

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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TUESDAY
NOVEMBER 27, 2018

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The District of Columbia Board of Elections convened a Special Board Meeting in Suite 775, 1015 Half Street, S.E., Washington, D.C., 20001, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair

MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

KENNETH MCGHIE, General Counsel

RENEE CHRISTENSEN, Staff Attorney

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

(10:48 a.m.)

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3 CHAIRMAN BENNETT: Good morning. My
4 name is Michael Bennett, Chair of the D.C. Board
5 of Elections and this is a Special Meeting.
6 We've got two items on the Agenda. I'm going to
7 call this meeting to order.

8 First, I'll introduce the folks that
9 are here. To my left is Board Member Michael
10 Gill.

11 Is this on? Everybody hear okay? And
12 to my right is the Board of Elections General
13 Counsel, Ken McGhie.

14 First item on the Agenda is the
15 adoption of referendum petition, a referendum on
16 the law repealing Initiative 77, Minimum Wage
17 Limit Act of 2018, Referendum 008.

18 And we have, the purpose of this item
19 on the Agenda was to issue the petition or
20 adoption the petition. However, there's no
21 lawsuit filed and I'll let the General Counsel
22 explain that matter so we can get through that

1 Agenda Item.

2 Mr. McGhie?

3 MR. MCGHIE: Yes, the Board of
4 Elections can only issue a petition for the
5 proposal to circulate if no challenge has been
6 filed in Superior Court challenging the Board's
7 formulation of the referendum language.

8 So the Board was required to publish
9 in at least one newspaper of general circulation.
10 And ten days from the publication date, any
11 registered qualified elector may challenge the
12 Board's formulation.

13 The tenth day was yesterday and a
14 complaint was filed in the D.C. Superior Court
15 yesterday and we were served today.

16 So the Board is precluded from going
17 forward with giving a referendum petition today
18 until that matter is resolved in court. So with
19 that said, that first item on our Agenda should
20 be removed.

21 CHAIRMAN BENNETT: Okay. Just for the
22 record, the Board will respond expeditiously and

1 move forward according to the timetable from the
2 D.C. Superior Court. Any questions or comments,
3 Mr. Gill?

4 MEMBER GILL: I have just a comment,
5 that's all. But Ken, so they had ten days from
6 data filing. There's also a limit, a very
7 condensed time for gathering signatures. This
8 will make it extremely difficult. I know you're
9 going to call the Court today to try to get this
10 handled in an expedient manner.

11 I just, again, the statute precludes
12 us from intervening here and it's not the Board's
13 regulations. This is the statute and the way
14 it's set.

15 And it seems that it's a very high bar
16 and I've made this point a couple of times, that
17 our bar for signatures is extremely high.

18 And I've wondered if anyone reads the
19 minutes from these meetings on the Counsel, that
20 maybe the bar is too high because in this case,
21 it's going to really put a, it almost makes it
22 impossible to fill.

1 One the one hand we have the
2 referendum process, on the other hand with
3 lawsuits and due process and everything else, it
4 makes it very difficult to do.

5 So but I guess my question for you is,
6 is this a D.C. Board of Elections regulation or
7 is this a statute?

8 MR. MCGHIE: No, this isn't a statute.
9 And to further elaborate on what Mr. Gill is
10 talking about, the window of opportunity for
11 somebody to circulate, to collect signatures is
12 30 Congressional days. This is not like an
13 initiative where you have 180 days to circulate
14 for a referendum measure.

15 Once the Council sends the measure
16 over to Congress, you can start the process and
17 then you have to conclude the process by
18 submitting your signatures within 30
19 Congressional days.

20 So once it becomes law, it's over. So
21 that's the only window of opportunity that you
22 have. It's the 30 Congressional days, not

1 calendar days.

2 30 Congressional days can turn out to
3 be two months or it could be shorter than that,
4 or it could be longer than that. But either way,
5 it's 30 Congressional days.

6 As of now we've calculated that 19
7 Congressional days have expired already so if we
8 had issued the petition today, you would have had
9 11 Congressional days to start to circulate which
10 like I said, could turn out to be just 15 days,
11 something like that. Maybe more.

12 CHAIRMAN BENNETT: And Congressional
13 days is days that Congress is in the session.

14 MR. MCGHIE: Congress is.

15 CHAIRMAN BENNETT: The Council sent
16 the law over on what date?

17 MS. CHRISTENSEN: Renee Christensen,
18 Staff Attorney for the Board of Elections. The
19 Secretary of the Counsel transmitted the Act on
20 October 30th.

21 CHAIRMAN BENNETT: Okay. So it's 30
22 Congressional days and that's the days that

1 Congress is in session from October 30th, okay?

2 MS. CHRISTENSEN: Including October
3 30th.

4 CHAIRMAN BENNETT: Including October
5 30th.

6 MR. MCGHIE: And the Secretary of the
7 Counsel calculated on what date would, has she
8 anticipated that we come over?

9 MS. CHRISTENSEN: The Secretary of the
10 Counsel's updated the information on the
11 Legislative Information Management System to
12 project that the Act in question will become
13 effective as of December 13th.

14 CHAIRMAN BENNETT: Okay. Any other
15 comments, Mr. Gill?

16 MEMBER GILL: No.

17 CHAIRMAN BENNETT: Mr. McGhie?

18 MR. MCGHIE: No.

19 CHAIRMAN BENNETT: Okay. I think
20 you've laid that out. If anybody has any
21 particular questions, you certainly are able to
22 submit those to the General Council after the

1 conclusion of this Special Meeting.

2 Next item on the Agenda is the
3 Certification of Election Results, Advisory
4 Neighborhood Commissioner, Single Member District
5 7B03, from the November 6, 2018 General Election,
6 okay? Ms. Christensen?

7 MS. CHRISTENSEN: Thank you. At its
8 regular monthly meeting held on Thursday,
9 November 15th, 2018, the Board certified the
10 election results from the November 6th General
11 Election.

12 Among those results certified was the
13 contest for Advisory Neighborhood Commission,
14 Single Member District 7B03, which was certified
15 as no winner.

16 In that particular contest, no
17 candidate's name appeared on the ballot, and at
18 the time of tabulation, the Registrar's records
19 did not contain any affirmations of write-in
20 candidacy. Accordingly, no tally of write-in
21 votes was conducted prior to certification.

22 Later, at the same meeting on November

1 13th, the Board was addressed by Mr. Benjamin
2 Crane. Mr. Crane identified his concern that
3 he'd filed an Affirmation of Write-in Candidacy
4 on November 2nd for the Office of Advisory
5 Neighborhood Commissioner from Single Member
6 District 7B03.

7 The Registrar searched for records for
8 this particular filing and was unable to locate
9 an Affirmation filed by Mr. Crane.

10 Also on November 15th, Board staff
11 conducted a tally of the write-in votes received
12 for the Office and saw that Mr. Crane received
13 two votes.

14 Mr. Crane agreed to submit an
15 affidavit sworn under penalty of perjury that he
16 timely filed an Affirmation of Write-in Candidacy
17 on November 2nd.

18 Mr. Crane signed and submitted that
19 affidavit as well as another Affirmation of
20 Write-in Candidacy to the Board on Friday,
21 November 16th.

22 A copy of these papers has been

1 submitted to you for your examination. In light
2 of these facts at this time, the Office of the
3 General Counsel would ask the Board to consider a
4 motion to certify Benjamin Crane as the winner of
5 Advisory Neighborhood Commission in Single Member
6 District 7B03.

7 CHAIRMAN BENNETT: Okay. Any
8 questions, Mr. Gill?

9 MEMBER GILL: No.

10 CHAIRMAN BENNETT: Any additional
11 comments, Mr. McGhie?

12 MR. MCGHIE: No.

13 CHAIRMAN BENNETT: Can I get a motion,
14 Mr. Gill?

15 MEMBER GILL: A motion to accept the
16 recommendation from the Counsel?

17 CHAIRMAN BENNETT: Second that motion.
18 Vote?

19 (Chorus of ayes)

20 CHAIRMAN BENNETT: Aye as well. So
21 it's unanimous. All right.

22 MS. CHRISTENSEN: Thank you.

1 CHAIRMAN BENNETT: Thank you. We have
2 no more matters for the Board at this point. So
3 this meeting is concluded.

4 (Whereupon, the above-entitled matter
5 went off the record at 10:57 a.m.)

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<p style="text-align: center;">A</p> <p>a.m 1:12 2:2 11:5 able 7:21 above-entitled 11:4 accept 10:15 Act 2:17 6:19 7:12 additional 10:10 addressed 9:1 adoption 2:15,20 Advisory 8:3,13 9:4 10:5 affidavit 9:15,19 Affirmation 9:3,9,16,19 affirmations 8:19 Agenda 2:6,14,19 3:1 3:19 8:2 agreed 9:14 anticipated 7:8 anybody 7:20 appeared 8:17 Attorney 1:21 6:18 Aye 10:20 eyes 10:19</p>	<p>Christensen 1:21 6:17 6:17 7:2,9 8:6,7 10:22 circulate 3:5 5:11,13 6:9 circulation 3:9 collect 5:11 Columbia 1:2,10 come 7:8 comment 4:4 comments 4:2 7:15 10:11 Commission 8:13 10:5 Commissioner 8:4 9:5 complaint 3:14 concern 9:2 conclude 5:17 concluded 11:3 conclusion 8:1 condensed 4:7 conducted 8:21 9:11 Congress 5:16 6:13,14 7:1 Congressional 5:12,19 5:22 6:2,5,7,9,12,22 consider 10:3 contain 8:19 contest 8:13,16 convened 1:11 copy 9:22 Council 5:15 6:15 7:22 Counsel 1:20 2:13,21 4:19 6:19 7:7 10:3,16 Counsel's 7:10 couple 4:16 court 3:6,14,18 4:2,9 Crane 9:2,2,9,12,14,18 10:4</p>	<p>Elections 1:4,11,13,18 2:5,12 3:4 5:6 6:18 elector 3:11 Everybody 2:11 examination 10:1 expedient 4:10 expeditiously 3:22 expired 6:7 explain 2:22 extremely 4:8,17</p> <p style="text-align: center;">F</p> <p>facts 10:2 filed 2:21 3:6,14 9:3,9 9:16 filing 4:6 9:8 fill 4:22 first 2:8,14 3:19 folks 2:8 formulation 3:7,12 forward 3:17 4:1 Friday 9:20 further 5:9</p>	<p>Ken 2:13 4:5 KENNETH 1:20</p> <p style="text-align: center;">L</p> <p>laid 7:20 language 3:7 law 2:16 5:20 6:16 lawsuit 2:21 lawsuits 5:3 left 2:9 Legislative 7:11 light 10:1 limit 2:17 4:6 locate 9:8 longer 6:4</p> <p style="text-align: center;">M</p> <p>Management 7:11 manner 4:10 matter 2:22 3:18 11:4 matters 11:2 McGhie 1:20 2:13 3:2,3 5:8 6:14 7:6,17,18 10:11,12 measure 5:14,15 meeting 1:6,11 2:5,7 8:1,8,22 11:3 meetings 4:19 Member 1:16 2:9 4:4 7:16 8:4,14 9:5 10:5,9 10:15 MEMBERS 1:13 Michael 1:12,15 2:4,9 MIKE 1:16 Minimum 2:16 minutes 4:19 monthly 8:8 months 6:3 morning 2:3 motion 10:4,13,15,17 move 4:1</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DCBOE

Date: 11-27-18

Place: Washington, DC

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Court Reporter

NEAL R. GROSS

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