

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY,

AUGUST 5, 2015

+ + + + +

ORIGINAL

The District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:00 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman
DEVARIESTE CURRY, Member
STEPHEN I. DANZANSKY, Member

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
CECILY E. COLLIER-MONTGOMERY, Director of
Campaign Finance
KENNETH McGHIE, General Counsel

T-A-B-L-E O-F C-O-N-T-E-N-T-S

<u>AGENDA ITEMS</u>	<u>PAGE</u>
Meeting Called to Order	4
Adoption of Agenda	4
July 1, 2015 Regular Meeting Minutes Adopted	4
Executive Director's Report - Clifford Tatum:	
Grant Award	5
Canvass Card Update	6
Voting System Updates	7
Fiscal Year 2015	8
General Counsel's Report - Kenneth J. McGhie:	
Formulation of Short Title and Summary	
Statement for an Initiative - "Fair	
Minimum Wage Act of 2016"	8
Suggestions/Questions:	10
Motion/Vote to Accept Summary Title	
Dropping the Word Fair and Replacing	
With District of Columbia Minimum Wage	
Act of 2016	20
Motion/Vote to Accept Summary Statement	
in its Present Form	20
Final Adopted Language	21
Adoption of Petitions to Recall:	
Yvonne Buggs, ANC-5D06	22
Motion/Vote in Favor	25
Adam Roberts, ANC-5D03	27
Motion/Vote in Favor	29
Keisha Shropshire, ANC-5D02	31
Motion/Vote in Favor	34
Christy Davis, ANC-5E02	37
Motion/Vote in Favor	38

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Proposed Rulemaking to Amend Chapters
 1-11 and Chapters 14-17 41
 Motion/Vote in Favor 41

Litigation Status Update 42
 Motion/Vote in Favor 42

Director of Finance Campaign Report -
 Cecily Collier-Montgomery 42

General Counsel's Office Report
 William Sanford 46

Adjourn:
 Deborah Nichols, Chairman 48

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

10:47 a.m.

1
2
3 CHAIRMAN NICHOLS: Good morning.
4 Welcome. I hereby call to order the Regular
5 Meeting of the Board of Elections for August
6 2015. It is Wednesday, August 5, 2015. The time
7 is 10:47 a.m. We are meeting in Room 280 North
8 of One Judiciary Square.

9 I'm Deborah K. Nichols, Chairman of
10 the Board. Present with me this morning is Board
11 Member Stephen Danzansky.

12 MEMBER DANZANSKY: Good morning.

13 CHAIRMAN NICHOLS: Also present this
14 morning are Mr. Clifford Tatum, the Board's
15 Executive Director, Ms. Cecily Collier-
16 Montgomery, the Board's Director of Campaign
17 Finance, and Mr. Kenneth McGhie, the Board's
18 General Counsel.

19 Without objection, the Board's --
20 without objection, the agenda for this morning's
21 meeting is hereby adopted. Unless there are
22 corrections, the minutes of the regular Board

1 meeting of July 1, 2015 are adopted.

2 Are there any matters that Members of
3 the Board wish to address in this public meeting?

4 MEMBER DANZANSKY: None here, Madam
5 Chair.

6 CHAIRMAN NICHOLS: All right. Having
7 said that, we will receive the report of the
8 Board's Executive Director, Mr. Clifford Tatum.

9 DIRECTOR TATUM: Thank you, Madam
10 Chair. I have only general matters to report on
11 for my report today.

12 The first is, as you are aware,
13 several staff members, Eric Olsen, Lester Bird,
14 and Margarita Mikhaylova, participated in a grant
15 solicitation from the Knight Foundation and out
16 of over hundreds of participants that submitted
17 applications, we were one of 22 entities that
18 received a \$35,000 grant to develop a data
19 capturing and analytical tool from the Knight
20 Foundation.

21 If you recall in November 2014, we
22 deployed data processing teams who were able to

1 collect data from the polling places on how much
2 time voters spent in the polling places. And the
3 Knight Foundation thought that that was a very
4 good analytical tool to be developed, so they
5 awarded us \$35,000 to develop that tool.

6 So the team is working on developing
7 that tool. And I believe we had thoughts of
8 partnering with the Pugh Foundation as well as
9 with Professor Charles Stewart at MIT. Eric is
10 not here, but Margarita is in the back and she
11 could speak to it a bit if you would --

12 CHAIRMAN NICHOLS: All right.

13 DIRECTOR TATUM: care to have that on
14 the record. But we are very excited and the team
15 is doing really good things to collect data and
16 move and make the election process that much more
17 efficient for the District.

18 CHAIRMAN NICHOLS: That is fantastic,
19 outstanding.

20 DIRECTOR TATUM: The second item is
21 the Canvass Card Update. As you know after the
22 2014 General Election, we submitted -- we mailed

1 out 283,000 plus canvass cards to voters that did
2 not participate in the November General Election.
3 And those cards are being returned to us as
4 either undeliverable, address changes or address
5 changes within the District of Columbia and
6 address changes outside of the District, meaning
7 voters have moved outside the District.

8 So we are continuously processing
9 those cards. We have received roughly 43,000
10 cards back in those three categories, so the
11 team, the staff members are processing those
12 cards on a daily basis.

13 Voting System Updates. We had, as you
14 recall for the April 2015 Special Election, a
15 pilot demonstration of a new voting system by our
16 current vendor, ES&S. We have had a vendor bring
17 their equipment in to demonstrate the last -- two
18 weeks ago, Hart Intercivic. And on August the
19 10th we will have Democracy Live come in and
20 present a Yull Capa Ballot Delivery System and on
21 September the 3rd we will have Dominion Voting
22 Systems come in and demonstrate their voting

1 system to us as well.

2 And that's in an effort to determine
3 what new systems are on the market, so that we
4 can move our platform forward.

5 The only other item I have, Madam
6 Chair, is just an announcement that there is two
7 months remaining in the Fiscal Year 2015 and we
8 are on schedule to close the fiscal year out in
9 good standing.

10 CHAIRMAN NICHOLS: All right. All
11 right. Thank you, Mr. Tatum.

12 Are there any questions for Mr. Tatum?
13 All right. We will now receive the report of the
14 Board's General Counsel, Mr. McGhie, but, first,
15 we will conduct hearing.

16 At this meeting, the Board will
17 conduct a hearing to formulate the short title
18 and summary statement and the legislative form of
19 the proposed initiative entitled "Fair Minimum
20 Wage Act of 2016."

21 Mr. McGhie?

22 MR. MCGHIE: Yes, the Office of the

1 General Counsel prepared an initial draft
2 formulation for the Board's review. And I have
3 copies of our draft that I can give out to the
4 public, if anybody from the public wants to
5 follow along.

6 CHAIRMAN NICHOLS: All right.

7 MR. MCGHIE: And I will read the
8 General Counsel's Office draft formulation into
9 the record. Our draft reads:

10 Initiative Measure No. 76. The short
11 title is "Fair Minimum Wage Act of 2016." The
12 summary statement reads as follows:

13 If enacted, this initiative will
14 gradually increase the minimum wage in the
15 District of Columbia to \$15 hourly by 2020;
16 gradually increase the minimum wage for tipped
17 employees, so that they receive the same minimum
18 wage directly from their employer as other
19 employees by 2025.

20 Beginning in 2021, require the minimum
21 wage to increase yearly in proportion to
22 increases in the Consumer Price Index. Minimum

1 wage increases under the initiative will not
2 apply to D.C. Government employees or employees
3 of the D.C. Government contractors."

4 CHAIRMAN NICHOLS: All right. I will
5 entertain any suggestions from the Board or the
6 interested parties.

7 MR. MCGHIE: Well, first of all, may
8 I ask the proposer of the initiative to take --

9 CHAIRMAN NICHOLS: The proposer?

10 MR. MCGHIE: -- a seat and then any
11 other interested persons.

12 CHAIRMAN NICHOLS: Good morning.
13 Would you identify yourselves for the record,
14 please?

15 MR. HANSON: My name is Matthew
16 Hanson. I'm the proposer of the initiative.

17 CHAIRMAN NICHOLS: Okay. And you,
18 ma'am?

19 MS. VALENTINO: My name is Ellen
20 Valentino. I'm here representing the Mid-
21 Atlantic Petroleum Distributors.

22 CHAIRMAN NICHOLS: All right. Mr.

1 Hanson, do you have any suggestions?

2 MR. HANSON: I'm happy with the
3 formulation.

4 CHAIRMAN NICHOLS: All right. Ms.
5 Valentino?

6 MS. VALENTINO: Thank you. Just
7 having received this less than a minute ago, just
8 some initial comments. And I guess the question
9 is the word fair and short title, whether that is
10 open for debate because it's fair to some, but
11 not fair to others. So the definition of who is
12 deciding what is fair and not fair, the Board has
13 a definition or has it evaluated what fair is, I
14 think is something that might not be objective or
15 reflective if it's entitled the Fair Minimum Wage
16 Act.

17 On point number one, again, just
18 having received this, a gradual increase, the
19 word gradual could mean a number of different
20 things to different people, so I think that it's
21 not clear to the public that would be voting and
22 I think it needs to be very specific on what this

1 bill will do and what the graduated steps will
2 be.

3 Because my definition of graduated and
4 maybe a voter's definition of graduated will be
5 two totally different things. Just like the word
6 fair, what's fair and not fair is not really
7 good. So I think that needs to be drawn out and
8 specific. That's just a comment.

9 Again, going down to point number two,
10 tipped employees. With respect to clarifying who
11 they are, what they are, does that mean cab
12 drivers? Does that mean restaurant employees,
13 waiters, waitresses? Again, I will know what a
14 tipped -- I can subject what a tipped employee
15 is, but I think that needs to be clarified and it
16 might be unclear what constituency we are talking
17 about, because, again, this does not apply to
18 everybody across the board.

19 As a matter of fact, it's very clear
20 that it doesn't apply to certain segments of D.C.
21 residents.

22 Again, having just looked at this, I

1 just received this less than 2 minutes ago, those
2 are our initial -- my initial comments and I have
3 nothing further to add.

4 I don't think that this language is
5 fully reflective and I make those specific
6 comments just under quick review.

7 CHAIRMAN NICHOLS: All right. Thank
8 you, Ms. Valentino. Sir, would you like to
9 identify yourself for the record, please?

10 MR. MICHAEL: I'm Delvone Michael with
11 DC Working Families.

12 CHAIRMAN NICHOLS: Okay. All right.

13 MR. HANSON: I think we -- may we
14 respond together to the --

15 CHAIRMAN NICHOLS: Certainly.

16 MR. HANSON: Okay. I'll just go
17 point-by-point. The Fair Minimum Wage Act of
18 2016 we believe is an objective description of
19 the proposal. A major goal of the initiative is
20 to raise wages for low-wage tipped workers
21 ensuring that there is one fair minimum wage for
22 all workers, so workers are not receiving two

1 different standards unless, obviously, as bullet
2 point number four addresses, for D.C. Government
3 contractors and we are constitutionally
4 prohibited from applying the increase to them.

5 As to whether or not gradually is an
6 objective term, I don't know how to argue it any
7 other way. These are -- we would like it to be
8 very clear to the electorate that this is not an
9 increase from the \$10 to \$15 minimum wage data,
10 \$15 tomorrow. We believe that to gradually
11 increase the minimum wage signals to voters that
12 this is a, you know, process. It's not going to
13 happen overnight.

14 And, you know, as to whether or not --
15 you know, the same for the second bullet point.
16 It's a slow increase for tipped minimum wage
17 workers to get them to, you know, full minimum
18 wage by 2025. It's not an overnight thing. We
19 believe that is important for communicating so
20 voters have a full understanding of the
21 initiative. And tipped employees have the
22 classification, you know, in terms of employment

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1 classification is completely objective. Okay.

2 CHAIRMAN NICHOLS: The last time.

3 MS. VALENTINO: Is there an
4 opportunity to respond or no?

5 CHAIRMAN NICHOLS: You may go.

6 MS. VALENTINO: Thank you. As far as
7 the goals of the proposal, that's not the
8 business of the Board. The business of the Board
9 is putting forward objective language, so the
10 voter can deliberate. So I just want to make
11 that point.

12 What is fair and not fair is not for
13 the Board to decide. As a matter of fact, I
14 think that's a very persuasive and unfair term to
15 have in a title.

16 As far as gradual goes, I think it has
17 got to be very specific. Very specific without
18 the different --

19 MR. HANSON: Well --

20 CHAIRMAN NICHOLS: Wait, wait, no.

21 MS. VALENTINO: Very specific on what
22 the steps are and what the increase is going to

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1 be and when, because the voter is going to walk
2 in and they are going to want to make a decision.
3 When they vote yay or nay, they think they are
4 going to get fair minimum wage. Well, not
5 everybody is going to be there, but gradually
6 they should know specifically what those
7 increases are and when.

8 CHAIRMAN NICHOLS: A couple of things
9 that I have a question for. Do you think, Mr.
10 Hanson --

11 MR. HANSON: Yes.

12 CHAIRMAN NICHOLS: -- that there is a
13 difference between using the word gradually and
14 graduated?

15 MR. HANSON: I think gradually -- I'm
16 not sure. I mean, it is in-step, so it's a
17 gradual increase.

18 CHAIRMAN NICHOLS: And graduated?

19 MR. MICHAEL: I would prefer gradually
20 than graduated, I think.

21 MR. HANSON: Yes.

22 MR. MICHAEL: Gradually.

1 CHAIRMAN NICHOLS: But my question is
2 do you think there is a difference in the two
3 terms, the two words?

4 MR. MICHAEL: I don't think.

5 MEMBER DANZANSKY: If so, what is it?

6 MR. HANSON: Yes.

7 CHAIRMAN NICHOLS: Yes.

8 MR. HANSON: I'm not sure.

9 CHAIRMAN NICHOLS: Okay. And the
10 second observation I would like to make is that
11 this is the title of the initiative as filed.
12 The Board did not come up with the word fair as
13 the title. Understand that. I don't need a
14 comment back.

15 MS. VALENTINO: Okay.

16 CHAIRMAN NICHOLS: I don't need a
17 comment back on that. All right. Are there any
18 more comments or suggestions to be made on that?
19 Do you have any questions, Mr. --

20 MEMBER DANZANSKY: No.

21 CHAIRMAN NICHOLS: Mr. McGhie?

22 MR. MCGHIE: Well, I just see her

1 point with the word fair.

2 CHAIRMAN NICHOLS: Yes.

3 MR. MCGHIE: I mean, I think --

4 MEMBER DANZANSKY: We are almost
5 required, aren't we --

6 MR. MCGHIE: Yes.

7 MEMBER DANZANSKY: -- to accept the
8 title?

9 MR. MCGHIE: Oh, no, we are not
10 required to accept the title. The Board --

11 MS. VALENTINO: Correct.

12 MR. MCGHIE: -- makes the title up, so
13 the Board establishes the short title. So fair
14 can --

15 CHAIRMAN NICHOLS: We can drop the --

16 MR. MCGHIE: -- could be biased.

17 CHAIRMAN NICHOLS: Right.

18 MR. MCGHIE: And in favor of the
19 initiative, so maybe we would want to say
20 District of Columbia Minimum Wage Act of 2016.

21 MEMBER DANZANSKY: Okay.

22 MR. MICHAEL: I think I would agree

1 with this. I know that I wouldn't suggest that
2 Mr. McGhie is wrong, but I think the title -- we
3 chose the title. I'm not sure there is -- in the
4 past the last five or six initiatives, the title
5 has been accepted from the proposer and not
6 necessarily the change which has gotten here.

7 I would also like to point out that
8 the argument should be in good faith. And I'm
9 not, you know, questioning Ms. Valentino's
10 motives, but certainly she did sit here the last
11 time at the hearing and suggest that giving a
12 raise to the minimum wage would be for human
13 rights and I would suggest that we not forget
14 that. And the arguments are not necessarily here
15 to be helpful, but to obstruct what we are trying
16 to accomplish, that's my position on it.

17 But I think fair does not restore what
18 we are trying to accomplish. I think we should
19 go forth with what we submitted.

20 MR. HANSON: And just to clarify, and
21 we view fair as not a value, but as an objective
22 description of what the Act is proposing to do.

1 MS. VALENTINO: You know, my position
2 has been clear and unhidden. I'm sure you will
3 hear it again in the future. The Board does have
4 the authority over the title and, you know, I
5 think the issue of the word fair and I think the
6 clarity of when increases happen are important
7 factors. And I still hold that it's unfair to
8 some and not fair to others.

9 MR. MCGHIE: My recommendation would
10 be to drop the word fair.

11 MEMBER DANZANSKY: I would agree with
12 that.

13 CHAIRMAN NICHOLS: All right. I will
14 accept a motion to accept the summary title with
15 the exception that we drop -- with the change
16 being that we drop the word fair and in its place
17 substitute District of Columbia Minimum Wage Act
18 of 2016.

19 MEMBER DANZANSKY: So moved, Madam
20 Chair.

21 CHAIRMAN NICHOLS: All in favor?

22 ALL: Aye.

1 CHAIRMAN NICHOLS: All opposed? The
2 ayes have it.

3 I would entertain a motion accept the
4 summary statement in its present form.

5 MEMBER DANZANSKY: So moved, Madam
6 Chair.

7 CHAIRMAN NICHOLS: All in favor?

8 ALL: Aye.

9 CHAIRMAN NICHOLS: All opposed? The
10 ayes have it. Thank you so much.

11 MR. MCGHIE: Okay. I just need to
12 read the final adopted language into the record.
13 The Board has approved the language, Additional
14 Measure No. 76, short title of the District of
15 Columbia Minimum Wage Act of 2016. The summary
16 statement reads as follows:

17 "If enacted, this initiative will
18 gradually increase the minimum wage in the
19 District of Columbia to \$15 hourly by 2020;
20 gradually increase the minimum wage for tipped
21 employees so that they receive the minimum wage
22 directly from their employer as other employees

1 by 2025.

2 Beginning in 2021, require the minimum
3 wage to increase yearly in proportion to
4 increases in the Consumer Price Index. The
5 minimum wage increases under the initiative will
6 not apply to D.C. Government employees or
7 employees of the D.C. Government contractors."

8 CHAIRMAN NICHOLS: All right. Are
9 there any other questions with regard to this
10 matter? Hearing none, we will move on to the
11 next item on your agenda, Mr. McGhie.

12 MR. MCGHIE: That is an adoption of
13 petitions to recall.

14 The first one is Yvonne Buggs for ANC-
15 5D06. Would the proposer of the recall measure
16 come forward and Ms. Buggs would you take a seat
17 in the front, also? Madam Chair?

18 CHAIRMAN NICHOLS: Good morning.

19 MS. BUGGS: Good morning.

20 MR. MCGHIE: And would you state your
21 full name and address for the record?

22 MS. BUGGS: Yvonne Buggs.

1 MR. MCGHIE: The address?

2 MS. BUGGS: 1113 Monticello Avenue,
3 N.E., Washington, D.C. 20002.

4 MR. MCGHIE: Okay. Now, the Registrar
5 of Voters has prepared a recall petition. Did
6 you get an opportunity to look at it?

7 MS. BUGGS: Yes, sir.

8 MR. MCGHIE: And is the information --
9 is the statement that you provided for the Board
10 the same as the statement that is included on the
11 initiative for recall?

12 MS. BUGGS: Yes, sir.

13 MR. MCGHIE: All right. So you would
14 say it's accurate then?

15 MS. BUGGS: Yes, sir.

16 MR. MCGHIE: All right. And the
17 candidate? Ms. Buggs? No. Sir?

18 MR. JACKSON: I'm not a candidate.

19 CHAIRMAN NICHOLS: Will you, please,
20 identify yourself for the record, sir, and
21 indicate your role in this particular recall.

22 MR. JACKSON: Well, my name is George

1 Jackson. I live at 1116 North Street,
2 Washington, D.C. I'm a person who actually has
3 continued to submit a recall. I'm the party and
4 creator of it.

5 MR. MCGHIE: Okay. And so your
6 statement, is your statement correct?

7 MR. JACKSON: Yes, my statement is
8 correct.

9 MR. MCGHIE: All right. So the recall
10 petition contains a statement of the proposer of
11 the recall measure and your response. If both
12 the statements are accurate, sir, do you accept
13 this as a petition and adopt it as your own for
14 purposes of recalling Mrs. Buggs?

15 MR. JACKSON: Yes, I have no problem.

16 MR. MCGHIE: Okay. Then we would need
17 a motion from the Board to adopt the admission of
18 the petition.

19 CHAIRMAN NICHOLS: I will entertain a
20 motion to adopt the petition for recall of Ms.
21 Buggs, Commissioner Buggs. Buggs?

22 MS. BUGGS: Buggs.

1 MR. MCGHIE: Buggs.

2 CHAIRMAN NICHOLS: Yvonne Buggs,
3 Advisory Neighborhood Commission SMD 5D06.

4 MEMBER DANZANSKY: So moved, Madam
5 Chair.

6 CHAIRMAN NICHOLS: All in favor?

7 ALL: Aye.

8 CHAIRMAN NICHOLS: All opposed? The
9 ayes have it.

10 MR. MCGHIE: Okay.

11 CHAIRMAN NICHOLS: Thank you.

12 MR. MCGHIE: The Registrar of Voters
13 has prepared a statement outlining the remainder
14 of the process.

15 MS. BROOKS: On July 10, 2015, George
16 Jackson, a resident voter in Single Member
17 District 5D06, filed a Notice of Intention to
18 Recall Yvonne Buggs, Advisory Neighborhood
19 Commissioner for SMD 5D06.

20 Commissioner Buggs filed a response to
21 Mr. Jackson's statement on grounds for recall on
22 Monday, July 20, 2015.

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1 Pursuant to D.C. Official Code § 1-
2 001.17(g) the proposal to recall of the ANC shall
3 have 60 days to circulate the recall petition and
4 file the same with the Board beginning on the
5 date the proposal was formally adopted of the
6 original petition form as his or her own.

7 Accordingly, Mr. Jackson must file a
8 recall petition with the Board by no later than
9 5:00 p.m. on Monday, October 5, 2015.

10 Pursuant to D.C. Official Code § 1.001
11 -- 1-1001.17(h) (3) a petition for the recall of
12 an ANC shall show the balance of 10 percent of
13 the voters that are affected -- voters of the
14 affected SMD. The 10 percent computed must be
15 completed from the total number of resident
16 voters in the SMD according to the latest
17 official count of resident voters made by the
18 Board 30 days prior to the date of initial
19 submission of the Notice of Intention to Recall.

20 As reflected in the table below, the
21 total number of registered voters in SMD 5D06 as
22 of May 31, 2015 was 1,813. Accordingly,

1 petitions of the recall of Commissioner Buggs
2 must include the valid signatures of 181 resident
3 voters in SMD 5D06.

4 MR. MCGHIE: Okay. Do either one of
5 you have any questions?

6 MS. BUGGS: No, sir.

7 MR. MCGHIE: All right.

8 CHAIRMAN NICHOLS: All right. Thank
9 you so much.

10 The matter of Adam Roberts, ANC 5D03.

11 MR. MCGHIE: And the proposer? Will
12 both of you state your full name and address for
13 the record?

14 MR. ROBERTS: Sure. Adam Roberts.
15 The address is 1832 L Street, N.E., Washington,
16 D.C. 20002.

17 MR. MCGHIE: And, sir?

18 MR. MOTLEY: Yes. First of all,
19 Board, I would like to say good morning to you.
20 My name is Steven Motley. I live at 1104 23rd
21 Street, N.E., Washington, D.C. 20002.

22 MR. MCGHIE: And you are the proposer

1 of the recall measure, correct?

2 MR. MOTLEY: Correct.

3 MR. MCGHIE: All right. Have both of
4 you had the opportunity to review the recall
5 petition?

6 MR. ROBERTS: Yes.

7 MR. MOTLEY: Yes, sir.

8 MR. MCGHIE: Mr. Motley, is the
9 statement that is included on the recall petition
10 accurate?

11 MR. MOTLEY: Yes, it is.

12 MR. MCGHIE: And, Mr. Roberts, is your
13 response accurate?

14 MR. ROBERTS: It is what I submitted,
15 yes.

16 MR. MCGHIE: Okay. Mr. Roberts -- no,
17 Motley, do you accept the recall petition as your
18 own and adopt it as your own?

19 MR. MOTLEY: Yes. Yes, sir.

20 MR. MCGHIE: All right. Then I would
21 need a motion from the Board to adopt the
22 petition of the recall measure to recall Adam

1 Roberts, ANC Commissioner SMD 5D03.

2 CHAIRMAN NICHOLS: I will entertain a
3 motion to adopt the petition to recall Adam
4 Roberts of Advisory Neighborhood Commission SMD
5 5D03.

6 MEMBER DANZANSKY: Yes, so moved,
7 Madam Chair.

8 CHAIRMAN NICHOLS: All in favor?

9 ALL: Aye.

10 CHAIRMAN NICHOLS: All opposed? The
11 ayes have it.

12 MR. MCGHIE: Okay. As Registrar of
13 Voters, could you, please, outline the rest of
14 the process?

15 MS. BROOKS: On July 10, 2015, Steven
16 Motley, a resident voter in Single Member
17 District 5D03, filed a Notice of Intention to
18 Recall Adam Roberts, Advisory Neighborhood
19 Commissioner for SMD 5D03.

20 Commissioner Roberts filed a response
21 to Mr. Motley's statement on grounds for recall
22 on Monday, July 20, 2015.

1 Pursuant to D.C. Official Code § 1-
2 001.17(g) the proposal to recall of the ANC shall
3 have 60 days to circulate the recall petition and
4 file the same with the Board beginning on the
5 date the proposal was formally adopted of the
6 original petition form as his or her own.

7 Accordingly, Mr. Motley must file the
8 recall petition with the Board no later than 5:00
9 p.m. on Monday, October 5, 2015.

10 Pursuant to D.C. Official Code § 1-
11 1001.17(h)(3), a petition for the recall of an
12 ANC shall include the valid signatures of 10
13 percent of the resident voters in the affected
14 SMD. The 10 percent must be computed with a
15 total number of resident voters in the SMD
16 according to the latest official count of
17 resident voters made by the Board 30 days prior
18 to the date of initial submission of the Notice
19 of Intention to Recall.

20 As reflected in the table below, the
21 total number of resident voters in SMD 5D03 as of
22 May 31, 2015 was 1,664. Accordingly, the

1 petition for the recall of Commissioner Roberts
2 must include the valid signatures of 166 resident
3 voters in SMD 5D03.

4 MR. MCGHIE: Okay. Do you have any
5 questions? Questions?

6 MR. MOTLEY: No, no, none at this
7 time. Be my guest.

8 MR. ROBERTS: The only question I
9 would ask is does the Board take any action to
10 ensure that the claims that were made here are --
11 do they do an investigation of the claims?

12 MR. MCGHIE: No.

13 MR. ROBERTS: Thank you.

14 CHAIRMAN NICHOLS: All right. Thank
15 you so much. We will have our next matter,
16 Keisha Shropshire, ANC-5D02. All right. Would
17 you identify yourselves for the record, please?

18 MS. SHROPSHIRE: I'm Keisha
19 Shropshire.

20 CHAIRMAN NICHOLS: All right.

21 MS. MILES-HARRISON: I'm Darlene
22 Miles-Harrison.

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1 CHAIRMAN NICHOLS: All right.

2 MR. MCGHIE: And could you state your
3 address, please?

4 MS. SHROPSHIRE: 1239 16th Street, N.E.

5 MS. MILES-HARRISON: And I'm 1230
6 Bladensburg Road, N.E.

7 MR. MCGHIE: Okay. Beginning with Ms.
8 Miles-Harrison, did you have the opportunity --
9 or both of you, have you had the opportunity to
10 review the petitions?

11 MS. MILES-HARRISON: Yes, I have.

12 MR. MCGHIE: And, Ms. Miles-Harrison,
13 is your statement on the grounds to recall
14 accurate?

15 MS. MILES-HARRISON: Yes, they are.

16 MR. MCGHIE: And, Ms. Shropshire?

17 MS. SHROPSHIRE: Shropshire.

18 MR. MCGHIE: Shropshire?

19 MS. SHROPSHIRE: Yes.

20 MR. MCGHIE: Is your response
21 accurate?

22 MS. SHROPSHIRE: I have one minor

1 change.

2 MR. MCGHIE: Okay.

3 MS. SHROPSHIRE: That I would like to
4 ask for. Should I say what it is?

5 CHAIRMAN NICHOLS: On your response?

6 MS. SHROPSHIRE: Yes.

7 MR. MCGHIE: Yes.

8 MS. SHROPSHIRE: So in the first
9 paragraph where it says "I focus my attention," I
10 just wanted to modify that sentence. At the end
11 instead of saying dedicate my time to efforts
12 such as, I want to say dedicate tireless efforts
13 to activities.

14 MR. MCGHIE: Okay. So now this is
15 different from the statement that you submitted?

16 MS. SHROPSHIRE: Correct.

17 MR. MCGHIE: Okay. I don't think you
18 are allowed to do that. You -- the statute gives
19 you a certain amount of time to respond to the --

20 MS. SHROPSHIRE: Yes.

21 MR. MCGHIE: -- petition and this is
22 your response. So my question is is the response

1 that you submitted to us the same as the response
2 that --

3 MS. SHROPSHIRE: It is.

4 MR. MCGHIE: Okay. All right.

5 MS. SHROPSHIRE: Yes.

6 MR. MCGHIE: All right. Then, Ms.
7 Miles-Harrison --

8 MS. MILES-HARRISON: Yes.

9 MR. MCGHIE: -- do you adopt the
10 recall petition as your own?

11 MS. MILES-HARRISON: Yes, I do.

12 MR. MCGHIE: All right. And I will
13 entertain a motion from the Board to accept the
14 adoption of this petition.

15 CHAIRMAN NICHOLS: I will entertain a
16 motion to adopt the petition to recall Keisha
17 Shropshire, Commissioner Keisha Shropshire,
18 Advisory Neighborhood Commissioner SMD 5D02.

19 MEMBER DANZANSKY: So moved, Madam
20 Chair.

21 CHAIRMAN NICHOLS: All in favor?

22 ALL: Aye.

1 CHAIRMAN NICHOLS: All opposed? The
2 ayes have it.

3 MR. MCGHIE: Okay. Ms. Brooks?

4 CHAIRMAN NICHOLS: Thank you. Thanks
5 so much.

6 MR. MCGHIE: Ms. Brooks?

7 CHAIRMAN NICHOLS: Oh, that's right.
8 Sorry.

9 MR. MCGHIE: Ms. Brooks.

10 MS. BROOKS: On July 16, 2015, Darlene
11 T. Miles-Harrison, a resident voter in Single
12 Member District 5D02, filed a Notice of Intention
13 to Recall Keisha Shropshire, Advisory
14 Neighborhood Commissioner for SMD 5D02.

15 Commissioner Shropshire filed a
16 response to Ms. Miles-Harrison's statement on the
17 grounds for recall on Monday, July 27, 2015.

18 Pursuant to D.C. Official Code § 1-
19 001.17(g) the proposal to recall of the ANC shall
20 have 60 days to circulate the recall petition and
21 file the same with the Board beginning on the
22 date the proposal was formally adopted of the

1 original petition form as his or her own.

2 Accordingly, Mrs. Miles-Harrison must
3 file the recall petition with the Board by no
4 later than 5:00 p.m. on Monday, October 6, 2015.

5 Pursuant to D.C. Official Code § 1-
6 1001.17(h)(3) a petition for the recall of an ANC
7 shall include the valid 10 percent signatures of
8 10 percent of the resident voters in the affected
9 SMD. The 10 percent must be computed with a
10 total number of resident voters in the SMD
11 according to the latest official count of
12 resident voters made by the Board 30 days prior
13 to the date of initial submission of the Notice
14 of Intention to Recall.

15 As reflected in the table below, the
16 total number of resident voters in SMD 5D02 as of
17 May 31, 2015 was 1,601. Accordingly, the
18 petition for the recall of Ms. Shropshire must
19 include valid signatures of 160 resident voters
20 in SMD 5D02.

21 MR. MCGHIE: Any questions from either
22 party?

1 MS. SHROPSHIRE: No.

2 MS. MILES-HARRISON: No questions.

3 MR. MCGHIE: All right. Thank you
4 very much.

5 MS. MILES-HARRISON: Thank you.

6 CHAIRMAN NICHOLS: Thank you.

7 MS. MILES-HARRISON: Have a good day.

8 CHAIRMAN NICHOLS: Okay. All right.

9 We will now consider the matter of Christy Davis,
10 ANC-5E02.

11 MS. WILLIAMS: Good morning.

12 CHAIRMAN NICHOLS: Good morning.
13 Would you identify yourself for the record,
14 please, as well as give your address?

15 MS. WILLIAMS: My name is Patricia
16 Williams. I reside at 401 Edgewood Street, N.E.,
17 Apartment D2, Washington, D.C.

18 CHAIRMAN NICHOLS: Okay.

19 MR. MCGHIE: Okay. Ms. Williams, did
20 you have an opportunity to review the recall
21 petition?

22 MS. WILLIAMS: Yes, I did.

1 MR. MCGHIE: Is the statement that you
2 submitted as the grounds for recall accurate?

3 MS. WILLIAMS: Yes, it is.

4 MR. MCGHIE: And do you adopt this
5 recall petition as your own?

6 MS. WILLIAMS: Yes, I do.

7 MR. MCGHIE: All right. I would
8 entertain a motion from the Board to adopt the
9 petition.

10 CHAIRMAN NICHOLS: I will entertain a
11 motion to adopt --

12 MR. MCGHIE: Oh, I'm sorry.

13 CHAIRMAN NICHOLS: -- the petition to
14 recall Christy Davis, Advisory Neighborhood
15 Commissioner of SMD 5E02.

16 MEMBER DANZANSKY: So moved, Madam
17 Chair.

18 CHAIRMAN NICHOLS: All in favor?

19 ALL: Aye.

20 CHAIRMAN NICHOLS: All opposed? The
21 ayes have it.

22 MR. MCGHIE: Okay. Ms. Brooks?

1 MS. BROOKS: On July 16, 2015,
2 Patricia Williams, a resident voter in Single
3 Member District 5E02, filed a Notice of Intention
4 to Recall Christy Davis, Advisory Neighborhood
5 Commissioner for SMD 5E02.

6 Commissioner Davis did not file a
7 response to Ms. Williams' statement on grounds
8 for recall.

9 Pursuant to D.C. Official Code § 1-
10 1001.17(g), the proposer of the recall of the ANC
11 shall have 60 days to circulate the recall
12 petition and file the same with the Board
13 beginning on the date the proposal formally
14 adopts the original petition form as his or her
15 own.

16 Accordingly, Ms. Williams must file
17 the recall petition with the Board by no later
18 than 5:00 p.m. on Monday, October 5, 2015.

19 Pursuant to D.C. Official Code § 1-
20 1001.17(h)(3), a petition for the recall of an
21 ANC shall include the valid signatures of 10
22 percent of resident voters of the affected SMD.

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1 The 10 percent must be computed from
2 the total number of resident voters in the SMD
3 according to the latest official count of
4 resident voters made by the Board 30 days prior
5 to the date of initial submission of the Notice
6 of Intention to Recall.

7 As reflected in the table below, the
8 total number of resident voters in SMD 5E02 as of
9 May 31, 2015 was 1,361. Accordingly, the
10 petition for the recall of Commissioner Davis
11 must include the valid signatures of 136 resident
12 voters in SMD 5E02.

13 MR. MCGHIE: Okay. Do you have any
14 questions?

15 MS. WILLIAMS: No.

16 MR. MCGHIE: Okay.

17 CHAIRMAN NICHOLS: All right. Thank
18 you so much then.

19 MS. WILLIAMS: Thank you.

20 CHAIRMAN NICHOLS: All right. Mr.
21 McGhie?

22 MR. MCGHIE: Okay. The next thing on

1 my agenda is Proposed Rulemaking to Amend
2 Chapters 1 through 11 and Chapters 14 through 17.
3 The proposed amendments will bring the rules into
4 conformity with the Voter Registration Access and
5 Modernization Amendment Act of 2014, which became
6 effective on February 26, 2015, and the Primary
7 Date Alteration Amendment Act of 2014, which
8 became effective on May 2, 2015.

9 So I'm asking that the Board adopt
10 this as proposed rulemaking, so that we can
11 publish this in the D.C. Register for a 30-day
12 comment period.

13 CHAIRMAN NICHOLS: Okay. I will
14 entertain a motion to adopt the proposed rules
15 and to publish them in the D.C. Register for a
16 30-day period of review and comment.

17 MEMBER DANZANSKY: So moved, Madam
18 Chair.

19 CHAIRMAN NICHOLS: All in favor?

20 ALL: Aye.

21 CHAIRMAN NICHOLS: All opposed? The
22 ayes have it.

1 MR. MCGHIE: Okay. The last matter on
2 my agenda is Litigation Status Update, McMillian
3 v. D.C. Board of Elections is still the case.
4 Mr. McMillian has filed against us for
5 harassment, that is still pending in Court and we
6 have a Motion to Dismiss. And we have not heard
7 anything yet from the Court on our motion.

8 CHAIRMAN NICHOLS: All right. Are
9 there any questions of Mr. McGhie?

10 MEMBER DANZANSKY: None.

11 CHAIRMAN NICHOLS: Thank you, Mr.
12 McGhie. I'll stand in, you have a lot on your
13 plate today.

14 All right. We will now receive the
15 report of the Board's Director of Campaign
16 Finance, Ms. Cecily Collier-Montgomery.

17 DIRECTOR COLLIER-MONTGOMERY: Yes,
18 good morning. During the month of July there
19 were three important reports in the Office of
20 Campaign Finance.

21 The first was July 1, 2015. The
22 Report of Receipts and Expenditures was due from

1 our Constituent Service Program. We have 11
2 required filers. We had 11 timely filed. Also,
3 all of our programs electronically filed and
4 certified their reports as well.

5 July 1, 2015 was also the deadline for
6 the filing of the Report of Receipts and
7 Expenditures by Senator/Representative Statehood
8 Funds. We have three required filers. Three
9 timely filed. And all of the programs
10 electronically filed and certified their filings.

11 July 31st was the deadline for the
12 filing of the Reports of Receipts and
13 Expenditures for our continuing Principal
14 Campaign Committees and Political Action
15 Committees. The number of required filers is 93.
16 That represents 74 principal campaign committees
17 and 19 political action committees. The number
18 of timely filers as well as late filers and
19 failures to file will have to -- is still to be
20 determined.

21 With respect to Retailer Committee who
22 registered to participate in the 2015 -- 2016

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1 election cycle during the month of July:

2 Jack Evans, Evans 2016, Ward 2, City
3 Council, registered on July 1, 2015.

4 Emanci 8 PAC registered on July 2,
5 2015. Neighbors for Adam, ANC Recall Committee
6 registered on July 29, 2015.

7 We conducted entrance conference on
8 July 9, 2015. The participants were: Derrick J.
9 Ford and Lucius C. Gallion.

10 We conducted entrance conferences on
11 July the 15th. The participants were: Sanque
12 Culver, who is the treasurer of Two Alone for
13 Council of 2016 Exploratory Committee; Carlton
14 Retland, the chairperson for Petula for Council
15 2016 Exploratory Committee.

16 We also conducted entrance conferences
17 on July 31, 2015 and the participants were: Jack
18 Evans, Candidate Evans 2016, Robert Kimbel, the
19 treasurer for Evans 2016.

20 In our Audit Branch during the month
21 of July, the Audit Branch conducted 43 in depth
22 reviews of the financial reports filed with the

1 Agency and that also includes amended reports as
2 well.

3 With respect to our ongoing audits, we
4 have coal field audit, which is ongoing, the
5 Grade for Mayor with our periodic random audits
6 of candidates who participated in the 2015
7 election cycle, we have the committee to elect
8 Natalie Williams from Ward 8 and Barry for
9 Council.

10 With our Inaugural Committees for
11 2015, D.C. Crowd Inaugural Committee.

12 With the periodic random audits for
13 our continuing committees, Morgan producing.

14 With our full field audits for our
15 newly elected officials, LaRuby May 2015, and
16 Brandon Todd for Ward 4.

17 We also issued an audit report on July
18 31, 2015 for Friends of Leon Andrews and that is
19 available for review by the public at our
20 website.

21 At this time, I would ask the General
22 Counsel to give the report for the General

1 Counsel's Office.

2 MR. SANFORD: Good morning, Madam
3 Chair and Board Member Danzansky. My name is
4 William Sanford, General Counsel for the Office
5 of Campaign Finance.

6 During the month of July 2015, the
7 Office of the General Counsel received two
8 referrals from the Reports Analysis and Audit
9 Division and the Office of the General Counsel
10 conducted three informal hearings and issued 36
11 orders, which includes the following:

12 10 orders were issued for failure to
13 timely file reports, in which no fines were
14 imposed.

15 3 orders were issued for failure to
16 timely respond to requests for additional
17 information, in which no fines were imposed.

18 5 orders were issued for failure to
19 timely file reports, which fines totaling \$4,900
20 were imposed.

21 2 Motions for Reconsideration, 2
22 orders involving Motions for Reconsideration were

1 issued, in which fines were imposed totaling
2 \$800.

3 And 16 ANC orders were issued, in
4 which no fines were imposed.

5 Fines were imposed against the
6 following respondents during the month of July
7 2015:

8 DC Working Families received a fine of
9 \$100 for failure to timely file a report.

10 Campaign Committee for Working
11 Families received a fine for \$100 for failure to
12 timely file a report, a required report.

13 Committee to Elect Rock Mountain was
14 fined \$1,900 for failure to timely file.

15 The Youth Action PAC was fined \$1,700
16 for failure to timely file.

17 The Anderson Ward 4 for City Council
18 Motion for Reconsideration a fine of \$500 was
19 imposed.

20 And Anderson Ward 4 Motion for
21 Reconsideration in another matter received a fine
22 of \$300.

1 Abraham for Ward 8 City Council was
2 fined \$1,100 for failure to timely file a report.

3 During the month of July, the Office
4 of the General Counsel collected \$1,100 in fines
5 from Vonetta Dumas an ANC conduit who had failed
6 to timely file her summary financial statement.

7 During the month of July, the Office
8 of the General Counsel carried seven open
9 investigations and no new investigations were
10 opened.

11 And during the month of July, there
12 were no requests for interpretative opinions nor
13 were there any show cause proceedings conducted.

14 And that should complete my report.

15 CHAIRMAN NICHOLS: Thank you, Mr.
16 Sanford. Are there any questions of Mr. Sanford?

17 MEMBER DANZANSKY: No.

18 CHAIRMAN NICHOLS: All right. Thank
19 you so much.

20 Are there any public matters to be
21 brought before the Board this morning?

22 Hearing none, there being no further

1 business before the Board, this meeting is
2 adjourned. The time is 11:32 a.m. It is still
3 Wednesday, August 5, 2015.

4 (Whereupon, the above-entitled matter
5 went off the record at 11:32 a.m.)

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19
20
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A

\$1,100 48:2,4
 \$1,700 47:15
 \$1,900 47:14
 \$10 14:9
 \$100 47:9,11
 \$15 9:15 14:9,10 21:19
 \$300 47:22
 \$35,000 5:18 6:5
 \$4,900 46:19
 \$500 47:18
 \$800 47:2
 a.m 1:13 4:2,7 49:2,5
 able 5:22
 above-entitled 49:4
 Abraham 48:1
 accept 2:13,16 18:7,10
 20:14,14 21:3 24:12
 28:17 34:13
 accepted 19:5
 Access 41:4
 accomplish 19:16,18
 accurate 23:14 24:12
 28:10,13 32:14,21
 38:2
 Act 2:12,15 8:20 9:11
 11:16 13:17 18:20
 19:22 20:17 21:15
 41:5,7
 action 31:9 43:14,17
 47:15
 activities 33:13
 Adam 2:20 27:10,14
 28:22 29:3,18 44:5
 add 13:3
 additional 21:13 46:16
 address 5:3 7:4,4,6
 22:21 23:1 27:12,15
 32:3 37:14
 addresses 14:2
 Adjourn 3:16
 adjourned 49:2
 admission 24:17
 adopt 24:13,17,20
 28:18,21 29:3 34:9,16
 38:4,8,11 41:9,14
 adopted 2:5,17 4:21 5:1
 21:12 26:5 30:5 35:22
 adoption 2:4,18 22:12
 34:14
 adopts 39:14
 Advisory 25:3,18 29:4
 29:18 34:18 35:13
 38:14 39:4
 age 14:11
 Agency 45:1
 agenda 2:2,4 4:20
 22:11 41:1 42:2

ago 7:18 11:7 13:1
 agree 18:22 20:11
 allowed 33:18
 Alteration 41:7
 Amend 3:3 41:1
 amended 45:1
 Amendment 41:5,7
 amendments 41:3
 amount 33:19
 Analysis 46:8
 analytical 5:19 6:4
 ANC 22:14 26:2,12
 27:10 29:1 30:2,12
 35:19 36:6 39:10,21
 44:5 47:3 48:5
 ANC-5D02 2:21 31:16
 ANC-5D03 2:20
 ANC-5D06 2:19
 ANC-5E02 2:22 37:10
 Anderson 47:17,20
 Andrews 45:18
 announcement 8:6
 anybody 9:4
 Apartment 37:17
 applications 5:17
 apply 10:2 12:17,20
 22:6
 applying 14:4
 approved 21:13
 April 7:14
 argue 14:6
 argument 19:8
 arguments 19:14
 asking 41:9
 Atlantic 10:21
 attention 33:9
 audit 44:20,21 45:4,17
 46:8
 audits 45:3,5,12,14
 August 1:9 4:5,6 7:18
 49:3
 authority 20:4
 available 45:19
 Avenue 23:2
 Award 2:6
 awarded 6:5
 aware 5:12
 Aye 20:22 21:8 25:7
 29:9 34:22 38:19
 41:20
 ayes 21:2,10 25:9 29:11
 35:2 38:21 41:22

B

back 6:10 7:10 17:14,17
 balance 26:12
 Ballot 7:20
 Barry 45:8

basis 7:12
 beginning 9:20 22:2
 26:4 30:4 32:7 35:21
 39:13
 believe 6:7 13:18 14:10
 14:19
 biased 18:16
 bill 12:1
 Bird 5:13
 bit 6:11
 Bladensburg 32:6
 board 1:4,6,11,15,18
 4:5,10,10,22 5:3 8:16
 10:5 11:12 12:18 15:8
 15:8,13 17:12 18:10
 18:13 20:3 21:13 23:9
 24:17 26:4,8,18 27:19
 28:21 30:4,8,17 31:9
 34:13 35:21 36:3,12
 38:8 39:12,17 40:4
 41:9 42:3 46:3 48:21
 49:1
 Board's 4:14,16,17,19
 5:8 8:14 9:2 42:15
 Branch 44:20,21
 Brandon 45:16
 bring 7:16 41:3
 Brooks 25:15 29:15
 35:3,6,9,10 38:22
 39:1
 brought 48:21
 Buggs 2:19 22:14,16,19
 22:22,22 23:2,7,12,15
 23:17 24:14,21,21,21
 24:22,22 25:1,2,18,20
 27:1,6
 bullet 14:1,15
 business 15:8,8 49:1

C

C 44:9
 C-O-N-T-E-N-T-S 2:1
 cab 12:11
 call 4:4
 Called 2:3
 campaign 1:20 3:10
 4:16 42:15,20 43:14
 43:16 46:5 47:10
 candidate 23:17,18
 44:18
 candidates 45:6
 canvass 2:7 6:21 7:1
 Capa 7:20
 capturing 5:19
 Card 2:7 6:21
 cards 7:1,3,9,10,12
 care 6:13
 Carlton 44:13

carried 48:8
 case 42:3
 categories 7:10
 cause 48:13
 Cecily 1:20 3:11 4:15
 42:16
 certain 12:20 33:19
 certainly 13:15 19:10
 certified 43:4,10
 Chair 5:5,10 8:6 20:20
 21:6 22:17 25:5 29:7
 34:20 38:17 41:18
 46:3
 Chairman 1:13,16 3:17
 4:3,9,13 5:6 6:12,18
 8:10 9:6 10:4,9,12,17
 10:22 11:4 13:7,12,15
 15:2,5,20 16:8,12,18
 17:1,7,9,16,21 18:2
 18:15,17 20:13,21
 21:1,7,9 22:8,18
 23:19 24:19 25:2,6,8
 25:11 27:8 29:2,8,10
 31:14,20 32:1 33:5
 34:15,21 35:1,4,7
 37:6,8,12,18 38:10,13
 38:18,20 40:17,20
 41:13,19,21 42:8,11
 48:15,18
 chairperson 44:14
 change 19:6 20:15 33:1
 changes 7:4,5,6
 Chapters 3:3,4 41:2,2
 Charles 6:9
 chose 19:3
 Christy 2:22 37:9 38:14
 39:4
 circulate 26:3 30:3
 35:20 39:11
 City 44:2 47:17 48:1
 claims 31:10,11
 clarified 12:15
 clarify 19:20
 clarifying 12:10
 clarity 20:6
 classification 14:22
 15:1
 clear 11:21 12:19 14:8
 20:2
 Clifford 1:19 2:6 4:14
 5:8
 close 8:8
 coal 45:4
 Code 26:1,10 30:1,10
 35:18 36:5 39:9,19
 collect 6:1,15
 collected 48:4
 Collier 4:15
 Collier-Montgomery

1:20 3:11 42:16,17
Columbia 1:2,11 2:14
 7:5 9:15 18:20 20:17
 21:15,19
come 7:19,22 17:12
 22:16
comment 12:8 17:14,17
 41:12,16
comments 11:8 13:2,6
 17:18
Commission 25:3 29:4
Commissioner 24:21
 25:19,20 27:1 29:1,19
 29:20 31:1 34:17,18
 35:14,15 38:15 39:5,6
 40:10
committee 43:21 44:5
 44:13,15 45:7,11
 47:10,13
committees 43:14,15
 43:16,17 45:10,13
communicating 14:19
complete 48:14
completed 26:15
completely 15:1
computed 26:14 30:14
 36:9 40:1
conduct 8:15,17
conducted 44:7,10,16
 44:21 46:10 48:13
conduit 48:5
conference 44:7
conferences 44:10,16
conformity 41:4
consider 37:9
constituency 12:16
Constituent 43:1
constitutionally 14:3
Consumer 9:22 22:4
contains 24:10
continued 24:3
continuing 43:13 45:13
continuously 7:8
contractors 10:3 14:3
 22:7
convened 1:12
copies 9:3
correct 18:11 24:6,8
 28:1,2 33:16
corrections 4:22
Council 44:3,13,14 45:9
 47:17 48:1
Counsel 1:21 4:18 8:14
 9:1 45:22 46:4,7,9
 48:4,8
Counsel's 2:10 3:13 9:8
 46:1
count 26:17 30:16
 36:11 40:3

couple 16:8
Court 42:5,7
creator 24:4
Crowd 45:11
Culver 44:12
current 7:16
CURRY 1:17
cycle 44:1 45:7

D

D 1:19
D.C 1:12 10:2,3 12:20
 14:2 22:6,7 23:3 24:2
 26:1,10 27:16,21 30:1
 30:10 35:18 36:5
 37:17 39:9,19 41:11
 41:15 42:3 45:11
D2 37:17
daily 7:12
Danzansky 1:17 4:11
 4:12 5:4 17:5,20 18:4
 18:7,21 20:11,19 21:5
 25:4 29:6 34:19 38:16
 41:17 42:10 46:3
 48:17
Darlene 31:21 35:10
data 5:18,22 6:1,15
 14:9
date 26:5,18 30:5,18
 35:22 36:13 39:13
 40:5 41:7
Davis 2:22 37:9 38:14
 39:4,6 40:10
day 37:7
days 26:3,18 30:3,17
 35:20 36:12 39:11
 40:4
DC 13:11 47:8
deadline 43:5,11
debate 11:10
Deborah 1:13,16 3:17
 4:9
decide 15:13
deciding 11:12
decision 16:2
dedicate 33:11,12
definition 11:11,13 12:3
 12:4
deliberate 15:10
Delivery 7:20
Delvone 13:10
Democracy 7:19
demonstrate 7:17,22
demonstration 7:15
deployed 5:22
depth 44:21
Derrick 44:8
description 13:18
 19:22

determine 8:2
determined 43:20
DEVARIESTE 1:17
develop 5:18 6:5
developed 6:4
developing 6:6
difference 16:13 17:2
different 11:19,20 12:5
 14:1 15:18 33:15
directly 9:18 21:22
Director 1:19,20 3:10
 4:15,16 5:8,9 6:13,20
 42:15,17
Director's 2:6
Dismiss 42:6
Distributors 10:21
District 1:2,11 2:14
 6:17 7:5,6,7 9:15
 18:20 20:17 21:14,19
 25:17 29:17 35:12
 39:3
Division 46:9
doing 6:15
Dominion 7:21
draft 9:1,3,8,9
drawn 12:7
drivers 12:12
drop 18:15 20:10,15,16
Dropping 2:14
due 42:22
Dumas 48:5

E

E 1:20
Edgewood 37:16
effective 41:6,8
efficient 6:17
effort 8:2
efforts 33:11,12
either 7:4 27:4 36:21
elect 45:7 47:13
elected 45:15
election 6:16,22 7:2,14
 44:1 45:7
Elections 1:4,12,15,18
 4:5 42:3
electorate 14:8
electronically 43:3,10
Ellen 10:19
Emanci 44:4
employee 12:14
employees 9:17,19
 10:2,2 12:10,12 14:21
 21:21,22 22:6,7
employer 9:18 21:22
employment 14:22
enacted 9:13 21:17
ensure 31:10

ensuring 13:21
entertain 10:5 21:3
 24:19 29:2 34:13,15
 38:8,10 41:14
entities 5:17
entitled 8:19 11:15
entrance 44:7,10,16
equipment 7:17
Eric 5:13 6:9
ES&S 7:16
establishes 18:13
evaluated 11:13
Evans 44:2,2,18,18,19
everybody 12:18 16:5
exception 20:15
excited 6:14
Executive 1:19 2:6 4:15
 5:8
Expenditures 42:22
 43:7,13
Exploratory 44:13,15

F

fact 12:19 15:13
factors 20:7
failed 48:5
failure 46:12,15,18 47:9
 47:11,14,16 48:2
failures 43:19
fair 2:11,14 8:19 9:11
 11:9,10,11,12,12,13
 11:15 12:6,6,6 13:17
 13:21 15:12,12 16:4
 17:12 18:1,13 19:17
 19:21 20:5,8,10,16
faith 19:8
Families 13:11 47:8,11
fantastic 6:18
far 15:6,16
favor 2:19,20,21,22 3:5
 3:8 18:18 20:21 21:7
 25:6 29:8 34:21 38:18
 41:19
February 41:6
field 45:4,14
file 26:4,7 30:4,7 35:21
 36:3 39:6,12,16 43:19
 46:13,19 47:9,12,14
 47:16 48:2,6
filed 17:11 25:17,20
 29:17,20 35:12,15
 39:3 42:4 43:2,3,9,10
 44:22
filers 43:2,8,15,18,18
filing 43:6,12
filings 43:10
final 2:17 21:12
Finance 1:20 3:10 4:17
 42:16,20 46:5

financial 44:22 48:6
 fine 47:8, 11, 18, 21
 fined 47:14, 15 48:2
 fines 46:13, 17, 19 47:1
 47:4, 5 48:4
 first 5:12 8:14 10:7
 22:14 27:18 33:8
 42:21
 fiscal 2:9 8:7, 8
 five 19:4
 focus 33:9
 follow 9:5
 following 46:11 47:6
 follows 9:12 21:16
 Ford 44:9
 forget 19:13
 form 2:16 8:18 21:4
 26:6 30:6 36:1 39:14
 formally 26:5 30:5
 35:22 39:13
 formulate 8:17
 formulation 2:11 9:2, 8
 11:3
 forth 19:19
 forward 8:4 15:9 22:16
 Foundation 5:15, 20 6:3
 6:8
 four 14:2
 Friends 45:18
 front 22:17
 full 14:17, 20 22:21
 27:12 45:14
 fully 13:5
 Funds 43:8
 further 13:3 48:22
 future 20:3

G

Gallion 44:9
 general 1:21 2:10 3:13
 4:18 5:10 6:22 7:2
 8:14 9:1, 8 45:21, 22
 46:4, 7, 9 48:4, 8
 George 23:22 25:15
 give 9:3 37:14 45:22
 gives 33:18
 giving 19:11
 go 13:16 15:5 19:19
 goal 13:19
 goals 15:7
 goes 15:16
 going 12:9 14:12 15:22
 16:1, 2, 4, 5
 good 4:3, 12 6:4, 15 8:9
 10:12 12:7 19:8 22:18
 22:19 27:19 37:7, 11
 37:12 42:18 46:2
 gotten 19:6

Government 1:1 10:2, 3
 14:2 22:6, 7
Grade 45:5
gradual 11:18, 19 15:16
 16:17
gradually 9:14, 16 14:5
 14:10 16:5, 13, 15, 19
 16:22 21:18, 20
graduated 12:1, 3, 4
 16:14, 18, 20
grant 2:6 5:14, 18
grounds 25:21 29:21
 32:13 35:17 38:2 39:7
guess 11:8
guest 31:7

H

Hanson 10:15, 16 11:1, 2
 13:13, 16 15:19 16:10
 16:11, 15, 21 17:6, 8
 19:20
happen 14:13 20:6
happy 11:2
harassment 42:5
Hart 7:18
hear 20:3
heard 42:6
hearing 8:15, 17 19:11
 22:10 48:22
hearings 46:10
helpful 19:15
hold 20:7
hourly 9:15 21:19
human 19:12
hundreds 5:16

I

identify 10:13 13:9
 23:20 31:17 37:13
important 14:19 20:6
 42:19
imposed 46:14, 17, 20
 47:1, 4, 5, 19
in-step 16:16
Inaugural 45:10, 11
include 27:2 30:12 31:2
 36:7, 19 39:21 40:11
included 23:10 28:9
includes 45:1 46:11
increase 9:14, 16, 21
 11:18 14:4, 9, 11, 16
 15:22 16:17 21:18, 20
 22:3
increases 9:22 10:1
 16:7 20:6 22:4, 5
Index 9:22 22:4
indicate 23:21
informal 46:10

information 23:8 46:17
initial 9:1 11:8 13:2, 2
 26:18 30:18 36:13
 40:5
initiative 2:11 8:19 9:10
 9:13 10:1, 8, 16 13:19
 14:21 17:11 18:19
 21:17 22:5 23:11
initiatives 19:4
Intention 25:17 26:19
 29:17 30:19 35:12
 36:14 39:3 40:6
Intercivic 7:18
interested 10:6, 11
interpretative 48:12
investigation 31:11
investigations 48:9, 9
involving 46:22
issue 20:5
issued 45:17 46:10, 12
 46:15, 18 47:1, 3
item 6:20 8:5 22:11
ITEMS 2:2

J

J 2:10 44:8
Jack 44:2, 17
Jackson 23:18, 22 24:1
 24:7, 15 25:16 26:7
Jackson's 25:21
Judiciary 4:8
July 2:5 5:1 25:15, 22
 29:15, 22 35:10, 17
 39:1 42:18, 21 43:5, 11
 44:1, 3, 4, 6, 8, 11, 17, 21
 45:17 46:6 47:6 48:3
 48:7, 11

K

K 1:13, 16 4:9
Keisha 2:21 31:16, 18
 34:16, 17 35:13
Kenneth 1:21 2:10 4:17
Kimbel 44:18
Knight 5:15, 19 6:3
know 6:21 12:13 14:6
 14:12, 14, 15, 17, 22
 16:6 19:1, 9 20:1, 4

L

L 27:15
language 2:17 13:4
 15:9 21:12, 13
LaRuby 45:15
late 43:18
latest 26:16 30:16
 36:11 40:3
legislative 8:18

Leon 45:18
Lester 5:13
Litigation 3:7 42:2
live 7:19 24:1 27:20
look 23:6
looked 12:22
lot 42:12
low-wage 13:20
Lucius 44:9

M

ma'am 10:18
Madam 5:4, 9 8:5 20:19
 21:5 22:17 25:4 29:7
 34:19 38:16 41:17
 46:2
mailed 6:22
major 13:19
Margarita 5:14 6:10
market 8:3
matter 12:19 15:13
 22:10 27:10 31:15
 37:9 42:1 47:21 49:4
matters 5:2, 10 48:20
Matthew 10:15
Mayor 45:5
McGHIE 1:21 2:10 4:17
 8:14, 21, 22 9:7 10:7
 10:10 17:21, 22 18:3, 6
 18:9, 12, 16, 18 19:2
 20:9 21:11 22:11, 12
 22:20 23:1, 4, 8, 13, 16
 24:5, 9, 16 25:1, 10, 12
 27:4, 7, 11, 17, 22 28:3
 28:8, 12, 16, 20 29:12
 31:4, 12 32:2, 7, 12, 16
 32:18, 20 33:2, 7, 14, 17
 33:21 34:4, 6, 9, 12
 35:3, 6, 9 36:21 37:3
 37:19 38:1, 4, 7, 12, 22
 40:13, 16, 21, 22 42:1, 9
 42:12
McMillian 42:2, 4
mean 11:19 12:11, 12
 16:16 18:3
meaning 7:6
measure 9:10 21:14
 22:15 24:11 28:1, 22
meeting 1:6 2:3, 5 4:5, 7
 4:21 5:1, 3 8:16 49:1
Member 1:17, 17 4:11
 4:12 5:4 17:5, 20 18:4
 18:7, 21 20:11, 19 21:5
 25:4, 16 29:6, 16 34:19
 35:12 38:16 39:3
 41:17 42:10 46:3
 48:17
members 1:15 5:2, 13
 7:11

Michael 13:10,10 16:19
16:22 17:4 18:22
Mid 10:20
Mikhaylova 5:14
Miles-Harrison 31:21
31:22 32:5,8,11,12,15
34:7,8,11 35:11 36:2
37:2,5,7
Miles-Harrison's 35:16
minimum 2:12,14 8:19
9:11,14,16,17,20,22
11:15 13:17,21 14:9
14:11,16,17 16:4
18:20 19:12 20:17
21:15,18,20,21 22:2,5
minor 32:22
minute 11:7
minutes 2:5 4:22 13:1
MIT 6:9
Modernization 41:5
modify 33:10
Monday 25:22 26:9
29:22 30:9 35:17 36:4
39:18
Montgomery 4:16
month 42:18 44:1,20
46:6 47:6 48:3,7,11
months 8:7
Monticello 23:2
Morgan 45:13
morning 4:3,10,12,14
10:12 22:18,19 27:19
37:11,12 42:18 46:2
48:21
morning's 4:20
motion 20:14 21:3
24:17,20 28:21 29:3
34:13,16 38:8,11
41:14 42:6,7 47:18,20
Motion/Vote 2:13,16,19
2:20,21,22 3:5,8
Motions 46:21,22
motives 19:10
Motley 27:18,20 28:2,7
28:8,11,17,19 29:16
30:7 31:6
Motley's 29:21
Mountain 47:13
move 6:16 8:4 22:10
moved 7:7 20:19 21:5
25:4 29:6 34:19 38:16
41:17

N

N.E 23:3 27:15,21 32:4
32:6 37:16
N.W 1:12
name 10:15,19 22:21
23:22 27:12,20 37:15

46:3
Natalie 45:8
nay 16:3
necessarily 19:6,14
need 17:13,16 21:11
24:16 28:21
needs 11:22 12:7,15
Neighborhood 25:3,18
29:4,18 34:18 35:14
38:14 39:4
Neighbors 44:5
new 7:15 8:3 48:9
newly 45:15
Nichols 1:13,16 3:17
4:3,9,13 5:6 6:12,18
8:10 9:6 10:4,9,12,17
10:22 11:4 13:7,12,15
15:2,5,20 16:8,12,18
17:1,7,9,16,21 18:2
18:15,17 20:13,21
21:1,7,9 22:8,18
23:19 24:19 25:2,6,8
25:11 27:8 29:2,8,10
31:14,20 32:1 33:5
34:15,21 35:1,4,7
37:6,8,12,18 38:10,13
38:18,20 40:17,20
41:13,19,21 42:8,11
48:15,18
North 1:12 4:7 24:1
notice 1:13 25:17 26:19
29:17 30:18 35:12
36:13 39:3 40:5
November 5:21 7:2
number 11:17,19 12:9
14:2 26:15,21 30:15
30:21 36:10,16 40:2,8
43:15,17

O

O-F 2:1
objection 4:19,20
objective 11:14 13:18
14:6 15:1,9 19:21
observation 17:10
obstruct 19:15
obviously 14:1
October 26:9 30:9 36:4
39:18
Office 3:13 8:22 9:8
42:19 46:1,4,7,9 48:3
48:7
official 26:1,10,17 30:1
30:10,16 35:18 36:5
36:11 39:9,19 40:3
officials 45:15
Oh 18:9 35:7 38:12
Okay 10:17 13:12,16
15:1 17:9,15 18:21

21:11 23:4 24:5,16
25:10 27:4 28:16
29:12 31:4 32:7 33:2
33:14,17 34:4 35:3
37:8,18,19 38:22
40:13,16,22 41:13
42:1
Olsen 5:13
ongoing 45:3,4
open 11:10 48:8
opened 48:10
opinions 48:12
opportunity 15:4 23:6
28:4 32:8,9 37:20
opposed 21:1,9 25:8
29:10 35:1 38:20
41:21
order 2:3 4:4
orders 46:11,12,15,18
46:22 47:3
original 26:6 30:6 36:1
39:14
outline 29:13
outlining 25:13
outside 7:6,7
outstanding 6:19
overnight 14:13,18

P

P-R-O-C-E-E-D-I-N-G-S
4:1
p.m 26:9 30:9 36:4
39:18
PAC 44:4 47:15
PAGE 2:2
paragraph 33:9
participants 5:16 44:8
44:11,17
participate 7:2 43:22
participated 5:14 45:6
particular 23:21
parties 10:6
partnering 6:8
party 24:3 36:22
Patricia 37:15 39:2
pending 42:5
people 11:20
percent 26:12,14 30:13
30:14 36:7,8,9 39:22
40:1
period 41:12,16
periodic 45:5,12
person 24:2
persons 10:11
persuasive 15:14
petition 23:5 24:10,13
24:18,20 26:3,6,8,11
28:5,9,17,22 29:3
30:3,6,8,11 31:1

33:21 34:10,14,16
35:20 36:1,3,6,18
37:21 38:5,9,13 39:12
39:14,17,20 40:10
petitions 2:18 22:13
27:1 32:10
Petroleum 10:21
Petula 44:14
pilot 7:15
place 20:16
places 6:1,2
plate 42:13
platform 8:4
please 10:14 13:9 23:19
29:13 31:17 32:3
37:14
plus 7:1
point 11:17 12:9 14:2
14:15 15:11 18:1 19:7
point-by-point 13:17
political 43:14,17
polling 6:1,2
position 19:16 20:1
prefer 16:19
prepared 9:1 23:5
25:13
present 1:15,18 2:16
4:10,13 7:20 21:4
presiding 1:13
Price 9:22 22:4
Primary 41:6
principal 43:13,16
prior 26:18 30:17 36:12
40:4
problem 24:15
proceedings 48:13
process 6:16 14:12
25:14 29:14
processing 5:22 7:8,11
producing 45:13
Professor 6:9
Program 43:1
programs 43:3,9
prohibited 14:4
proportion 9:21 22:3
proposal 13:19 15:7
26:2,5 30:2,5 35:19
35:22 39:13
proposed 3:3 8:19 41:1
41:3,10,14
proposer 10:8,9,16
19:5 22:15 24:10
27:11,22 39:10
proposing 19:22
provided 23:9
public 5:3 9:4 11:21
45:19 48:20
publish 41:11,15
Pugh 6:8

purposes 24:14
 pursuant 1:12 26:1,10
 30:1,10 35:18 36:5
 39:9,19
 putting 15:9

Q

question 11:8 16:9 17:1
 31:8 33:22
 questioning 19:9
 questions 8:12 17:19
 22:9 27:5 31:5,5
 36:21 37:2 40:14 42:9
 48:16
 quick 13:6

R

raise 13:20 19:12
 random 45:5,12
 read 9:7 21:12
 reads 9:9,12 21:16
 really 6:15 12:6
 recall 2:18 5:21 7:14
 22:13,15 23:5,11,21
 24:3,9,11,20 25:18,21
 26:2,3,8,11,19 27:1
 28:1,4,9,17,22,22
 29:3,18,21 30:2,3,8
 30:11,19 31:1 32:13
 34:10,16 35:13,17,19
 35:20 36:3,6,14,18
 37:20 38:2,5,14 39:4
 39:8,10,11,17,20 40:6
 40:10 44:5
 recalling 24:14
 Receipts 42:22 43:6,12
 receive 5:7 8:13 9:17
 21:21 42:14
 received 5:18 7:9 11:7
 11:18 13:1 46:7 47:8
 47:11,21
 receiving 13:22
 recommendation 20:9
 Reconsideration 46:21
 46:22 47:18,21
 record 6:14 9:9 10:13
 13:9 21:12 22:21
 23:20 27:13 31:17
 37:13 49:5
 referrals 46:8
 reflected 26:20 30:20
 36:15 40:7
 reflective 11:15 13:5
 regard 22:9
 Register 41:11,15
 registered 26:21 43:22
 44:3,4,6
 Registrar 23:4 25:12

29:12
 Registration 41:4
 regular 1:6 2:5 4:4,22
 remainder 25:13
 remaining 8:7
 Replacing 2:14
 report 2:6,10 3:10,13
 5:7,10,11 8:13 42:15
 42:22 43:6 45:17,22
 47:9,12,12 48:2,14
 reports 42:19 43:4,12
 44:22 45:1 46:8,13,19
 representing 10:20
 represents 43:16
 requests 46:16 48:12
 require 9:20 22:2
 required 18:5,10 43:2,8
 43:15 47:12
 reside 37:16
 resident 25:16 26:15,17
 27:2 29:16 30:13,15
 30:17,21 31:2 35:11
 36:8,10,12,16,19 39:2
 39:22 40:2,4,8,11
 residents 12:21
 respect 12:10 43:21
 45:3
 respond 13:14 15:4
 33:19 46:16
 respondents 47:6
 response 24:11 25:20
 28:13 29:20 32:20
 33:5,22,22 34:1 35:16
 39:7
 rest 29:13
 restaurant 12:12
 restore 19:17
 Retailer 43:21
 Retland 44:14
 returned 7:3
 review 9:2 13:6 28:4
 32:10 37:20 41:16
 45:19
 reviews 44:22
 right 5:6 6:12 8:10,11
 8:13 9:6 10:4,22 11:4
 13:7,12 17:17 18:17
 20:13 22:8 23:13,16
 24:9 27:7,8 28:3,20
 31:14,16,20 32:1 34:4
 34:6,12 35:7 37:3,8
 38:7 40:17,20 42:8,14
 48:18
 rights 19:13
 Road 32:6
 Robert 44:18
 Roberts 2:20 27:10,14
 27:14 28:6,12,14,16
 29:1,4,18,20 31:1,8

31:13
 Rock 47:13
 role 23:21
 Room 1:12 4:7
 roughly 7:9
 rulemaking 3:3 41:1,10
 rules 41:3,14

S

Sanford 3:14 46:2,4
 48:16,16
 Sanque 44:11
 saying 33:11
 says 33:9
 schedule 8:8
 seat 10:10 22:16
 second 6:20 14:15
 17:10
 see 17:22
 segments 12:20
 Senator/Representat...
 43:7
 sentence 33:10
 September 7:21
 Service 43:1
 seven 48:8
 short 2:11 8:17 9:10
 11:9 18:13 21:14
 show 26:12 48:13
 Shropshire 2:21 31:16
 31:18,19 32:4,16,17
 32:17,18,19,22 33:3,6
 33:8,16,20 34:3,5,17
 34:17 35:13,15 36:18
 37:1
 signals 14:11
 signatures 27:2 30:12
 31:2 36:7,19 39:21
 40:11
 Single 25:16 29:16
 35:11 39:2
 sir 13:8 23:7,12,15,17
 23:20 24:12 27:6,17
 28:7,19
 sit 19:10
 six 19:4
 slow 14:16
 SMD 25:3,19 26:14,16
 26:21 27:3 29:1,4,19
 30:14,15,21 31:3
 34:18 35:14 36:9,10
 36:16,20 38:15 39:5
 39:22 40:2,8,12
 solicitation 5:15
 sorry 35:8 38:12
 speak 6:11
 Special 7:14
 specific 11:22 12:8
 13:5 15:17,17,21

specifically 16:6
 spent 6:2
 Square 4:8
 staff 1:18 5:13 7:11
 stand 42:12
 standards 14:1
 standing 8:9
 state 22:20 27:12 32:2
 Statehood 43:7
 statement 2:11,16 8:18
 9:12 21:4,16 23:9,10
 24:6,6,7,10 25:13,21
 28:9 29:21 32:13
 33:15 35:16 38:1 39:7
 48:6
 statements 24:12
 Status 3:7 42:2
 statute 33:18
 Stephen 1:17 4:11
 steps 12:1 15:22
 Steven 27:20 29:15
 Stewart 6:9
 Street 1:12 24:1 27:15
 27:21 32:4 37:16
 subject 12:14
 submission 26:19
 30:18 36:13 40:5
 submit 24:3
 submitted 5:16 6:22
 19:19 28:14 33:15
 34:1 38:2
 substitute 20:17
 suggest 19:1,11,13
 suggestions 10:5 11:1
 17:18
 Suggestions/Questio...
 2:12
 summary 2:11,13,16
 8:18 9:12 20:14 21:4
 21:15 48:6
 sure 16:16 17:8 19:3
 20:2 27:14
 system 2:8 7:13,15,20
 8:1
 systems 7:22 8:3

T

T 35:11
 T-A-B-L-E 2:1
 table 26:20 30:20 36:15
 40:7
 take 10:8 22:16 31:9
 talking 12:16
 Tatum 1:19 2:6 4:14 5:8
 5:9 6:13,20 8:11,12
 team 6:6,14 7:11
 teams 5:22
 term 14:6 15:14

terms 14:22 17:3
 Thank 5:9 8:11 11:6
 13:7 15:6 21:10 25:11
 27:8 31:13,14 35:4
 37:3,5,6 40:17,19
 42:11 48:15,18
 Thanks 35:4
 thing 14:18 40:22
 things 6:15 11:20 12:5
 16:8
 think 11:14,20,22 12:7
 12:15 13:4,13 15:14
 15:16 16:3,9,15,20
 17:2,4 18:3,22 19:2
 19:17,18 20:5,5 33:17
 thought 6:3
 thoughts 6:7
 three 7:10 42:19 43:8,8
 46:10
 time 4:6 6:2 15:2 19:11
 31:7 33:11,19 45:21
 49:2
 timely 43:2,9,18 46:13
 46:16,19 47:9,12,14
 47:16 48:2,6
 tipped 9:16 12:10,14,14
 13:20 14:16,21 21:20
 tireless 33:12
 title 2:11,13 8:17 9:11
 11:9 15:15 17:11,13
 18:8,10,12,13 19:2,3
 19:4 20:4,14 21:14
 today 5:11 42:13
 Todd 45:16
 tomorrow 14:10
 tool 5:19 6:4,5,7
 total 26:15,21 30:15,21
 36:10,16 40:2,8
 totaling 46:19 47:1
 totally 12:5
 treasurer 44:12,19
 trying 19:15,18
 two 7:17 8:6 12:5,9
 13:22 17:2,3 44:12
 46:7

U

unclear 12:16
 undeliverable 7:4
 Understand 17:13
 understanding 14:20
 unfair 15:14 20:7
 unhidden 20:2
 Update 2:7 3:7 6:21
 42:2
 Updates 2:8 7:13

V

v 42:3
 Valentino 10:19,20 11:5
 11:6 13:8 15:3,6,21
 17:15 18:11 20:1
 Valentino's 19:9
 valid 27:2 30:12 31:2
 36:7,19 39:21 40:11
 value 19:21
 vendor 7:16,16
 view 19:21
 Vonetta 48:5
 vote 16:3
 voter 15:10 16:1 25:16
 29:16 35:11 39:2 41:4
 voter's 12:4
 voters 6:2 7:1,7 14:11
 14:20 23:5 25:12
 26:13,13,16,17,21
 27:3 29:13 30:13,15
 30:17,21 31:3 36:8,10
 36:12,16,19 39:22
 40:2,4,8,12
 voting 2:8 7:13,15,21
 7:22 11:21

W

wage 2:12,14 8:20 9:11
 9:14,16,18,21 10:1
 11:15 13:17,21 14:9
 14:16,18 16:4 18:20
 19:12 20:17 21:15,18
 21:20,21 22:3,5
 wages 13:20
 wait 15:20,20
 waiters 12:13
 waitresses 12:13
 walk 16:1
 want 15:10 16:2 18:19
 33:12
 wanted 33:10
 wants 9:4
 Ward 44:2 45:8,16
 47:17,20 48:1
 Washington 1:12 23:3
 24:2 27:15,21 37:17
 way 14:7
 website 45:20
 Wednesday 1:8 4:6
 49:3
 weeks 7:18
 Welcome 4:4
 went 49:5
 William 3:14 46:4
 Williams 37:11,15,16
 37:19,22 38:3,6 39:2
 39:7,16 40:15,19 45:8
 wish 5:3
 word 2:14 11:9,19 12:5
 16:13 17:12 18:1 20:5

20:10,16
 words 17:3
 workers 13:20,22,22
 14:17
 working 6:6 13:11 47:8
 47:10
 wouldn't 19:1
 wrong 19:2

X

Y

yay 16:3
 year 2:9 8:7,8
 yearly 9:21 22:3
 Youth 47:15
 Yull 7:20
 Yvonne 2:19 22:14,22
 25:2,18

Z

0

001.17(g) 26:2 30:2
 35:19

1

1 2:5 5:1 26:1 30:1,10
 35:18 36:5 39:9,19
 41:2 42:21 43:5 44:3
 1-1001.17(h)(3) 26:11
 1-11 3:4
 1,361 40:9
 1,601 36:17
 1,664 30:22
 1,813 26:22
 1,001 26:10
 10 2:12 25:15 26:12,14
 29:15 30:12,14 36:7,8
 36:9 39:21 40:1 46:12
 10:00 1:13
 10:47 4:2,7
 1001.17(g) 39:10
 1001.17(h)(3) 30:11
 36:6 39:20
 10th 7:19
 11 41:2 43:1,2
 11:32 49:2,5
 1104 27:20
 1113 23:2
 1116 24:1
 1230 32:5
 1239 32:4
 136 40:11
 14 41:2
 14-17 3:4
 15th 44:11
 16 35:10 39:1 47:3

160 36:19
 166 31:2
 16th 32:4
 17 41:2
 181 27:2
 1832 27:15
 19 43:17

2

2 13:1 41:8 44:2,4 46:21
 46:21
 20 2:15,16 25:22 29:22
 20001 1:12
 20002 23:3 27:16,21
 2014 5:21 6:22 41:5,7
 2015 1:9 2:5,9 4:6,6 5:1
 7:14 8:7 25:15,22
 26:9,22 29:15,22 30:9
 30:22 35:10,17 36:4
 36:17 39:1,18 40:9
 41:6,8 42:21 43:5,22
 44:3,5,6,8,17 45:6,11
 45:15,18 46:6 47:7
 49:3
 2016 2:12,15 8:20 9:11
 13:18 18:20 20:18
 21:15 43:22 44:2,13
 44:15,18,19
 2020 9:15 21:19
 2021 9:20 22:2
 2025 9:19 14:18 22:1
 21 2:17
 22 2:19 5:17
 23rd 27:20
 25 2:19
 26 41:6
 27 2:20 35:17
 280 1:12 4:7
 283,000 7:1
 29 2:20 44:6

3

3 46:15
 30 26:18 30:17 36:12
 40:4
 30-day 41:11,16
 31 2:21 26:22 30:22
 36:17 40:9 44:17
 45:18
 31st 43:11
 34 2:21
 36 46:10
 37 2:22
 38 2:22
 3rd 7:21

4

4 2:3,4,5 45:16 47:17,20

401 37:16
41 3:4,5
42 3:7,8,11
43 44:21
43,000 7:9
441 1:12
46 3:14
48 3:17
4th 1:12

5

5 1:9 2:6 4:6 26:9 30:9
39:18 46:18 49:3
5:00 26:9 30:8 36:4
39:18
5D02 34:18 35:12,14
36:16,20
5D03 27:10 29:1,5,17
29:19 30:21 31:3
5D06 22:15 25:3,17,19
26:21 27:3
5E02 38:15 39:3,5 40:8
40:12

6

6 2:7 36:4
60 26:3 30:3 35:20
39:11

7

7 2:8
74 43:16
76 9:10 21:14

8

8 2:9,12 44:4 45:8 48:1

9

9 44:8
93 43:15

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Board Meeting

Before: DC Board of Elections

Date: 08-05-2015

Place: Washington, D.C.

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my direction; further, that said transcript is a
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Court Reporter

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