ask the
15 Board to have a motion to declare the Ward 2 seat
16 member of the Council vacant, certified vacant.

17 CHAIRMAN BENNETT: Okay. Just to be
18 clear, I received notice yesterday in writing
19 from Councilmember Jack Evans that he was
20 resigning his seat as Ward 2 chair -- sorry. As
21 Ward 2 member effective January 17.

22 Even though the effective date of his

1 resignation is January 17 we have five days --
2 based on the law we have five days to certify the
3 vacancy from the date of the notice which was
4 yesterday.

5 So, Mr. Gill, can you give me a motion
6 to certify?

7 MEMBER GILL: Based on that letter
8 that we received I make a motion to certify the
9 seat vacant.

10 CHAIRMAN BENNETT: Okay. Motion has
11 been properly made. I second. So I need to make
12 a public vote. Mr. Gill?

13 MEMBER GILL: Aye.

14 CHAIRMAN BENNETT: And I go to aye as
15 well. So it's unanimous, the two Board members.

16 Ward 2 Councilmember or the Council
17 seat for Ward 2 is officially vacant.

18 MS. MILLER: Having certified the seat
19 vacant I would now request the Board to move
20 forward and schedule a special election.

21 The request is that the special
22 election to be conducted on June 16 to fill the

1 vacancy in the Ward 2 Council seat.

2 This complies with the law which
3 provides that the Board has 174 days to hold a
4 special election to fill a vacated seat.

5 So the date that I'm asking the Board
6 to certify the special election for is June 16,
7 2020.

8 CHAIRMAN BENNETT: Prior to getting a
9 motion on that, just to be real clear, we are --
10 we have a range in terms of time period in which
11 we have to have a special election.

12 The law doesn't make any distinction
13 relative to the fact that we have -- that this is
14 an election year anyway and that there's a
15 primary scheduled for June 2.

16 So the way it will work is there will
17 be a primary election to fill a number of seats
18 which includes Ward 2, the Councilmember from
19 Ward 2. That election will take place, that
20 primary election will take place on June 2.

21 And then there will be a general
22 election in November, the first Tuesday in

1 November that will also be the general election
2 for that particular seat.

3 However, the law requires that we have
4 a special election to fill that seat for the
5 remainder of the current term that Mr. Evans is
6 sitting.

7 And so the election to fill that seat
8 for the remainder of the term will be June 16.
9 So the person that wins that election will be the
10 Councilmember for Ward 2 from that point in time
11 through December -- or January 1 of 2021.

12 And then whoever wins the general
13 election in 2020 in November will take over and
14 be the Councilmember for that ward going forward
15 as of January 2 when they're sworn in.

16 I wanted to make sure that we had that
17 on the record. So if I could get a motion for
18 the special election.

19 MEMBER GILL: I move that we accept
20 the date of June 16 as requested for the special
21 election for Ward 2.

22 CHAIRMAN BENNETT: Okay. It's been

1 properly moved. I second. And for a public
2 vote, Mr. Gill.

3 MEMBER GILL: Aye.

4 CHAIRMAN BENNETT: And I vote aye as
5 well so it's unanimous that there will be a
6 special election to fill the vacancy created by
7 the resignation of Councilmember Jack Evans for
8 Ward 2. There will be a special election on June
9 16 of 2020.

10 Ms. Miller?

11 MS. MILLER: The other matter is just
12 generally that petitions will be available. Mr.
13 Chairman, do you want me to go through some of
14 that?

15 CHAIRMAN BENNETT: Yes.

16 MS. MILLER: We'll have them available
17 on the 15th of January which is next Wednesday.
18 But you have some other things that you want to
19 walk through.

20 CHAIRMAN BENNETT: I'm just going to
21 walk through some highlights, highlights of dates
22 between now and June 16 just for the record.

1 There will be a full listing on the
2 website for both the Office of Campaign Finance
3 and the Board of Elections by the end of the day.

4 It's all the dates for the filings and
5 the dates for participation in the Fair Elections
6 Program and all that. It will be on the website
7 by the end -- on both websites by the end of the
8 day.

9 And the information on both websites
10 will be the same. You'll have a full set of
11 dates that will include those interactions with
12 the Board of Elections on the Office of Campaign
13 Finance, and you'll have the same set of dates
14 that will be on the Board of Elections website
15 that will include those filing deadlines and
16 activities for the Office of Campaign Finance.

17 So just for the record to make sure
18 that we have it down today is yesterday, Tuesday,
19 January 7, we received notice of the resignation
20 of Jack Evans as Ward 2 Councilmember.

21 We have five days in which to declare
22 the vacancy. Today we declared the -- certified

1 the vacancy of the Ward 2 Councilmember spot.

2 And the -- sorry. Okay. And then we
3 set the date for the special election on June 16.

4 From the Office of Campaign Finance
5 perspective today is the first day of the special
6 election cycle and the Fair Election Program
7 qualifying period for the special election.

8 And that begins on the day the special
9 election is called which is today.

10 On Friday is the first optional filing
11 date for candidates seeking certification until
12 certification is achieved in the Fair Elections
13 Program for the special election.

14 Wednesday, January 15 is the deadline
15 for which the Board must make nominating
16 petitions available. So nominating petitions
17 available for the special election will be
18 available on Wednesday, January 15.

19 On March 18 is the deadline to file
20 nominating petitions for the special election.

21 And March 18 is also the last day of
22 qualified candidates seeking certification in the

1 Fair Elections Program for the special election.

2 March 21 through March 30 is the
3 period nominating petitions are posted for a
4 challenge. That's the official challenge period.

5 And like I said, March 30, the
6 challenge period ends at 5 p.m.

7 March 30 is also the optional filing
8 date for participating candidates certified in
9 the Fair Elections Program.

10 April 10 is the mandatory filing
11 deadline for participating candidates certified
12 in the Fair Elections Program.

13 And as I said earlier the actual
14 election -- there are a lot of other dates that
15 will be on the website, but the actual special
16 election will be on June 16. So I wanted to make
17 sure that those dates and items were on the
18 record.

19 MS. MILLER: If I may just one other
20 thing. With respect to the nominating petitions
21 for this special election there's a requirement
22 of 500 signatures of registered qualified

1 electors residing in Ward 2.

2 CHAIRMAN BENNETT: Okay. Any other
3 items that we had -- that you think should make
4 special note for the record, Ms. Montgomery?

5 MS. COLLIER-MONTGOMERY: Yes. The
6 only thing that I would add is for candidates who
7 are seeking to participate in the Fair Elections
8 Program as a result of the vacancy created for
9 the special election that the requirements, the
10 threshold requirements would be and are that they
11 obtain at least 150 qualified small dollar
12 contributions from residents of the District of
13 Columbia which in aggregate total \$5,000 or more
14 and that the contribution limit for the Office of
15 Member of the Council electors from a ward is
16 \$50.

17 CHAIRMAN BENNETT: Okay, thank you.
18 Mr. Gill? Ms. Stroud, anything you wanted to
19 add?

20 MS. STROUD: No, I think you listed
21 all the dates that are essential to know.

22 CHAIRMAN BENNETT: Okay. Ms. Miller,

1 I'll give it back to you for you to finish your
2 report.

3 MS. MILLER: Thank you. The second
4 item on my agenda is the final polling place
5 relocation of Precinct 105. I ask Mr. Budoo to
6 come forward to present that to the Board.

7 MR. BUDOO: Good morning. Arlin
8 Budoo, facility operations manager for the Board
9 of Elections.

10 In December I submitted to the Board
11 a potential relocation of Precinct 105 from the
12 Benning Park Recreation Center located at 5100
13 Southern Avenue SE to the new St. John Baptist
14 Church located at 5228 Call Place SE. They'll be
15 using the fellowship hall.

16 This will be a temporary location
17 while C.W. Harris is still undergoing
18 renovations. This precinct was relocated prior
19 to the 2018 primary election.

20 So I will request that the Board make
21 this request final for the relocation of Precinct
22 105.

1 MEMBER GILL: I make a motion to
2 accept the recommendation.

3 CHAIRMAN BENNETT: The motion has been
4 properly made and received. Mr. Budoo, the only
5 question I have is this is going back to St.
6 John's Baptist Church?

7 MR. BUDOO: No.

8 CHAIRMAN BENNETT: This is a new
9 space, right?

10 MR. BUDOO: This is a new space. We
11 were in C.W. Harris which was closed for
12 scheduled renovations. And we relocated to the
13 Benning Park Recreation Center.

14 And then that site is now getting
15 ready to undergo scheduled renovations so we had
16 to relocate from that site as well.

17 CHAIRMAN BENNETT: So going back to
18 the original site is not an option.

19 MR. BUDOO: Not an option right now.

20 CHAIRMAN BENNETT: Okay. And we've
21 already considered the ADA issues around that.

22 MR. BUDOO: I have. I have not had a

1 chance to take Ms. Terrica Jennings over for her
2 to do her review on it.

3 But I'm quite sure that there will be
4 -- if there is an issue. It's a ground level
5 entrance to the facility. It's an open space
6 there.

7 There are ADA accessible restrooms.
8 But she still has to do her final survey as well.

9 CHAIRMAN BENNETT: Okay. I'll -- I
10 second the motion and consider it a unanimous
11 approval of the move.

12 However, if for some reason or another
13 Ms. Jennings and her program have an issue then
14 the expectation is that you come back to the
15 Board.

16 MR. BUDOO: Yes, sir.

17 CHAIRMAN BENNETT: Okay, great.

18 Thanks.

19 (Simultaneous speaking.)

20 CHAIRMAN BENNETT: And what I'd like
21 to do is at least since we don't have Ms.
22 Jennings' final review of that, at least at the

1 next Board meeting if you could report that it is
2 consistent with ADA requirements.

3 MR. BUDOO: Yes, sir.

4 CHAIRMAN BENNETT: Okay, thank you.
5 So go forward please. Unanimous approval. Ms.
6 Miller.

7 MS. MILLER: While we're talking about
8 polling places on December 3 the Council formally
9 adopted and established by resolution Precinct
10 144.

11 So beginning with the June 2 primary
12 we will operate 144 precincts, 1 additional
13 precinct than we've had in the past. We're
14 moving from 143 to 144. So we're grateful for
15 that.

16 Outreach for the month of December.
17 Staff participated in nine outreach events. All
18 those were listed on our website.

19 They included voter education events
20 such as the high school voter education drives at
21 Duke Ellington, Luke Moore High School, voter
22 registration drives and election worker

1 recruiting events at Georgetown Neighborhood
2 Library and other such events.

3 The June 2, 2020 primary is upon us.
4 For that election nominating petitions will be
5 available this Friday, January 10. And the
6 deadline to file petitions are March 4.

7 I do want to say that we haven't had
8 any response yet from the schools regarding
9 closure for the June primary. I know the Council
10 has been consistent with trying to get some
11 information on that.

12 So as of this moment the schools as
13 far as we know will still be open. That
14 concludes my report.

15 CHAIRMAN BENNETT: Any questions, Mr.
16 Gill?

17 MEMBER GILL: No questions.

18 CHAIRMAN BENNETT: Okay. Item number
19 seven, general counsel's report.

20 MS. STROUD: Good morning. Before I
21 give the general counsel's report I wanted to
22 acknowledge and introduce Ms. Tanisha Erskine who

1 joins us as of this past Monday. Please stand
2 up, Tanisha. She's our new paralegal in the
3 Office of the General Counsel.

4 CHAIRMAN BENNETT: Great, thank you.
5 Welcome.

6 MS. STROUD: My -- the only item on my
7 agenda is litigation status. The five cases are
8 the same as they have been.

9 The first is William V. Hunt v. the
10 Board. This is a matter in which Mr. Hunt
11 requested that the Board count the write-in votes
12 cast in Mayoral contest in the November 2018
13 general election which the Board was not required
14 to do.

15 Briefing in that case is complete and
16 we're awaiting the court's order on the Board's
17 motion to dismiss.

18 The next case is Butler v. Board.
19 This matter is an action for a writ of mandamus
20 to compel the Board to accept the DC term limits
21 campaign initiative as a proper subject.

22 The Board filed a motion for summary

1 judgment on November 21, 2019 and it was supposed
2 to be cross motions that were filed by the Board
3 and the plaintiff.

4 The plaintiff did not file a motion
5 for summary judgment, and the court had indicated
6 that it would issue a decision on the dispositive
7 motions on December 23, but it has not to date.

8 The next case is Graham v. the Board.
9 And this matter involves the Board's appeal of a
10 permanent injunction entered by the Superior
11 Court which prohibits the Board from taking any
12 action on the Referendum 8 Presentation.

13 Briefing in this case is complete and
14 the DC Court of Appeals has ordered that the case
15 be scheduled for oral argument as soon as the
16 calendar permits.

17 Cases 4 and 5 are Philip Hammond v.
18 the Board and Robin Marlin v. the Board.

19 These matters involve appeals of Board
20 orders finding no vacancies -- of resolutions
21 issued by ANC 7B which found no vacancies in
22 single member district 7B04 and 7B05.

1 These matters have been consolidated.
2 The appellants were to have filed their brief in
3 the matter on December 16. They did do that, but
4 they did not file an appendix.

5 And on January 3 the court issued an
6 order giving the appellants an additional 15 days
7 to file an appendix and warned that failure to do
8 so could result in dismissal. And that is the
9 litigation status for this month, the past month.

10 CHAIRMAN BENNETT: Any questions, Mr.
11 Gill?

12 MEMBER GILL: No questions.

13 CHAIRMAN BENNETT: None from me. Any
14 other items, Ms. Stroud?

15 MS. STROUD: No, that's it.

16 CHAIRMAN BENNETT: Have you announced
17 the -- are you on the website with regard to the
18 hearing next month?

19 MS. STROUD: That's not on the agenda
20 yet.

21 CHAIRMAN BENNETT: Okay. All right.
22 Great. We'll move on.

1 Now is the point for public matters.
2 I and Mr. Gill will stay here and hear from
3 members of the public if there are any.

4 And no disrespect, but the chair will
5 have to depart in a few minutes. So at this
6 point in time are there any public matters that
7 need to come up for the Board today?

8 MR. SINDRAM: Yes, Mr. Chair. Michael
9 Sindram, disabled veteran who served our country
10 more than most. How are you?

11 CHAIRMAN BENNETT: I'm good, sir.

12 MR. SINDRAM: Mr. Gill, we have an
13 elephant in the room. Mr. Sanford, I've got a
14 question for you. You indicated December 19 you
15 sent a Green referral to the GC. What's that
16 about?

17 CHAIRMAN BENNETT: Green referral to
18 the general counsel.

19 MR. SINDRAM: December 19th.

20 MR. SANFORD: I don't recall sending
21 any Green thing referred to the Office of General
22 Counsel.

1 CHAIRMAN BENNETT: He doesn't recall
2 what you're referring to, Mr. Sindram.

3 MR. SINDRAM: You made a litany of
4 names. One of them was Green, indicating on
5 December 19th there was a referral to the GC.
6 And then my additional question is, too --

7 MR. SANFORD: Go ahead, Mr. Sindram.
8 I'm not sure what you're referring to.

9 MR. SINDRAM: I'm referring to your
10 representation on the record at the open Board
11 meeting here today that on December 19th you
12 mentioned the name Green. There was a referral
13 to the general counsel. Do you want to go back
14 and play the tape and listen to what you said?
15 That's question number one.

16 Question number two, you indicated a
17 litany of ANC commissioners, I believe out of
18 Ward 7. And the ultimate fines imposed of \$1,000
19 ethics training. And I'd like to get a handle
20 briefly on what that's about. You didn't really
21 specify as to what went down.

22 MR. SANFORD: Mr. Sindram, first of

1 all, it was the director who referred to the
2 referral of Green to the Office of General
3 Counsel from the Fair Elections Program. That
4 was not part of my report. But that was a
5 referral for non-compliance with the rules that
6 govern the Fair Elections Program. I hope that
7 answers your question regarding Mr. Green.

8 MR. SINDRAM: Yes, thank you. And
9 then you indicated a litany of ANC commissioners.

10 MR. SANFORD: Okay. I think I know
11 what you're referring. And I will not go into
12 great detail on this because I think I did
13 explain it.

14 The office received a complaint from
15 a Mr. Edward Hanlon in Ward 2 against several
16 commissioners, Advisory Neighborhood
17 Commissioners in the same ward. And we conducted
18 the full investigation and issued an order
19 regarding the complaint.

20 The complaint was that those
21 commissioners were involved in the improper use
22 of government resources. And we made a

1 determination that they had engaged in certain
2 activity that could be construed as such and we
3 imposed a fine of \$4,000 and determined that that
4 fine would be subject to a reduction to a \$1,000
5 fine if they attended ethics training before the
6 BEGA, the Board of Ethics and Government
7 Accountability.

8 MR. SINDRAM: Gotcha. Thank you.
9 Thank you. There was from the general counsel
10 indicating the Butler matter, summary judgment.

11 MR. SANFORD: You mean the Board's
12 general counsel.

13 MR. SINDRAM: Yes. Not to be confused
14 with you, Mr. Sanford. But thank you again for
15 your clarification.

16 To the Board general counsel, you
17 indicated about a live case, the Butler matter,
18 involving term limits.

19 Keep in mind, Mr. Chair, we the people
20 weighed in on this in 1992. And I know Jack
21 Evans was at the forefront not to have term
22 limits so he could be Councilman for life. But

1 now see how that panned out. He's gone. See ya,
2 glad I'm not gonna be ya.

3 But we're back to the term limit
4 issue. We've already weighed in. We've already
5 decided this. Res judicata, collateral estoppel.
6 Why do we keep going round and round? It reminds
7 me, Mr. Chair, when we had a hearing on Evans and
8 a lady came forward and she says, why are we
9 keeping discussing this? Evans' lawyer drags
10 this on and on and on. And like yesterday the
11 Council. Great, you have a hearing again. We
12 can weigh in which, we've already done, and get
13 rid of him. He should have been gone long ago
14 and far away.

15 But the residuals of his unjust
16 enrichment, of his violations of law remain. And
17 one of them is, again, term limits. We the
18 people, the sovereign body, weighed in. So why
19 is not our decision honored?

20 You've indicated repeatedly, Mr.
21 Chair, as also -- we need an elephant in the
22 room. We want get people to weigh in. But when

1 we weigh in and we speak and it falls on tin
2 ears, why waste our effort? It doesn't make
3 sense.

4 And then one final question for you,
5 Mr. Chair, on the filling of the third position
6 there on the Board. Is there an update?

7 MEMBER GILL: So, the chairman's left,
8 Michael, but there is an update. The third Board
9 member was confirmed by the Council and we are
10 awaiting that Board member being officially sworn
11 in. But it's our expectation that we will have a
12 full quorum next month.

13 MR. SINDRAM: What is the name of that
14 Board member?

15 MEMBER GILL: Karyn Greenfield.

16 MR. SINDRAM: What is it?

17 MEMBER GILL: Karyn Greenfield.

18 MR. SINDRAM: Briefly, any idea on her
19 background, where she's coming from?

20 MEMBER GILL: Well, I had the
21 opportunity to meet her a couple of times through
22 email. I haven't met her in person, but I

1 believe the confirmation hearing would have her
2 full testimony.

3 MS. STROUD: And her confirmation
4 resolution, which would have her background
5 information, is available from the Council
6 website.

7 MR. SINDRAM: Okay.

8 MEMBER GILL: If she's on our Board,
9 she's an esteemed and distinguished individual.

10 MS. STROUD: Absolutely.

11 MR. SINDRAM: We'll wait until the
12 honeymoon is over. But in any event, has the
13 Council set a confirmation date for her
14 confirmation?

15 MEMBER GILL: She's confirmed. I
16 don't believe there is a swearing in date yet,
17 that we're aware of, but we're expecting it
18 relatively soon.

19 MR. SINDRAM: Gotcha. And then last
20 but not least, we need an elephant in the room.
21 Competition is good. The elephant and the
22 donkey. We need the elephant. Are you with me?

1 Silence is not golden.

2 MEMBER GILL: We are listening to your
3 comments.

4 MR. SINDRAM: Well, I hope you're not
5 only listening but acting. Like the word says.
6 Show me your faith by your works. Faith without
7 works is dead. We need an elephant in the room.
8 And to make it more accommodating and user
9 friendly for all. Right now, in D.C., we know
10 the donkey -- the ass and the donkey carry the
11 day. And we don't even have an election. We
12 just have a primary. The primary determines,
13 based upon Democratic candidate, the winner. And
14 people, again, we're not stupid. We see this and
15 we say, well, why bother going to the polling
16 facility, whatever else, because it's already
17 determined, predetermined, if you will?

18 So, help me help you help us. Change
19 that. Make it happen. We need an elephant in the
20 room.

21 MEMBER GILL: All right. Thank you,
22 sir.

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MR. SINDRAM: Yes, sir.

MEMBER GILL: And with that and no other public matters for the Board I will call the meeting adjourned. Thanks, everyone.

(Whereupon, the above-entitled matter went off the record at 11:13 a.m.)

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In the matter of: Regular Board Meeting

Before: DC Board of Elections

Date: 01-08-2020

Place: Washington, DC

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