

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

AUGUST 7, 2019

+ + + + +

The District of Columbia Board of Elections convened a Regular Board Meeting in Room 7031, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 10:30 a.m., D. Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

D. MICHAEL BENNETT, Chair  
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
CECILY COLLIER-MONTGOMERY, Director,  
Office of Campaign Finance  
TERRI D. STROUD, General Counsel  
ARLIN BUDOO, Facility Operations Manager  
WILLIAM SANFORD, General Counsel, Office  
of Campaign Finance

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

(10:30 a.m.)

1  
2  
3 CHAIR BENNETT: We are going to start.  
4 This is our August meeting. Calling the meeting  
5 to order. Since we are -- instead of three Board  
6 members, we are now two.

7 Ms. Lewis resigned from the Board and  
8 was appointed to another Board in the District of  
9 Columbia. We had mentioned that the last time.  
10 And so, Mr. Gill and I are Board members.

11 There are -- I hope at some point the  
12 Mayor will -- or the Council will move forward on  
13 the nomination that they had. If not, hope the  
14 Mayor nominates someone else and we can get to  
15 the three Board members again.

16 But in the meantime, Mr. Gill and I do  
17 constitute a quorum of two of the three Board  
18 slots.

19 So, I'd like to start off by adopting  
20 the agenda for today. And so I'll need a motion  
21 from you, Mr. Gill.

22 MEMBER GILL: Motion to approve

1 agenda.

2 CHAIR BENNETT: Motion has been  
3 provided and properly -- and I accept, and so  
4 it's unanimous that both of us approve that. And  
5 also, the minutes for the last meeting that was  
6 July 2.

7 MEMBER GILL: Motion to approve the  
8 minutes of the July 2 meeting.

9 CHAIR BENNETT: Thank you. And so,  
10 that's seconded and it's unanimous, so those  
11 minutes are, like the agenda from today, are  
12 likewise approved. Any Board matters? Mr. Gill,  
13 do you have any Board matters for today? Do you  
14 have any Board matters?

15 MEMBER GILL: No. I just cleared up  
16 my one Board question.

17 CHAIR BENNETT: Okay. The only --  
18 what we'll normally do during this time period  
19 is, when there have been orders issued by the  
20 Board from the previous -- or during the previous  
21 month, we'll make a practice of announcing those  
22 borders during this time of Board matters, and

1 also indicating the positions of the varied Board  
2 members -- the two Board members at this point --  
3 on those orders.

4 And obviously, any other matters that  
5 are specific to the Board we'll certainly cover  
6 during this part of the agenda.

7 This number five is a new part of the  
8 agenda, and what we would like to do is to see if  
9 there are any public matters that can be  
10 identified at this point from the information  
11 that is available to the public.

12 Obviously, there may not have been  
13 issues that may not have been addressed today.

14 Not to necessarily resolve those  
15 matters or to address them, but just to identify  
16 them, so that if indeed there is a need to get  
17 additional information during the reports, we  
18 have an opportunity to do that, and then to  
19 address it.

20 After the reports, there's also  
21 another space for public matters, and we'll  
22 address those matters that were identified now at

1 that time.

2 And then, if there are other matters  
3 that the public has based on the reports that  
4 were provided, we'll address those at that time  
5 as well.

6 So, there will be, in essence, two  
7 bites at the apple, so to speak. But we'd like  
8 to have an opportunity at this point to know of  
9 any public matters that we can take time to do a  
10 little research during the meeting time frame.

11 So, are there any public matters that  
12 the public would like to identify at this point?

13 Yes, ma'am. If you could come and identify  
14 yourself, Ms. Brizill.

15 MS. BRIZILL: My name is Dorothy  
16 Brizill, B-R-I-Z-I-L-L. I'm Executive Director  
17 of DCWatch. My mailing address is 1327 Girard  
18 Street.

19 I would like to identify two public  
20 matters that I would like to get some  
21 clarification, as well as have some information  
22 from the Board.

1                   My first public matter concerns the  
2 BOE as a, quote, independent agency.

3                   I'd like clarification regarding its  
4 relevant authority, as well as with respect to  
5 specific matters, such as the applicability of  
6 the District's open meetings law, the  
7 applicability to the Board of the District's  
8 procurement laws, and applicability to the Board  
9 regarding the District's personnel rules and  
10 regulations.

11                   My second issue concerns preparations  
12 for the 2020 elections, and I would like some  
13 information from the Exec Directors of the Board  
14 of Elections regarding the preparation for the  
15 elections, as well as some specific matters  
16 regarding issues that have been in the media.

17                   CHAIR BENNETT: Okay, thank you.  
18 Ms. Brizill, could you walk through the first  
19 items again. I'm sorry, I was jotting down and I  
20 missed some. So, you want the independent  
21 agency --

22                   MS. BRIZILL: I would like

1 clarification as regards the Board references the  
2 fact that you are an independent agency.

3 CHAIR BENNETT: Uh-huh.

4 MS. BRIZILL: And at the last Board  
5 meeting, I raised some concerns regarding the  
6 hiring of the general counsel. I would like some  
7 clarification with regard to the extent to which  
8 you believe the Board -- that would be the Office  
9 of Campaign Finance -- is subject to the  
10 District's laws and regulations regarding, one,  
11 open meeting, two, procurement, and three,  
12 personnel matters.

13 CHAIR BENNETT: Okay, thank you. Any  
14 other public matters that we need to address?  
15 Okay, Item 6, the Report of the Office of  
16 Campaign Finance. Ms. Cecily-Montgomery.

17 I didn't introduce the dais for the  
18 court reporter. Oh, I'm sorry. Before I do  
19 that, Mr. Sindram, do you have any public matters  
20 that we want to --

21 MR. SINDRAM: I didn't catch that.  
22 Say that again, please?



1 CHAIR BENNETT: What I was indicating  
2 that at this point of the agenda, we wanted to  
3 take any public matters that you are aware of at  
4 this point that we could not try to address at  
5 this point, but to identify those so that if we  
6 need to do a little research between now and the  
7 end of the agenda, where we are addressing public  
8 matters, we would know what those are.

9 So, the question was, do you have any  
10 specific items that you'd like for us to address  
11 at the latter part of that agenda. That includes  
12 public matters.

13 MR. SINDRAM: Yes. The running issue  
14 is Jack Evans and the ongoing fraud --- whatever  
15 you want to call it. And I want to echo the  
16 concern of a witness previously that came forward  
17 a few months back, who indicated that they've  
18 been dragging their feet -- and yet the public  
19 trust is being tampered with, being violated,  
20 being obliterated, however you want to put it.

21 MS. JENNINGS: Mr. Sindram, I --  
22 Mr. Sindram.

1           MR. SINDRAM: -- the Council dragging  
2 this thing on, and that's what we saw. So, to  
3 answer your question, what is being done to  
4 resolve this Jack Evans debacle.

5           CHAIR BENNETT: So, the point of your  
6 matter is really the status of the recall  
7 petitions that we've approved to this point  
8 regarding Jack Evans. I think that's your --

9           MR. SINDRAM: Yes and no. But keep in  
10 mind, Mr. Chair, you have echoed the sentiment  
11 repeatedly that you hold near and dear to your  
12 heart the process of democracy and for the  
13 citizenry, and that works.

14           With regard to recall, there seems to  
15 be a lot of hyper-technical glitches that Evans  
16 is hiding behind, notwithstanding that we, the  
17 people, have weighed in on term limits. 1992, I  
18 believe --

19           CHAIR BENNETT: Yeah, Mr. --

20           MR. SINDRAM: And yet the Council says  
21 we don't want it -- Evans, specifically, and so  
22 they overturned.

1 CHAIR BENNETT: Mr. Sindram --

2 MR. SINDRAM: And --

3 CHAIR BENNETT: Yeah. Mr. Sindram, I  
4 apologize, but I think I have the essence of the  
5 matter that you want to discuss. And if we don't  
6 answer that during the reports, we'll certainly  
7 address that at the end of the agenda, where we  
8 put more time into public matters. So, thank you  
9 for that. It was within a certain limit.

10 MR. SINDRAM: Thank you, Chair.

11 CHAIR BENNETT: Okay. All right, so  
12 what I'll do now is move to Item 7. I'm sorry,  
13 Item 6, which is the Report of the Office of  
14 Campaign Finance. And prior to that, to my far  
15 right, is Ms. Cecily Montgomery, who is the  
16 Director of the Office of Campaign Finance, who  
17 provided that report.

18 To her left is Board Member Michael  
19 Gill. To his left, my right, is General Counsel  
20 Ms. Terri Stroud, and to my left is the Executive  
21 Director of the Board of Elections, and that's  
22 Ms. Alice Miller. And Court Reporter, I think I

1 have identified myself earlier as Michael  
2 Bennett, Chair. Thank you. Ms. Montgomery?

3 DIRECTOR COLLIER-MONTGOMERY: Yes,  
4 good morning. The first thing I would like to  
5 put on the record is that on DC Act 23-91, fiscal  
6 year 2020, Budget Support and Emergency Act of  
7 2019, was effective on July 22, 2019, and expires  
8 on October 20, 2019.

9 I would specifically point out that  
10 Title I, Subtitle E, of that Act, Fair Elections  
11 and Campaign Finance Reform Amendment, amends the  
12 Fair Elections Act.

13 And basically, what it does is that it  
14 incorporates the recommendations that the Board  
15 made to the Council with respect to the Fair  
16 Elections Act, which were previously incorporated  
17 in an emergency act which was due to expire on  
18 August 20.

19 This particular act will expire on  
20 October 20, 2019. It also amends the Campaign  
21 Finance Reform Act. And the Campaign Finance  
22 Reform Amendment Act of 2018 was effective on

1 March 13, 2019. It specifically amends the  
2 applicability clause of that act.

3 In the original act -- and this is  
4 still in effect -- the provisions of the act  
5 which pertain to the contributions of contractors  
6 and the prohibitions on those contributions,  
7 those particular provisions of the act will not  
8 be effective until November 4, 2020. So, that  
9 remains in effect.

10 The Emergency Act amends those  
11 provisions of the act which address the  
12 establishment of a new Campaign Finance board,  
13 and those particular provisions will not be  
14 applicable until the funding for them is included  
15 in a fiscal act of the council.

16 So, I just wanted to bring that to the  
17 public's attention. And also to indicate that  
18 there is a permanent piece which will incorporate  
19 the amendments to the Fair Elections Act, as well  
20 as the amendments to the Campaign Finance Reform  
21 Act, and that is currently under Congressional  
22 review and is expected to return during the month

1 of October.

2           During the month of July with our  
3 community outreach program, we once again  
4 partnered with the Board of Elections, and our  
5 team attended the MPD Ward 5 Beat The Streets  
6 community outreach event at 21st Street and  
7 Maryland Avenue, NE, on July 17, 2019.

8           And again, the purpose of the  
9 community outreach is to basically provide the  
10 community with information about the Office of  
11 Campaign Finance and its programs.

12           We also expanded the educational  
13 program, the community outreach efforts, by  
14 contacting the DC Federation of Citizens and the  
15 DC Federation of Civic Association, to advise  
16 them of the new Fair Elections Program that the  
17 Agency administers.

18           And also, to let them know that we are  
19 available to come out and to do presentations to  
20 their community groups. We attached our  
21 brochures, and also a community request form as  
22 well. At this time, we have sent out emails to

1 approximately 25 of the civic associations.

2 In our Fair Elections Program division  
3 during the month of July, on July 16, 2019 our  
4 seventh candidate registered seeking to  
5 participate in the Fair Elections Program, and  
6 that is Green for Ward 7.

7 On July 8, 2019 with the ANC outreach  
8 project, the Fair Elections Program staff visited  
9 ANC 3G, and on Thursday, July 11, they visited  
10 ANC 3E.

11 And again, the purpose of that was to  
12 present information to the community about the  
13 Fair Elections Program.

14 On July 24, 2019 the Fair Elections  
15 Program staff conducted a meeting with all of the  
16 currently registered FEP candidates, and with our  
17 vendor dating it to introduce the Fair Elections  
18 Program e-filing system.

19 Friday, July 26, 2019 the Fair  
20 Elections Program e-filing system was made  
21 available to all registered FEP candidates.

22 July 31, 2019, Wednesday, that was the

1 first filing date for the candidates who are  
2 registered in the Fair Elections Program. We  
3 currently have seven candidates who are  
4 registered and two requested extensions.

5 On the filing date, Jordan Grossman,  
6 for Ward 2, filed. And I should point out before  
7 I indicate who filed, what the threshold  
8 requirements are.

9 The threshold requirements for the  
10 program for Ward candidates who are seeking the  
11 office of Ward Member of the Council, a candidate  
12 must present, in order to be considered for  
13 certification into the program, 150 qualified  
14 small dollar contributions from District  
15 residents who are individual.

16 And those qualified small dollar  
17 contributions must total, in the aggregate,  
18 \$5,000 or more. The individual contribution  
19 limit for the candidates who are seeking the  
20 office of Ward Councilmember, is \$50.

21 So, the following candidates filed  
22 their reports on July 31, and I will indicate to



1 you basically what their accounts were.

2 Jordan Grossman for Ward 2 filed 427  
3 qualified small dollar contributions from  
4 residents of the District of Columbia who are  
5 individual, and those contributions total  
6 \$17,501.02.

7 Kishan, for DC 2020, filed on July 31  
8 and he submitted 270 contributions from small  
9 dollar contributors who are individual residents  
10 of the District of Columbia, and the total amount  
11 was \$8,943.

12 Patrick Kennedy for Ward 2 also filed  
13 on July 31. He submitted 211 qualified small  
14 dollar contributions, which totaled \$8,515.

15 John Fanning for Ward 2 also submitted  
16 on July 31. He submitted 155 qualified small  
17 dollar contributions and the total was in the  
18 amount of \$6,165.

19 Green for Ward 7 also filed on  
20 July 31, 2019. He submitted 57 qualified small  
21 dollar contributions. The total amount of  
22 contributions was \$1,906.

1           I should point out that the Fair  
2 Elections Program staff is currently in the  
3 process of verifying the reports. Also, the  
4 verification process commenced on Thursday,  
5 August 2019, and it will end on Wednesday,  
6 August 14, 2019.

7           So, what the Fair Elections Program  
8 staff is doing is verifying that the  
9 contributions which were recorded as being from  
10 qualified small dollar contributors from the  
11 District of Columbia, that they do in fact have  
12 the required documentation, and also that they  
13 are from individuals who reside in the District  
14 of Columbia.

15           In our Public Information and Records  
16 Management Division, basically there were several  
17 filing dates during the month of July. The first  
18 one was with our constituent service programs.  
19 The report was due on July 1.

20           The total number of required filers  
21 was nine. Nine timely filed, and all of the  
22 filers electronically filed their reports.

1                   With our Senator Representative  
2                   Statehood Fund, the filing deadline was July 1.  
3                   We had three required filers. All three filed  
4                   and all three electronically filed their reports.

5                   With our principal campaign committees  
6                   and our political action committees, July 31 was  
7                   the filing deadline. We had 134 required filers.  
8                   Eighty-two of those are principal campaign  
9                   committees and 52 are political action  
10                  committees. The total number of required filers,  
11                  timely filers, was 95, 47 PCCs and 48 PACs.

12                  We also had 39 failures to files, 35  
13                  of those were principal campaign committees and  
14                  four were political action committees. We're in  
15                  the process of determining the number of  
16                  referrals to the Office of the General Counsel.  
17                  With respect to the timely filers, all 95 timely  
18                  filed electronically.

19                  With our Fair Elections Program, the  
20                  principal campaign committees, again, the 31st  
21                  was the first report date for the program.

22                  We had seven required filers. Five

1 timely filed. Again, two requested extensions,  
2 and all five of the registrants were able to  
3 successfully file their reports of receipts and  
4 expenditures. And again, that was the first  
5 filing date. And most significantly, our  
6 e-filing system was up and running, and  
7 available.

8 With our independent expenditure  
9 committees, July 31, again, was the filing date  
10 for the reports by receipts and expenditures. We  
11 had four required filers. Two timely filed, two  
12 failed to file.

13 We're in the process of determining,  
14 again, the referrals to the Office of the General  
15 Counsel. And with those who filed, they  
16 electronically filed.

17 With our inaugural committees, we had  
18 one required filer. They filed a timely file.  
19 Also, the filer electronically filed as well.

20 With our initiative referendum  
21 committees, July 31, again, was the filing  
22 deadline for the committees. We had eight

1 required filers, five initiative committees and  
2 three referendum committees.

3 We had three who timely filed, one  
4 initiative and two referendum committees. We had  
5 five who failed to file, four initiative, one  
6 referendum committee. We are in the process,  
7 again, of determining the referrals to the Office  
8 of the General Counsel, and all three of the  
9 committees who timely filed, electronically  
10 filed.

11 With our recall committees, July 31,  
12 again, was the filing deadline. We had three  
13 required filers. Two timely filed, one failed to  
14 file.

15 Again, we're in the process of  
16 determining referrals to the general counsel. We  
17 had two who electronically filed. Well, everyone  
18 who timely filed also electronically filed.

19 During the month of July, with respect  
20 to new candidates and committees, Anthony Green,  
21 Green for Ward 7, City Council, registered on  
22 7/16/2019. And again, that is a candidate in the

1 Fair Elections Program.

2 Clayton Rosenberg, Rosenberg for  
3 Ward 7 City Council, registered on July 31, 2019.  
4 We conducted entrance conferences during the  
5 month of July.

6 The first was on July 16, 2019. We  
7 had six participants: Melanie Clark, Treasurer;  
8 Dale for DC, Anthony Dale, Candidate, Dale for  
9 DC; Sean Watson, Treasurer; Veda Rasheed, DC  
10 Council, Ward 7 Exploratory Committee; Kishan  
11 Putta, Candidate Kishan for DC 2020; Sigute  
12 Melus, Treasurer, Save Our Votes, PAC DC;  
13 Graylan S. Hagler, Treasurer, Save Our Votes, DC  
14 Independent Expenditure Committee.

15 July 26, 2019 there were two  
16 participants at the entrance conference. The  
17 first was Robert T. Schreiber, Treasurer, Kishan  
18 for DC 2020. The second was Yuri Fuchs,  
19 Treasurer, Daniel Hernandez for Ward 2.

20 In our reports analysis in Audit  
21 Division during the month of July 2019, the Audit  
22 Branch conducted 29 desk reviews of reports that

1 were filed during the month.

2 In the Audit Branch, we also had  
3 ongoing audits with respect to full field audits.  
4 The first one is DC Proud 2019 Inaugural  
5 Committee, and that was initiated on April 22,  
6 2019.

7 The Committee to Elect Zachary Parker  
8 2018, which was initiated on March 5, 2019, and  
9 that is of a newly-elected official of the school  
10 board 2018 election.

11 Emily for Education, which was  
12 initiated on March 4, 2019, and that is a newly-  
13 elected official of the school board 2018  
14 election.

15 We do not currently have any periodic  
16 random ones which are ongoing. We did issue an  
17 audit during the month of July. That was Sheika  
18 Reid 4, Ward 1. It was issued on July 12, 2019.  
19 That was a non-compliance audit and that audit  
20 has been referred to the general counsel's  
21 office.

22 And I would, at this point, ask the

1 general counsel to give the report for the Office  
2 of the General Counsel for the Office of Campaign  
3 Finance.

4 CHAIR BENNETT: Thank you.

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

9 During the month of July 2019, the  
10 Office of the General Counsel received one  
11 referral from the Reports Analysis Division.

12 And as the director has indicated,  
13 that referral was a non-compliant audit from the  
14 RAD Division regarding Sheika Reid, who was a  
15 candidate for Ward 4 in the 2018 election.

16 The Office of the General Counsel  
17 completed three informal hearings and issued  
18 three orders for failure to timely file Advisory  
19 Neighborhood Commission Summary financial  
20 statements, in which no fines were imposed.

21 During the month of July 2019, the  
22 Office of the General Counsel received a total of



1       \$3,050 in fines. They included the following:  
2       \$3,000 in fines were paid by Jeffrey Thompson, in  
3       accordance with an installment plan that has been  
4       reached by the Office of Campaign Finance and  
5       Mr. Thompson, in settlement of a case that  
6       occurred in December of 2018.

7               A fine of \$50 was paid by the Economic  
8       Protection Party, in settlement of a fine imposed  
9       for failure to timely file a report.

10              During the month of July 2019, the  
11       Office of the General Counsel did not open or  
12       carry any active investigations.

13              During the month of July 2019, there  
14       were no requests for interpretive opinions, and  
15       no show-cause proceedings were conducted. And  
16       that should complete my report.

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

19              DIRECTOR COLLIER-MONTGOMERY: Yes.  
20       The last thing I would like to acknowledge the  
21       efforts of my Fair Elections Program Division  
22       staff, and quite a few of them are in the

1 audience.

2 And they have worked tirelessly to  
3 ensure that the e-filing system for the Fair  
4 Elections Program was up and running, and  
5 available to the candidates who registered to  
6 participate in the program.

7 And not only that, now they are  
8 working tirelessly to verify the reports that  
9 have been filed with the program. But again, I  
10 must express my appreciation to them and  
11 acknowledge their efforts.

12 And also, Austin Franklin, who has  
13 also assisted the division with advice. So,  
14 again, thank you.

15 CHAIR BENNETT: Thank you. You  
16 anticipated maybe my stolen thunder. I wanted  
17 just to, one, compliment you, Cecily --  
18 Ms. Montgomery. Sorry. And also, Mr. Jackson  
19 and your staff.

20 I would think -- and just for the  
21 record, we have been back and forth with the  
22 Council about this program. I was really nervous

1 about it six or seven months ago, because of all  
2 the things that had to get done.

3 And there was no nervousness because  
4 of the people, but just the recognition of the  
5 size of the hill. We haven't accomplished the  
6 hill yet. We've still got a fair amount to go,  
7 but the progress has been just phenomenal.

8 The fact that we've been able to work  
9 through with the contractor to get a system in  
10 place that allows for electronic filing is huge.  
11 I don't think many people would realize or  
12 understand how important that is to be able to  
13 get the electronic filing system in place.

14 We're very fortunate that the Office  
15 of Procurement has been very cooperative with us  
16 and made sure that we had a contract that was  
17 capable of putting the system in place.

18 But Mr. Jackson and your staff -- and  
19 at some point I'd like to recognize each person  
20 individually -- but --

21 DIRECTOR COLLIER-MONTGOMERY: They  
22 could stand up.

1                   CHAIR BENNETT: Well, yeah, please go  
2 ahead. But I want you all to know, one, how  
3 important this is to the city relative to this  
4 particular program, but also how important the  
5 work that you have done is, and how -- and I  
6 understand and this Board understands how  
7 difficult it has been.

8                   I've had a number of very challenging  
9 conversations with the Council relative to this  
10 program. But you guys have stuck in there. And  
11 like I said, we haven't gotten to the top of the  
12 hill yet, but your progress is such that I'm not  
13 quite ready to take a victory lap, but I want to  
14 at least cheer for where we are in the process.

15                   So, thank you for all of the hard  
16 work, and thanks for kind of pushing through and  
17 making sure things get done, and keeping me  
18 informed along the way. So, I really do thank  
19 you and appreciate that.

20                   I hope I haven't been in the way too  
21 much, and it's okay to say yeah, you have been.  
22 But I will -- this is something that I know is

1 important to everybody, and you guys have seen  
2 that and pushed forward. So, thank you, on  
3 behalf of the Board, and also on behalf of the  
4 city as well. This is big, big, big, big deal,  
5 that I want to make sure that the record's clear  
6 what a great job everybody's done. So,  
7 Ms. Montgomery, Mr. Jackson, the entire team.

8 Mr. Sanford -- when I couldn't get  
9 anybody, I'd book him and he was always quite  
10 responsive. So -- but the entire team. And  
11 unfortunately, Mr. Jackson gave me his cellphone  
12 number. So, that was a real problem, I'm sure.  
13 But thank you for everybody.

14 (Simultaneous speaking.)

15 CHAIR BENNETT: Great. Next on the  
16 agenda is the Report of the Executive Director of  
17 the Board of Elections, Ms. Miller.

18 DIRECTOR MILLER: Thank you,  
19 Mr. Chairman. The first item on my agenda is the  
20 proposed change in precinct boundaries, and that  
21 would be Mr. Budoo. I'd ask him to come forward.

22 This is a continuation from what the

1 Board had previously heard back in May regarding  
2 boundaries for a new precinct for -- proposed  
3 precinct boundaries for 144. You do have a  
4 report in your packet.

5 CHAIR BENNETT: Okay.

6 DIRECTOR MILLER: And I'll ask him to  
7 proceed.

8 MR. BUDOO: Good morning. My name is  
9 Arlin Budoo, Facility Operations Manager for the  
10 Board of Elections.

11 At the regularly scheduled Board  
12 meeting on May 1, 2019 I submitted the proposal  
13 for the establishment of a new precinct, Precinct  
14 number 144, that would result from splitting  
15 Precinct number 83.

16 During the Board meeting, ANC  
17 Commissioner Mark Eckenwiler, in SMD 6C04,  
18 opposed the recommended boundaries submitted to  
19 the National Board to reconsider the boundaries  
20 due to future developments within the precinct  
21 boundaries.

22 After reviewing Mr. Eckenwiler's

1 recommendation, I approved and adopted the slight  
2 changes to the boundaries that I had submitted,  
3 and which he made slight modifications to the  
4 boundaries.

5 And I want to please note that the  
6 area to which I am referring to is part of the  
7 major, revitalization of the NoMa area, where the  
8 population has more than doubled and continues to  
9 grow.

10 As of July 31, 2019 the number of  
11 registered voters in Precinct number 83 is 9,877,  
12 with approximately half on the west side of Third  
13 Street, and half on the east side of Third  
14 Street.

15 Therefore, I propose, once again, that  
16 we establish a new Precinct number 144, with the  
17 new boundaries indicated, which I have identified  
18 the Hilton Garden Inn, located at 1225 First  
19 Street, NE, as a potential site within the new  
20 boundaries.

21 And as you can see on the package that  
22 you have, on the back of the package there is a

1 design of the new proposed precinct boundaries as  
2 well.

3 DIRECTOR MILLER: Any questions?

4 CHAIR BENNETT: For the record,  
5 Mr. Budoo, you work with the public, and  
6 particularly Mr. Eckenwiler?

7 MR. BUDOO: Yes, sir.

8 CHAIR BENNETT: And you didn't have  
9 any other comments or anybody else in the public  
10 world to --

11 MR. BUDOO: No, sir.

12 CHAIR BENNETT: -- to do the split?  
13 And for the record, he's comfortable with where  
14 you came out, in terms of the recommendation --

15 MR. BUDOO: Yes, sir. He's offered  
16 his recommendations. He was not opposed to the  
17 splitting of Precinct 83.

18 It was just a couple of blocks that he  
19 wanted to identify where they had new development  
20 that were coming. They're not there yet, but  
21 that will push the population up. So, he wanted  
22 me to accept those changes to look at the future,



1 and looking at the future with those changes.

2 And again, we draw the boundaries.

3 CHAIR BENNETT: You're going to have  
4 to do it again. Okay.

5 MR. BUDOO: Yes, sir.

6 CHAIR BENNETT: And Mr. Gill, do you  
7 have any questions?

8 MEMBER GILL: No. Just -- I've said  
9 it before, this is one of the tougher things to  
10 do and my congratulations for getting everyone's  
11 approval and coming up with a good map.

12 I guess it's a good thing that we're  
13 adding new precincts. We should all be happy.

14 MR. BUDOO: Yes, sir.

15 CHAIR BENNETT: Can we get a motion to  
16 approve the new precinct?

17 MEMBER GILL: Motion to approval the  
18 proposal for a new precinct.

19 CHAIR BENNETT: Yes. I second. And  
20 so, all in favor?

21 (Chorus of aye.)

22 CHAIR BENNETT: You have unanimous

1 approval.

2 MR. BUDOO: Okay. I just want to put  
3 on the record, I will notify the Councilmembers  
4 today, as well as the at-large Councilmembers, of  
5 the proposed Precinct 144.

6 DIRECTOR MILLER: Right. We will put  
7 it in the Register. Doesn't end here, it has to  
8 be posted and registered for 30 days. The  
9 proposal has to be viewed (phonetic) at ANCs that  
10 are affected by Councilmembers.

11 And then, it is by Council resolution,  
12 that it actually goes into effect, for permanent  
13 effect.

14 PARTICIPANT: Great.

15 DIRECTOR MILLER: So, it's still a  
16 little bit more to the process, but it starts  
17 with the Board.

18 CHAIR BENNETT: But we've had it in a  
19 timely way, so it should easily happen --

20 DIRECTOR MILLER: Forty-five.

21 CHAIR BENNETT: Yeah.

22 DIRECTOR MILLER: Before the June

1 elections.

2 CHAIR BENNETT: Okay. And it gives us  
3 opportunity to prepare, obviously, for the split.

4 MEMBER GILL: Okay, great.

5 CHAIR BENNETT: Thank so much,  
6 Mr. Budoo.

7 DIRECTOR MILLER: Also, with respect  
8 to precincts, we will have -- we're aiming to do  
9 at least two more early voting sites. We know we  
10 have one early voting site and that will be one  
11 additional site in Ward 1.

12 We've identified the Masonic Temple at  
13 Taj Mahal. That will be at 1000 D Street, NW.  
14 We have a potential early voting site for Ward 2,  
15 which right now is the Martin Oaks, so there's a  
16 conflict with time. We're working that out.

17 Right now there's a wedding scheduled  
18 for the date that we need the site for, but --

19 MEMBER GILL: You do not want to mess  
20 with that.

21 CHAIR BENNETT: Yeah. I think that's  
22 a loser for us.

1                   DIRECTOR MILLER: Somehow, the  
2                   proprietor thinks he can convince the bride to  
3                   change her wedding date. I don't know if that's  
4                   going to happen

5                   CHAIR BENNETT: I don't think that's  
6                   going to happen.

7                   DIRECTOR MILLER: But at any rate,  
8                   we'll try to have at least -- that would be the  
9                   only Ward where we would not have two. Right now  
10                  we at least have 15 early voting sites.

11                  And we're trying to do something else  
12                  a little bit more unconventional in working to  
13                  get some other early voting sites in place as  
14                  well. But we're firm with 15 early voting sites  
15                  for the 2020 election at this point.

16                  CHAIR BENNETT: Excellent.

17                  DIRECTOR MILLER: We will also have in  
18                  each of the early voting sites, paper ballots  
19                  through ballot-on-demand process for the 2020  
20                  elections.

21                  So, where we have had them in only  
22                  1 Judiciary Square, we will now have them in all

1 of the early voting sites, so anyone will be able  
2 to have the option of electronic or paper for  
3 early voting in every early voting site that they  
4 vote.

5 So, we're going through the process  
6 now of determining what's going to be the best  
7 method to put that in place. So, that's through  
8 the procurement process.

9 I also want to report that over the  
10 past week or so, we did do a Survey Monkey with  
11 respect to the Board's website and we actually  
12 surveyed all of our subscribers.

13 I have results from those who  
14 responded to the survey site, to the Survey  
15 Monkey. Most of our individuals who surveyed and  
16 responded, indicated that the purpose that they  
17 use the website generally is personal.

18 We had a 90 percent response rate  
19 indicating that they were able to locate what  
20 they were searching for on the website.

21 What, if anything, cannot be located.  
22 Received some useful feedback on the presentation

1 of election results and how they would like the  
2 candidate information located where it should be.  
3 So, we'll look at that.

4 One of the questions we asked was to  
5 identify ways in which the website could be  
6 improved. Useful suggestions was to enhance the  
7 website with election worker information and  
8 provide more detailed application on the  
9 instructions of the poll workers. And so we'll  
10 look at that.

11 Also asked about improvements. What,  
12 if anything, do you believe was better about the  
13 previous website? And there was requests made  
14 for further ADA compliance within the website,  
15 which we're currently working with our vendor on.

16 And we also asked them to compare our  
17 websites with other DC government agency  
18 websites. And they listed a few. One was the  
19 Lottery Board, OAG -- were among those listed.  
20 So, we'll continue to look those as well.

21 The other thing that we did was, we  
22 had BEGA take a look at our website to see if it

1 was in compliance with the Open Government's Act.

2 We got a response back from BEGA,  
3 which said that we are in compliance. They did  
4 have some recommendations just to make it better,  
5 but indicated that there was nothing out of  
6 compliance with the Open Government's Act.

7 They did suggest that we place the  
8 name and email of the FOIA officer on the main  
9 page, just to make it more prominent, and  
10 suggested that we put the meeting minutes near  
11 the FOIA page on the website. So, I'd like to  
12 put that on the record as well.

13 One of the things that we will be  
14 doing for next year with the suggestion of our  
15 Oversight Committee, we have procured I-Voted  
16 stickers with the overlay of Frederick Douglass.

17 For those who don't know, Frederick  
18 Douglass was one of the first advocates for DC  
19 voting rights and one of the first ones to work  
20 with the DC Suffrage Petition Association, and  
21 with our -- so our I-Voted stickers, we have  
22 received and requested I-Voted stickers that

1 have, I guess, a facial vision of Frederick  
2 Douglass that says, advocate for DC voting  
3 rights.

4 So, voters will have an option to  
5 either get this I-Voted sticker, which is the new  
6 one, or the other one, which is just a regular I-  
7 Voted sticker. So, that would be an option for  
8 our voters.

9 And just by way of summary, we are  
10 currently reviewing all of our forms and  
11 documents, as we begin to prepare and update for  
12 our 2020 elections, making standard changes and  
13 the legal changes that may have occurred since  
14 the last election, and things in compliance with  
15 our new VRE system, as we also are implementing  
16 that. And there goes my report.

17 CHAIR BENNETT: The only thing -- any  
18 questions, Mr. Gill?

19 MEMBER GILL: No.

20 CHAIR BENNETT: The only thing I  
21 wanted to add -- or really not add but to  
22 request, is that at some point with the new VRE



1 system, start to take a look at the systems going  
2 to the Office of Campaign Finance, to see whether  
3 it needs to be some -- maybe some compatibility  
4 relative to be able to exchange information.

5 I think one of the things that we need  
6 to do is to try to make sure that the information  
7 that's required by both the Office of Campaign  
8 Finance and the Board of Elections that does  
9 overlap, that we'll be able to exchange  
10 information from a systems perspective, and not  
11 relying on people, per se. That's something I  
12 should have mentioned before. That would be  
13 great, because I think there are some things that  
14 --- there is some data the Office of Campaign  
15 Finance collects that would be great for the  
16 Board of Elections to have from a systematic  
17 access perspective, and vice-versa.

18 So, anyway, that's generally is a --  
19 and I give that to Ms. Montgomery, and  
20 particularly Mr. Jackson, to the Federal  
21 Elections Program. We've been talking about that  
22 anyway, but just something to consider. Nothing

1 to do, but something to kind of talk through at  
2 this point.

3 So, I don't have any other matters.  
4 Does that conclude your report, Ms. Miller?

5 DIRECTOR MILLER: Yes.

6 CHAIR BENNETT: Okay. Ms. Stroud, the  
7 General Counsel Report.

8 MS. STROUD: Good morning, everyone.  
9 Two items on my agenda. The first is a list of  
10 litigation status. The Office of the General  
11 Counsel has five active cases, two of which were  
12 filed since the last Board meeting.

13 The first is William B. Hunt versus  
14 the Board. This matter was filed at a US  
15 District Court for DC on October 18 and is a  
16 complaint regarding the counting of the write-in  
17 votes cast in November 6 general election.

18 Mr. Hunt was a write-in Mayoral  
19 candidate and he filed a complaint prior to the  
20 general election, to request that the Board count  
21 the write-in votes after the Mayoral contest.

22 On July 10, Mr. Hunt filed a Motion

1 for an Extension of Time to respond to the  
2 Board's Motion to Dismiss, which was filed on  
3 April 24, 2019, as well as a Motion to Amend the  
4 Complaint.

5 In the normal course, Mr. Hunt's  
6 response to the Board's Motion to Dismiss would  
7 have been due on July 22. The Board filed  
8 oppositions to Mr. Hunt's Motion to Extend Time  
9 on July 18.

10 On July 26 the court denied Mr. Hunt's  
11 Motion to Amend, but granted his motion to  
12 enlarge his time to file his opposition, to  
13 August 23.

14 On July 29, Mr. Hunt filed an  
15 additional Motion for Extension of Time to  
16 respond to the Board's Motion to Dismiss, as well  
17 as a motion to amend his complaint.

18 In James V. Butler, this is a matter  
19 which was an action in the -- or a writ in the  
20 nature of mandamus, to compel the Board to accept  
21 the DC term limits campaign and treated as a  
22 proper subject.

1           We had scheduled a conference for this  
2 matter on July 19. Dispositive motions were due  
3 on November 21, 2019, at which time both parties  
4 will file cross-motions for summary judgment.

5           Graham v. DC Board of Elections is a  
6 matter involving the Board's appeal of a  
7 permanent injunction entered by the Superior  
8 Court, which prohibits the Board from taking any  
9 action on the Referendum 8 petition.

10           The Board and the proposer filed a  
11 Joint Brief and Appendix on June 26. On July 16  
12 the appellees filed a Motion to Dismiss for  
13 mootness.

14           On July 23 the Board and the proposer  
15 filed a Joint Opposition to the Motion to  
16 Dismiss. We are awaiting the court's ruling on  
17 the motion. The appellees had a brief due on  
18 July 26. To date, it has not been filed.

19           The two matters which have arisen  
20 since the Board's last meeting are Philip Hammond  
21 v. the Board. This matter, which is filed in the  
22 DC Court of Appeals on July 19 in an appeal of

1 Board Order 19-32, upholding the resolution of  
2 ANC 7B, which found no vacancy of SMD 7B04.

3 On July 29 the Court of Appeals issued  
4 an order giving the petitioner 20 days to show  
5 cause why the petition should not be dismissed  
6 due to having been untimely filed.

7 Robin Marlin is a similar case. It  
8 was also brought pursuant to a resolution of  
9 ANC 7B, which found no vacancy, and SMD 7B05,  
10 which found that there was no vacancy in ANC  
11 SMD 7B05.

12 Similar to in Hammond, the Court of  
13 Appeals had issued an order giving the petitioner  
14 20 days to show cause why the petition should not  
15 be dismissed for having been untimely filed.

16 That's the litigation status. And we  
17 have rulemaking -- Emergency and Proposed  
18 Rulemaking to amend Title 3 of the Board's  
19 regulations, Chapters 42, which is the Fair  
20 Elections Program, and Chapter 43, which is the  
21 verification process chapter.

22 And these regulations are in support

1 of the Fair Elections Emergency Amendment Act of  
2 2019. I will defer to the Office of Campaign  
3 Finance for further explanation, but will first  
4 state that an initial version of this rulemaking  
5 was posted in the DC Register on June 21 at  
6 66 CCR 7503.

7 Following this publication, OCF  
8 determined that further amendments to these  
9 chapters were necessary in order to fully conform  
10 the Board's regulations.

11 DIRECTOR COLLIER-MONTGOMERY: This is  
12 Collier-Montgomery. I defer to Mr. Sanford.

13 MR. SANFORD: Good afternoon, again.  
14 The rulemaking is to amend the regulations, to  
15 make these regulations consistent with recent  
16 changes that have occurred that were pursuant to  
17 recommendations that were made by the Board and  
18 the Office of Campaign Finance.

19 Just briefly, some of the  
20 recommendations include increasing the number of  
21 certification dates to enable a candidate who may  
22 not qualify for certification initially on

1 July 31, to have a subsequent opportunity to  
2 achieve certification.

3 That was not included in the initial  
4 submission. The dates that we included in the  
5 initial submission were not compatible with the  
6 schedule for the election cycle. And so those  
7 were -- we deemed those changes necessary.

8 The other requirements are just  
9 changes to the verification process that had  
10 similarly undergone some changes due to a view  
11 and consultation with the Council regarding the  
12 most practicable way to implement the statute.  
13 And so that's briefly what these proposed  
14 rulemakings entail.

15 CHAIR BENNETT: And just for the  
16 record, as I recall, the reason for there being  
17 two was timing, more than anything else. We had  
18 to get some regulations out initially on the  
19 initial statute.

20 The statute changed during the time  
21 that we were required to get the initial  
22 regulations out. And so we had to change the

1 regulation again once the statute changed. So,  
2 that in essence were the reasons for those two.

3 MR. SANFORD: That's correct. The  
4 statute changes were the result of  
5 recommendations of the Board. For instance,  
6 initially the statute that only provided the  
7 Office of Campaign Finance with five days for the  
8 review period, and the Board had recommended that  
9 the Office at least be accorded ten business  
10 days.

11 And so, this is probably the third  
12 time that we have amended the regulations. But I  
13 cannot promise that this will be the last time,  
14 because as we continue to evolve with this  
15 program, there may be future changes that may be  
16 necessary, and we will be before the Board again.

17 MS. STROUD: At this time, I ask that  
18 the Board entertain a motion to adopt the  
19 rulemaking as Emergency and Proposed Rulemaking,  
20 so that it can be published in the DC Register  
21 and effective on the date of publication.

22 CHAIR BENNETT: Can I get a motion,



1 Mr. Gill.

2 MEMBER GILL: I make a motion to  
3 proceed with General Counsel's recommendation.

4 CHAIR BENNETT: Motion has been  
5 properly provided. I second. And that's a  
6 unanimous vote of the Board. So, yes, please  
7 move forward accordingly.

8 MS. STROUD: And that concludes my  
9 report.

10 CHAIR BENNETT: Great, thank you.  
11 Let's see, where are we on the agenda? I think  
12 we are back to public matters. So, if I may, we  
13 want to try to address the public matters that  
14 Ms. Brizill offered initially.

15 And so, Ms. Brizill, would you  
16 approach? And then we'll also address the public  
17 matter that was known by Mr. Sindram on the  
18 phone.

19 If there are additional matters that  
20 you have, Ms. Brizill, based on the reports  
21 today, we certainly like to entertain those after  
22 we address the ones that you identify earlier.

1 And then we'll get to Mr. Sindram on the phone if  
2 there's no one else present. Okay? Ms. Stroud  
3 will try and respond to, I think, the matters at  
4 least that we took notes on. Okay? Ms. Stroud?

5 MS. STROUD: Okay. So, as I recall,  
6 your questions were the sources of the Board's  
7 authority as an independent agency in the areas  
8 of public meetings, which determine law and  
9 personnel rules?

10 MS. BRIZILL: Yes.

11 MS. STROUD: Okay. So, the Board's --  
12 is your question specifically related to the  
13 appointment of the General Counsel?

14 MS. BRIZILL: No. It's general.

15 MS. STROUD: General. Okay, well, in  
16 the Board statute, Section 1-1001.06 makes  
17 reference to the Board as an independent agency.  
18 And that section reads, in the performance of its  
19 duties, or in matters of procurement, the Board  
20 shall not be subject to direction of any non-  
21 judicial officer of the District, except as  
22 provided in the DC Government Comprehensive Merit

1 Personnel Act of 1978.

2 And there's also -- and I can --  
3 there's other sections of the DC Code that refer  
4 to the Boards and the Agency. It's listed as  
5 such in the section of the DC Code that outlines  
6 which agencies of the District of Columbia  
7 government are independent agencies. And the  
8 Board is listed.

9 And I can find a site -- it'll take me  
10 a while, but I can give that to you. And in  
11 terms of procurement law, the section I just read  
12 refers to the Board's authority with respect to  
13 procurement. It's the same section. So, that is  
14 1-1001.06A.

15 In terms of the public meeting law,  
16 our code law also, in Section 5(a)-1, refers to  
17 the Board's open meetings -- the provisions of  
18 the Board statute that deals with its meetings.

19 So, I'm not sure if you have  
20 particular questions that you wanted to ask  
21 regarding those provisions, or --

22 MS. BRIZILL: I intend to pursue this

1 in the coming months. But I would like  
2 clarification -- and I have copies of the  
3 relevant statute -- provision to the statutes and  
4 the regulations that you've alluded to.

5 I would like an understanding of the  
6 meaning and significance of the BOE being an  
7 independent agency. And what are the limits and  
8 the constraints regarding matters concerning open  
9 meetings, procurement, personnel?

10 And it doesn't seem to me as though  
11 the regulations you've mentioned are crystal  
12 clear that there is no obligation to adhere to  
13 other provisions of DC law.

14 Let me be more clear. If you're  
15 saying that the Board of Elections is an  
16 independent agency not subject the traditional,  
17 often cited, rules and regulations regarding  
18 personnel, contracting, open meetings, what rules  
19 is the Board subject to, all their written rules  
20 and guidelines regarding procurement, contracting  
21 and personnel?

22 MS. STROUD: Well, I think it depends

1 on the context, Ms. Brizill.

2 MS. BRIZILL: No. No, no, no. No,  
3 you don't understand my question.

4 MS. STROUD: Okay.

5 MS. BRIZILL: Okay. If you're saying  
6 that the Board of Elections is an independent  
7 agency and it's not subject to what we  
8 traditionally known as the open meetings, the  
9 procurement and the contracting laws that govern  
10 other government bodies, the part of the District  
11 of Columbia government, what are the written  
12 rules and guidelines that govern the Board of  
13 Elections?

14 Or is it simply a ruling or decision  
15 by the Board members that are in place at that  
16 time?

17 MS. STROUD: Well, I question the  
18 premise, I guess. Because there are two parts to  
19 that. You're saying the first of that, the Board  
20 saying we're an independent agency. And we're an  
21 independent agency because the District law says  
22 that we are.

1                   In terms of whether or not that means  
2                   that we are not subject to the rules and  
3                   regulations in certain contexts, I'm not sure  
4                   where that part of your question --

5                   MS. BRIZILL: Okay, let's go one-by-  
6                   one. What part of the open government's law of  
7                   the District of Columbia do you say you're  
8                   subject to?

9                   MS. STROUD: I'm not sure what -- what  
10                  do you mean when you say open government's law?  
11                  Are you talking about the Open Meetings Act?

12                  MS. BRIZILL: Yes, open meetings?

13                  MS. STROUD: Well, we have regulations  
14                  regarding our meetings.

15                  MS. BRIZILL: What goes -- we have  
16                  regulations?

17                  MS. STROUD: The Board has  
18                  regulations. The Board has rules in our statute  
19                  that govern our meetings process. And they do  
20                  incorporate to a certain extent the Open Meetings  
21                  Act.

22                  CHAIR BENNETT: I would think

1 Ms. Stroud is saying we don't believe we're  
2 not -- that we're exempt from complying with the  
3 Open Meetings statute. I'm not quite sure --

4 MS. BRIZILL: Okay. As the Chairman  
5 of the Board, what provisions of the Sunshine Law  
6 and the Open Meetings laws of the District of  
7 Columbia, do you believe the Board of Elections  
8 is subject to?

9 CHAIR BENNETT: Ms. Stroud just gave  
10 you -- I don't, off the top of my head --

11 MS. BRIZILL: No, she hasn't. No, she  
12 hasn't. She just said under the Board governing  
13 statute. Give me an example. Give me some type  
14 of specifics.

15 CHAIR BENNETT: Do you want to give us  
16 an example of what is --

17 MS. BRIZILL: Okay, let me get a low-  
18 hanging fruit. If you believe that the Board of  
19 Elections is not subject to the traditional,  
20 normal personnel rules and regulations that  
21 govern hiring and firing and treatment of  
22 employees, what rules and regulations govern the

1 Board of Elections in that regard?

2 MS. STROUD: So, the section of the  
3 statute, the DC Elections --

4 MS. BRIZILL: What section? What  
5 section of the statute?

6 MS. STROUD: 1-1001.05(e) discusses  
7 the Board's -- well, Section (e) generally, I  
8 think, discusses the personnel authority.

9 MS. BRIZILL: Hold on a second --

10 MS. STROUD: -- the Board has  
11 independent --

12 MS. BRIZILL: -- let me get to -- let  
13 me get to it.

14 MS. STROUD: And Ms. Brizill, we can  
15 provide you with the sections of the statute that  
16 refer to independent agencies --

17 MS. BRIZILL: No, we're going -- we're  
18 going -- we're going -- we're going to do this --  
19 we're going to do this today. I'm not going to  
20 be deferred anymore. I'm going to deal with this  
21 today. What Section (e) are you talking about?  
22 I don't see a Section (e).



1 MS. STROUD: 1-1001.05(e) refers to  
2 the Board's personnel authority, as do other  
3 sections that are outside the elections statute,  
4 Ms. Brizill. And so in those sections, which I  
5 can provide for you --

6 MS. BRIZILL: Okay.

7 MS. STROUD: -- if you have specific  
8 questions about which sections of the DC Code in  
9 its entirety refer to independent agencies  
10 generally, and the Board's independent, or other  
11 independent agencies' personnel authority, there  
12 are sections of the DC Code that outline what  
13 independent personnel authority means.

14 But in the District of Columbia, Code  
15 Sections governing the Board of Elections,  
16 1-1001.05(e) governs the Board's personnel  
17 authority to a certain extent.

18 MS. BRIZILL: Okay. Reading, for the  
19 record, that section (e) that you referred to,  
20 subparagraph 1, subparagraph (a) says, the Board  
21 shall select, employ, and fix the compensation,  
22 for an executive director, and shall staff the

1 Board deems necessary -- there's a word  
2 missing -- subject to the pay limitations of Code  
3 Section 1-611.16.

4 The Executive Director shall serve at  
5 the pleasure of the Board. The Board, at the  
6 request of the Director of Campaign Finance,  
7 shall employ employees subject to the  
8 compensation provisions of this paragraph, as  
9 requested to carry out the powers and duties of  
10 the directorate.

11 Employees assigned to the director  
12 shall, while so assigned, be under direction and  
13 control of the directorate and may not be  
14 reassigned without the concurrence of the  
15 director.

16 Okay, in terms of hiring and firing,  
17 the issue, what rules and regulations do you  
18 think the Board of Elections, Mr. Chairman,  
19 adheres to? She says that I should look to the  
20 Section (e).

21 It doesn't mention anything about  
22 hiring and firing, or posting vacancies. It

1 doesn't speak to that. It says that the person  
2 shall be hired by the Board of Elections. I get  
3 that.

4 CHAIR BENNETT: Right.

5 MS. BRIZILL: But what process -- let  
6 me be more specific. Are there any written  
7 rules -- written -- that govern how the Board  
8 will handle personnel matters, procurement  
9 matters, open meetings matters? Are there any  
10 written current?

11 CHAIR BENNETT: Those are the ones  
12 that are in the statute. And when there are --

13 MS. BRIZILL: Other than the statute,  
14 there's nothing else.

15 CHAIR BENNETT: No.

16 MS. BRIZILL: Okay.

17 CHAIR BENNETT: Not that I'm aware of.

18 MS. BRIZILL: Okay, okay, okay.

19 You've answered my question.

20 CHAIR BENNETT: Okay.

21 MS. BRIZILL: Okay, you've answered my  
22 question. You don't have --

1 CHAIR BENNETT: Other than what's in  
2 the statute, Ms. Brizill, we follow the statute.

3 MS. STROUD: And the Board's  
4 regulation on this.

5 CHAIR BENNETT: And the Board's regs.

6 MS. BRIZILL: So you believe under the  
7 statute that you have the authority to not  
8 advertise positions -- staff positions -- on the  
9 Board.

10 CHAIR BENNETT: We have followed the  
11 statute and the regs and done so accordingly.

12 MS. STROUD: And (e)(3) of that  
13 section that you read, Ms. Brizill, refers to the  
14 Board's authority to appoint a general counsel,  
15 if that's really what you're getting at.

16 MS. BRIZILL: I'm not getting at -- I  
17 mean, I know this might hit close to home, but  
18 this is an issue across the board, and not just  
19 your own personal problem. Okay?

20 CHAIR BENNETT: Yeah, but we had --

21 MS. BRIZILL: I'm trying to  
22 understand -- I'm trying to understand --

1 CHAIR BENNETT: Did my answer help  
2 you?

3 MS. BRIZILL: No. No.

4 CHAIR BENNETT: Okay. We'll I'm  
5 sorry, that's all I have.

6 MS. BRIZILL: But it helped me in one  
7 sense in saying that there are no written rules,  
8 there is no written policy or guidelines or  
9 rules, that the Board uses in any of those three  
10 areas, other than what is in the statute.

11 CHAIR BENNETT: That is correct. Do  
12 you have any other --

13 MS. BRIZILL: Where in the statute  
14 does it say -- if the statute is clear that the  
15 Board has the authority to hire for three  
16 positions --

17 CHAIR BENNETT: Mm-hmm.

18 MS. BRIZILL: -- but it doesn't detail  
19 how you're supposed to hire, other places in the  
20 statute it makes reference to the District's  
21 general personnel rules and regulations. And you  
22 don't believe you need to adhere to any of the

1 District's personnel rules and regulations.

2 CHAIR BENNETT: We adhere to what the  
3 statute says, and we --

4 MS. BRIZILL: Have you read the  
5 statute, Mr. Bennett?

6 CHAIR BENNETT: Ms. Brizill --

7 MS. BRIZILL: I'm not being facetious.  
8 Because, you know, the thing is you keep on --  
9 you know, you know, you keep on making  
10 reference --

11 CHAIR BENNETT: The answer is yes. Do  
12 you have another question, ma'am? Can I quote it  
13 without looking at it?

14 MS. BRIZILL: No, it's not a matter of  
15 you quote it. Are you going by simply what you  
16 were told, Mr. Bennett? Or have you actually sat  
17 down and read the statute? I don't mean to be  
18 nasty, I don't mean to be facetious.

19 CHAIR BENNETT: Well, that is a pretty  
20 insulting personal question. However, the answer  
21 is yes. Do you have anything else, Ms. Brizill?  
22 We really would like to move the meeting on,

1 ma'am?

2 MS. BRIZILL: Yes, I do.

3 CHAIR BENNETT: Okay.

4 MS. BRIZILL: Yes, I do. Ms. Miller,  
5 during the meeting the Board adopted the  
6 redrawing of precinct boundaries from  
7 Precinct 144. How did this redrawing come about?

8 DIRECTOR MILLER: Based on the  
9 population growth in that area.

10 MS. BRIZILL: Why that particular  
11 precinct? Other neighborhoods and communities  
12 and precincts have had an exponential growth in  
13 the number of registered voters and their  
14 precincts. Why was that particular precinct  
15 chosen?

16 DIRECTOR MILLER: That was one that we  
17 had a request to look at. So, that's not the  
18 only one. We'll be looking at others. That's  
19 just where we are --

20 MS. BRIZILL: And the request came  
21 from who?

22 DIRECTOR MILLER: I'm not even sure,

1 to tell you the truth. But I just know Mr. Budoo  
2 was asked to look at a --

3 MS. BRIZILL: Mister who?

4 DIRECTOR MILLER: Budoo.

5 MS. BRIZILL: Did the request come  
6 from Mr. Eckenwiler?

7 DIRECTOR MILLER: No.

8 MS. BRIZILL: Did it come from the  
9 Council?

10 DIRECTOR MILLER: It may have started  
11 with them. Honestly, I told you I'm not sure.  
12 That's my answer. I just don't know. I'm not  
13 sure.

14 MS. BRIZILL: And before you filed,  
15 would you respond to --

16 DIRECTOR MILLER: Sure.

17 MS. BRIZILL: -- this matter? But to  
18 your knowledge, you don't know the impetus for  
19 the redrawing.

20 DIRECTOR MILLER: I honestly do not.  
21 I know that there's a lot of growth in that area.

22 MS. BRIZILL: But you also know



1 there's a lot of growth in other precincts, and  
2 that there have been situations where the lines  
3 of certain precincts have been out the door.

4 Look at the Kennedy playground in  
5 Shaw. I mean, Shaw has had an exponential growth  
6 there. Not only NoMa.

7 DIRECTOR MILLER: But what I'm saying  
8 is, that's not the only area that we're looking  
9 to redraw boundaries.

10 MS. BRIZILL: My next question to you,  
11 Ms. Miller, you mentioned the survey which was  
12 recently done and you portrayed it in a certain  
13 way. Who was the survey went to?

14 DIRECTOR MILLER: Our subscribers.

15 MS. BRIZILL: Only those who signed up  
16 for the email from Board of Elections.

17 DIRECTOR MILLER: Right. Our  
18 subscribers. Yes.

19 MS. BRIZILL: I want to understand.  
20 When you say subscribers, I'd like to know who  
21 subscribe --

22 DIRECTOR MILLER: Our email

1 subscribers.

2 MS. BRIZILL: Why did you decide to do  
3 a survey on this important matter in the last  
4 week of July during the summer months?

5 DIRECTOR MILLER: It was something to  
6 do. It wasn't any real reason. Why did we  
7 describe -- why did we decide to do it? We just  
8 trying to get ready for our election. We want to  
9 make certain that we're doing what we need to do.

10 MS. BRIZILL: Well, if you really --

11 DIRECTOR MILLER: We want our website  
12 to be as efficient as it needs to be. We want to  
13 respond to citizens.

14 You've had some concerns. We want to  
15 see if those concerns are consistent with  
16 everyone else. We want to address these matters  
17 and try to make sure we are as transparent as we  
18 can be.

19 MS. BRIZILL: If I could reclaim my  
20 time. If I could reclaim my time --

21 DIRECTOR MILLER: I was trying to  
22 respond to your question.

1 MS. BRIZILL: You also know,  
2 Ms. Miller -- you've been around a long time.  
3 You know you don't do important matters like this  
4 during the summer months when no one's around.  
5 Why did you do it during the summer months?

6 DIRECTOR MILLER: This isn't the only  
7 time we're going to do it. We're going to do it  
8 again.

9 MS. BRIZILL: But you'll be too busy  
10 in September? In October? November?

11 DIRECTOR MILLER: We will do another  
12 one. This isn't a limited one. We can do these  
13 over and over again. In fact, we intend to do  
14 another one.

15 MS. BRIZILL: My final question  
16 concerns preparations for the 2020 election. I  
17 have tried to consistently come to the Board  
18 meetings for the past several months.

19 I've never heard a report on  
20 preparation for the 2020 election, other than a  
21 discussion of recruiting poll workers, some  
22 passing reference to equipment but no detailed

1 discussion of equipment.

2 And I said here I've never heard any  
3 discussion of issues surrounding preparation of  
4 security issues regarding the 2020 election.  
5 Have you looked at any of those issues,  
6 Ms. Miller or Mr. Chairman?

7 CHAIR BENNETT: Yeah. The answer is  
8 yes. In fact, we do report on lots of it. I  
9 mean, the Fair Elections Program is an effort to  
10 get ready for 2020.

11 In our new voter registration system,  
12 we spent hours working with the contractor with  
13 regard to security of the system. We've talked  
14 about security of the electronic system, with the  
15 Office of Campaign Finance systems.

16 We have spent a lot of time both  
17 internally, and also externally, talking about  
18 preparations for 2020. I can't remember a  
19 meeting in the last six months when we haven't  
20 had some discussion on preparation for 2020. But  
21 yes.

22 The answer is, that's a major issue,

1 factor, in all of our conversations internally in  
2 our meetings. Is there something specific that  
3 you'd like for us to focus on at our September  
4 meeting? We'll certainly have to look at that,  
5 but 2020 is at the very top of our list.

6 MS. BRIZILL: If I could ask a  
7 question. Have you, Mr. Bennett, or you,  
8 Ms. Miller, read any of the Congressional reports  
9 or any of the reports out of any of the states as  
10 regards their security concerns and what they're  
11 doing to prepare for the 2020 elections?

12 CHAIR BENNETT: The answer is yes. I  
13 know Ms. Miller's answer is yes. She actually  
14 participates in a couple of groups associated  
15 with that. I personally have looked at it  
16 because of my own personal background and concern  
17 about a security from an electronic perspective.

18 Some of the reports in the paper have  
19 not characterized the issues around security  
20 properly. The other thing -- I could talk about  
21 this for probably about a half-hour -- the other  
22 thing that is different about DC than some of the

1 other states, is just the way that they collect  
2 and count ballots.

3 For instance, in Oregon I believe it's  
4 all by mail. And some states do a lot of  
5 electronic voting that we don't do. Our systems  
6 are closed and there are only a couple of  
7 opportunities where we could potentially have  
8 security issues.

9 But we meet with the FBI on this  
10 matter pretty regularly. I'd rather not publicly  
11 say the number of times, but this is a major  
12 concern and issue and focus of every state,  
13 including the District of Columbia.

14 MS. BRIZILL: Well clearly,  
15 Mr. Bennett, I know it's a major concern, and  
16 that's why I'm raising it, because I have never  
17 heard a discussion of the issue of security  
18 surrounding the 2020 election, even the word  
19 security mentioned at any of the Board meetings.

20 Let me ask this. In terms of the  
21 tabulation of the votes -- and this will be my  
22 last question -- how, Ms. Miller, will the votes

1 be secured from the precincts on election day?  
2 Election night?

3 DIRECTOR MILLER: Nothing will change.  
4 Excuse me. Nothing will change with our  
5 tabulation process.

6 MS. BRIZILL: So, you're still going  
7 to send the vote --

8 DIRECTOR MILLER: By transmission.

9 MS. BRIZILL: -- coding by voter?

10 DIRECTOR MILLER: By transmission,  
11 yes.

12 MS. BRIZILL: Have you had any  
13 concerns from Office of Homeland Security or the  
14 FBI regarding --

15 DIRECTOR MILLER: Not at this point.  
16 We are continuing to meet with them though.

17 MS. BRIZILL: Are most of those  
18 modems, especially those in the schools and open  
19 spaces, not secure locations?

20 DIRECTOR MILLER: The modems, you want  
21 to address that? You're --

22 MR. BUDOO: It's inside the machine?

1 DIRECTOR MILLER: I'm sorry?

2 MR. BUDOO: It's inside of the  
3 machine.

4 DIRECTOR MILLER: Yes, it's inside the  
5 machine.

6 CHAIR BENNETT: Yeah, so they're  
7 secure. There's -- the answer to some of your  
8 questions are a little more detailed than we're  
9 able to provide right here. I'm more than happy  
10 to have a discussion with you at some point on  
11 these matters.

12 As I said earlier, this is a big deal  
13 making sure that voting data is transmitted  
14 properly and issues around our systems at the  
15 various precincts are closed.

16 So, there's a lot of -- the answer to  
17 some of your questions are a little more complex.  
18 While it may seem like we can just give you a yes  
19 or no, the answers are a little more complex than  
20 just yes or no.

21 MS. BRIZILL: Mr. Bennett, I don't  
22 recall an aspect of your background and résumé.



1 And I don't if you're an attorney. Are you an  
2 attorney?

3 CHAIR BENNETT: Yes.

4 MS. BRIZILL: Okay.

5 CHAIR BENNETT: Licensed in the  
6 District of Columbia and Virginia.

7 MS. BRIZILL: Okay. Well, I'm not an  
8 attorney. But I never ask a question I don't  
9 know the answer, or at least part of the answer.  
10 Mr. Bennett, I've been around here a long time,  
11 in terms of -- you want to make an editorial  
12 comment, Ms. Miller?

13 DIRECTOR MILLER: No. I'm sorry, I  
14 was burping.

15 MS. BRIZILL: Was that burping, or was  
16 that giggling.

17 DIRECTOR MILLER: I was burping. I  
18 would not giggle.

19 CHAIR BENNETT: Can we move forward,  
20 Ms. Brizill?

21 MS. BRIZILL: Mr. Bennett, I have been  
22 around for a long time and have seen the

1 evolution of our voting system. And I know what  
2 the vulnerabilities are.

3 And I also know that you don't need to  
4 recite back to me what the issues are and what  
5 you believe some of the problems that have been  
6 addressed, because I know.

7 I know. Okay? I guess what I would  
8 like, and I think it would be beneficial, is if  
9 these Board meetings were more than a detailed  
10 run-on report from the Office of Campaign  
11 Finance, a summation from Ms. Miller as regards  
12 we're going to move this precinct, and because  
13 everybody is concerned and focused on 2020, that  
14 rather than the piecemeal or non-discussion of  
15 preparation for the 2020, that we get a detailed  
16 report from the Board and the Executive Director,  
17 as we go.

18 This is what we're doing in terms of  
19 hiring poll workers. I don't know, for example,  
20 if you're screening them. I don't know. I don't  
21 know that.

22 I would like a detailed report as

1 regards where the ballots will come in. You  
2 mentioned that for early voting you're going to  
3 have paper ballots. You're going to have paper  
4 ballots of all the precincts on Election Day? I  
5 don't know. You didn't say that. But I don't  
6 know. I would like to know that.

7           You know, it's one thing when you go  
8 to a Council hearing and Mr. Allen has three or  
9 four or five bills to increase voter  
10 participation. And then, from the Board I get no  
11 indication that you're really interested in voter  
12 participation. You want to do your thing.

13           I mean, I will repeat something I've  
14 said before. And you don't want to hear it, but  
15 I'm going to say it. This is by far -- by far --  
16 the worst Board of Elections I've seen in 20  
17 years.

18           And if something happens next year,  
19 you're going to reap the consequence. Because  
20 you think you can get an oral briefing from the  
21 staff and they will tell you what they want to  
22 tell you. Okay?

1           And you have no benchmark, you have no  
2 reference, for it. Okay. Mr. Bennett, I assume  
3 you were in the District of Columbia when there  
4 were elections wherein 4 o'clock in the morning  
5 we didn't have vote tabulations.

6           And it wasn't because we didn't have  
7 staff in the precinct. It wasn't because we  
8 didn't have voting machines. It wasn't because  
9 we didn't have ballots and didn't have supplies.

10           But there were problems that occurred.  
11 And guess what? Those problems are still there.  
12 So, you can put your head in the sand and think  
13 that the staff has told you this, or fire one  
14 employee thinking you've dealt with the problem.  
15 But you haven't.

16           CHAIR BENNETT: Thank you,  
17 Ms. Brizill. Any other public matters? I think  
18 Mr. Sindram, you're on the phone?

19           MR. SINDRAM: Yes, I am.

20           CHAIR BENNETT: Okay.

21           MR. SINDRAM: Thank you. Number one,  
22 to begin, and I want to give, again, hats off to

1 Ms. Jennings, because a yeoman's job. We  
2 attempted to do a call-in --

3 CHAIR BENNETT: Can the reporter hear?  
4 Can you hear okay, sir? Can you hear okay? I'm  
5 just trying to make sure that the reporter can  
6 hear you. Can you hear okay, or you need to turn  
7 it up?

8 THE COURT REPORTER: I would like it  
9 louder.

10 CHAIR BENNETT: Okay, can we try and  
11 get it louder. Can you hold on, Mr. Sindram. We  
12 want to make sure you're on the record.

13 DIRECTOR MILLER: Mr. Sindram, can you  
14 be any louder? We have it as high as we can get  
15 it on our end.

16 MR. SINDRAM: Say that again.

17 DIRECTOR MILLER: Can you speak any  
18 louder?

19 MR. SINDRAM: Yes. Michael Sindram,  
20 disabled veteran, served our country more than  
21 most. Can you hear me now?

22 DIRECTOR MILLER: That's much better.

1 CHAIR BENNETT: Yes, sir. Thank you,  
2 sir.

3 MR. SINDRAM: Very good. Okay, item  
4 number 1. Hats off to Ms. Jennings, the ATA  
5 Coordinator there, who does a yeoman's job. And  
6 we attempted to do a call-in initially, and then  
7 access code.

8 And this would not only permit me  
9 participation by phone as a reasonable  
10 accommodation, but any others. Evidently, that  
11 number and the code did not work and it hasn't  
12 worked in the past.

13 So, that might be something for the  
14 Board, for you all to look at and maybe get the  
15 kinks fixed so, again, if there's only one online  
16 and ties up anyone else, then we don't want that.  
17 We want participation from all concerned. Would  
18 you not agree, Mr. Chair?

19 CHAIR BENNETT: Agree.

20 MR. SINDRAM: Okay. Number 2, the  
21 Fair Elections Program, Ms. Montgomery. Just for  
22 some clarification, indicating the small donor

1 amounts. And I had heard you -- if I heard you  
2 correctly, to reside in DC, the electorate, my  
3 question is this.

4 Say, a small donor contribution for a  
5 given Ward, does that electorate have to live in  
6 the Ward, or again, just merely reside in DC?

7 DIRECTOR COLLIER-MONTGOMERY: The  
8 requirement is that the qualified small  
9 contributor be a resident individual of the  
10 District of Columbia.

11 MR. SINDRAM: So, if I understand you  
12 correctly, that does not mean you have to reside  
13 in that given Ward.

14 DIRECTOR COLLIER-MONTGOMERY: That's  
15 correct.

16 MR. SINDRAM: Okay, thank you.  
17 Mr. Gill, we need an elephant in the room. We  
18 need an elephant in the room. What I mean is,  
19 competition is good. Any state that is a state  
20 has a least two parties.

21 We have but one, if that. And we  
22 don't have an election. Let's keep it real. All

1 right? We have merely a primary. And the  
2 primary determines who will win.

3 So, once again, Mr. Gill, as the  
4 Republican representative on the Board, we need  
5 an elephant in the room. Competition is good.

6 So, please, I implore you, the  
7 Republicans, it may be a dirty word in the  
8 District, only because it's been ignored and --  
9 yes, but let's keep in mind, the emancipation  
10 party that's freed the slaves -- Lincoln's party,  
11 if you will -- and yet, the copperheads, the  
12 Democrats, it just appears that black folk,  
13 African-Americans particularly, want to go back  
14 to the plantation slave master, the copperheads  
15 were post-slave-owners.

16 Just by a little bit of background so  
17 I'm sure you know this. But the emancipation  
18 party, once again, we need an elephant in the  
19 room.

20 Number 4, the butler initiative. I  
21 mean, Mr. Chair, why do we keep going round and  
22 round and round and round on term limits. All



1 right?

2 In 1992, we weighed in. We, the  
3 people, the sovereign body -- and please, don't  
4 forget, like I tell the Council, you are there  
5 because we are here.

6 1992, we voted overwhelmingly, term  
7 limits, 1992. Here it is 2019 and we're having  
8 another discussion about another recall on the  
9 same issue.

10 I'm going to echo your sentiment,  
11 Mr. Chair, you indicate you hold near and dear to  
12 your heart -- and I believe you -- the public  
13 trust.

14 But how can we desire less to  
15 participate when our hope is nullified? All  
16 right? In other words, Initiative 77. We have  
17 voted on that. We voted on term limits, and yet  
18 the Motlew Crew and the Council says now, we  
19 don't agree, and overturn it. And nullifies it.

20 That's legislative. Unlike jury  
21 nullification, legislative. Council  
22 nullification. That's all that means. And so,

1 we don't keep going round and round, there needs  
2 to be something put in place when we, the people,  
3 have spoken, remains. Not for the Council to  
4 conveniently, because it's not in accordance with  
5 their unjust enrichment, or the fix is in, or  
6 where the kinks may be, to let them have the  
7 upper hand and overturn what we, the people, when  
8 we have spoken. It's a muzzle to shut us down.  
9 Do you understand what I'm saying, Mr. Chair?

10 CHAIR BENNETT: Yes. I appreciate  
11 that, Mr. Sindram, but that's really not a matter  
12 that the Board has any control over.

13 MR. SINDRAM: Well, yes and no. The  
14 overarching concern is the Council overturning  
15 what we, the people, have decided. So, merely,  
16 on your end, as an amicus, you guys go to court  
17 all the time, and you make judges in the court,  
18 independent judiciary, aware that the balance of  
19 government, three separate benches, are not  
20 really balanced.

21 In this instance, it's a favor --  
22 it's clearly in favor of the Council. The

1 legislative branch. And that ought not be. And  
2 so, what I'm suggesting that -- and I hear you,  
3 you don't have total control. But you do have a  
4 say. You're on the inside looking out, so you  
5 can, through your mechanism of court and  
6 appearances at the Council, make it known that  
7 the over-sovereignty of public trust is to be  
8 held in highest esteem.

9 And I would dare say, Mr. Chair,  
10 that's why there's, number one, low-water  
11 turnouts, and two, I and maybe another, will  
12 weigh in at public comment.

13 Because we say enough already. We're  
14 sick and tired of being sick and tired. Results  
15 come. And again, when we go to the voting booth  
16 and we resoundingly vote on an issue -- term  
17 limits, Initiative 77 -- and the Council comes  
18 back and slaps me in the face, a disabled  
19 veteran, where we put our life on the line for  
20 due process and fundamental fairness to have the  
21 right to vote, and say we know better, we know  
22 best, well then why even bother having an

1 election?

2 Why even bother having a referendum  
3 initiative? Because the Council is going to do  
4 what they're going to do anyway. So, what I am  
5 suggesting and proposing is, at your end with the  
6 General Counsel and you, to propose some  
7 legislation from the Council to take -- and for  
8 the neighbor, actually -- to stop this.

9 It needs to be stopped here and now.

10 CHAIR BENNETT: Mr. Sindram? And I  
11 apologize for interrupting you, but we don't have  
12 the authority to introduce legislation. And so,  
13 I do appreciate your point and --

14 MR. SINDRAM: What about a friend of  
15 the court when you do the filings, amicus, friend  
16 of the court?

17 CHAIR BENNETT: Well, to be an  
18 independent agency, if it's a matter that is  
19 directly where we're a party, we're not able to  
20 participate in that way. But I appreciate your  
21 concern.

22 MR. SINDRAM: Yeah. Mr. Chair, how

1 independent are you -- is the Board -- when the  
2 Council says, we're in charge, I'm in charge, and  
3 we're going to overturn voter sovereignty.

4           Again, you want voter participation.  
5 You hold the public trust in high esteem. But  
6 it's not happening. It's the Council. It's like  
7 Mendelson has said. The integrity of the Council  
8 is tarnished.

9           No, it's eroded. And it's completely  
10 eroded with the shenanigans like the Butler  
11 referendum, which we've already weighed in, in  
12 1992.

13           So, not to belabor the point, but  
14 something needs to give here. Something needs to  
15 be done. And I think with the legal minds that  
16 you've got at your end, to define something, to  
17 introduce it either through the Council or  
18 through the Mayor, or through the court, or some  
19 way, rulemaking, to say hey, Council, you don't  
20 have the upper hand.

21           What is it, Amendment -- make sure I  
22 get it right -- ultimately, it says that we, the

1 people, are the sovereign body. But that's not  
2 the case here. It's the Council that's the  
3 sovereignty entity, start to finish. And there  
4 needs to come a stop to that.

5 CHAIR BENNETT: Okay, anything else,  
6 Mr. Sindram?

7 MR. SINDRAM: Yeah, there is. There  
8 is. I heard -- oh, Jack Evans. I was with the  
9 understanding that that was going to be brought  
10 up. I didn't hear a word. Not a word. Where we  
11 stand, where the court stands, on bringing  
12 Mr. Evans to justice.

13 CHAIR BENNETT: There are two recall  
14 petitions that have been approved by the Board  
15 and we have not received the petitions from  
16 either of those activities as of yet. So -- and  
17 I believe that the deadline for submission is --

18 DIRECTOR MILLER: The nominating  
19 petitions for both of those recalls, one is, I  
20 believe, November 18, November 18 for Adam  
21 Eidinger, and November 25 for Carrie Kemp.

22 CHAIR BENNETT: So, we don't have any

1 status beyond that. Those committees with -- the  
2 next step will be for those committees to bring  
3 their petitions to the Board. And you just heard  
4 the two dates in which those petitions would be  
5 due.

6 MR. SINDRAM: But in light of your  
7 representation, Mr. Chair, you indicate -- if I  
8 presume correctly, you have received not one, but  
9 two recall petitions. But one you approved.

10 CHAIR BENNETT: Yes, we have approved  
11 two.

12 MR. SINDRAM: But you've not received  
13 that. So, I'm at a loss. How can you approve  
14 something you haven't received?

15 CHAIR BENNETT: Oh, we received -- we  
16 approved --

17 MS. STROUD: The petition form.

18 CHAIR BENNETT: -- the petition form.

19 MS. STROUD: But not the signature.

20 So, we approved the form that they were used to  
21 circulate the petitions for signature, but we  
22 have not received the petitions with the

1 signatures.

2 MR. SINDRAM: I see.

3 CHAIR BENNETT: Yeah, sorry I didn't  
4 explain that very well. My apologies.

5 MR. SINDRAM: Yes, no problem. That  
6 you for that clarification. Frederick Douglass  
7 had been brought up and it's spelled with two  
8 S's, as you're aware. Any idea what his mantra  
9 is? Frederick Douglass? Educate, educate,  
10 educate.

11 And last but not least, Mr. Chair,  
12 your phone number. Do you have one? Your law  
13 office. I'd like to reach out and connect with  
14 you, please, online?

15 CHAIR BENNETT: I don't practice law  
16 independently, Mr. Sindram.

17 MR. SINDRAM: What about your firm?

18 CHAIR BENNETT: I'm not with a firm.  
19 I'm retired.

20 MR. SINDRAM: Okay. You don't sound  
21 tired to me, but I hear you. By the way,  
22 Mr. Chair, you may be old, but you ain't dead.



1 CHAIR BENNETT: Thank you for that.  
2 I'll pass that on.

3 MR. SINDRAM: Very good.

4 CHAIR BENNETT: Okay, any other public  
5 matters of anyone here? Anything additional to  
6 add, Mr. Gill?

7 MEMBER GILL: Nothing additional.

8 MR. SINDRAM: The elephant in the  
9 room, Mr. Gill. The elephant in the room.

10 MEMBER GILL: Thank you for sharing  
11 your thoughts there, Michael.

12 CHAIR BENNETT: I just wanted to say  
13 that anybody here --

14 MR. SINDRAM: It needs to be more than  
15 a thought. It needs to be more than a thought.

16 CHAIR BENNETT: Just for the record,  
17 we want to be real clear that Ms. Brizill's last  
18 comments are about this being the worst Board  
19 ever, is simply her position. And certainly  
20 that's not the position of the Board, and  
21 certainly not our view of the Office of Campaign  
22 Finance nor the Board of Elections and the

1 administrative staff.

2 In fact, to the contrary, we feel  
3 really strong, and we've also gotten feedback  
4 from the Council and the administration relative  
5 the high-quality of the operations. So anyway,  
6 with that --

7 MR. SINDRAM: And I think, Mr. Chair,  
8 I want to echo one completing the part. And that  
9 is this. In previous boards, there was no phone  
10 play-in. Minimally, accommodation. Under your  
11 watch, that has happened. So, it's a step in the  
12 right direction.

13 While you all may not be perfect, I  
14 can say it's a tremendous improvement from past  
15 Boards, and I've dealt with a number of them.  
16 I've seen them come and I've seen them go.

17 And I would dare to say it's a  
18 difference between night and day. You guys are  
19 doing a fantastic job.

20 Again, not perfect, and once again,  
21 from Ms. Jennings, she goes above and beyond  
22 the -- she deserves a raise.

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CHAIR BENNETT: Thank you, Mr. Sindram.

MR. SINDRAM: Thank you, sir.

CHAIR BENNETT: All right. And I think that concludes the meeting. We're now adjourned.

(Whereupon the above-entitled matter went off the record at 12:20 p.m.)

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Before: DC BOE

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