

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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THURSDAY

OCTOBER 6, 2022

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

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel

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

(10:01 a.m.)

CHAIR THOMPSON: Okay. Good morning, everybody. This is Gary Thompson, Chair of the Board of Elections. And with me is Mike Gill, also Board member, so we've established a quorum. I guess my first motion would be to go out of executive session and come back on the public record.

MEMBER GILL: Second.

CHAIR THOMPSON: Okay. All in favor of that?

MEMBER GILL: Aye.

CHAIR THOMPSON: So the ayes carry.

(WHEREUPON THE PROCEEDING WAS CONTINUED BRIEFLY WHILE THE BOARD CONVENED IN EXECUTIVE SESSION)

CHAIR THOMPSON: We're back on the record. I see we have several participants. I see a couple of phone numbers. I'm assuming one of those phone numbers is Ms. Henderson, at least I'm hoping it is.

1 MS. HENDERSON: Good morning. I'm
2 present.

3 CHAIR THOMPSON: Okay. Thank you so
4 much. Yes, we've noticed the time for this,
5 and it sounds like my connection is working. I
6 apologize. It's a little choppy. As I
7 mentioned in our last hearing, I'm now down in
8 Fort Myers, Florida helping my sister bail out
9 from pretty severe hurricane damage. The
10 streets down here are just lined with debris.
11 If you can imagine just dozens of blocks, I
12 don't know, they go on for miles of people who
13 have just put all of their earthly possessions
14 at the curbside and their homes flooded half a
15 story up. A lot of banging in drywall and
16 dehumidifiers running. It puts everything into
17 perspective.

18 But, anyway, but I'm glad I could
19 connect, and I did through the miracle of
20 technology. I could read everything. I read
21 the emails, I read the supplemental submission
22 by, the Office of Campaign Finance put some

1 emails into the record. And I certainly read
2 Ms. Henderson's surrebuttal statement following
3 our last hearing.

4 We talked about it in the executive
5 session, and my motion at this time is to adopt
6 the findings of the Office of Campaign Finance
7 as reflected in their second amended order,
8 namely to uphold the fine, the reduced fine of
9 \$550. Is there a second?

10 MEMBER GILL: Second.

11 CHAIR THOMPSON: And before I call
12 for the vote, I'll just add a couple of
13 comments. I guess what influenced me is the
14 evidence that the training that was conducted
15 for all candidates in the program, the Fair
16 Election Program, undoubtedly covered the
17 importance of filing requirements, including
18 the March 10th date. There were two email
19 reminders that were sent to the emails that
20 were certified by each candidate in the system,
21 including Ms. Henderson, so I don't see any
22 dispute that notices were sent, in addition to

1 that being covered at the training and in
2 addition to other materials that indicated the
3 importance of those filing requirements.

4 For me, this is important because
5 we're talking about the Fair Election Program.
6 I mean, they're important in the context of the
7 traditional program, of course, where there's
8 private funding involved, but this is public
9 taxpayer money and it's important that these
10 requirements be observed for the purpose of
11 reporting and ultimately auditing the use of
12 taxpayer funds.

13 I'm also influenced by the former
14 delinquency in filing reports previous in the
15 traditional program. I think six different
16 filings, fifteen violations, six fines, and
17 five of them were --

18 (Audio interference.)

19 CHAIR THOMPSON: -- only one that
20 was imposed. So I find that to be relevant to
21 weighing on whether a fine should be imposed
22 here. And, of course, I, you know, as the

1 record reflects, the fine, at least on a per
2 diem basis, is \$1,100 and I was glad to see it
3 reduced to \$550. I think that was just and
4 fair under the circumstances.

5 But that's my thinking as to why I
6 made the motion, although I listened carefully
7 to certainly all the points that were made as
8 to why it was, in Ms. Henderson's view,
9 inequitable to impose a fine at this time.
10 But, nevertheless, I'm persuaded that the OCF
11 did the right thing.

12 Mike, any comments from you before
13 we call the vote?

14 MEMBER GILL: So I'm going to vote
15 in favor of the motion, and my rationale is
16 similar to yours. You know, it's important
17 that, you know, there's no question as to
18 whether these reports were filed timely or not.
19 They weren't. There were some questions as to
20 whether there was a courtesy heads-up given.
21 The emails that I've seen show that, clearly,
22 OCF did its part to put these out. Now, I

1 don't know if we can ever -- we can't decide if
2 technology works and these didn't get there,
3 but they definitely went out.

4 And the fact that, you know, OCF, in
5 their judgment, reduced the fine, I don't think
6 we should then second-guess, you know, the
7 fines that are in the statutes that are decided
8 by the counsel. Those aren't our numbers. You
9 know, I've, in the past, talked about whether
10 they're sometimes too high or not. But the
11 fact is this was important to the Council the
12 way they set this up, it's important that these
13 reports be filed. And, you know, I don't want
14 to second-guess the OCF's judgment in making
15 the reduction. But the fact is it does sit out
16 there as important that people make these
17 reports in a timely manner.

18 CHAIR THOMPSON: Yes, thank you for
19 that. And also it's not personal. There has
20 been and there will be consistency among all
21 candidates who participate in the program in
22 this regard. There were several ad hominem

1 points that were made about, you know,
2 conspiracy and collusion and that kind of
3 thing. Those are all just ad hominem beside
4 the point. We're just looking at just the
5 facts here and trying to do what's right for
6 the program and for the OCF and all the
7 candidates.

8 So I guess, with that, I'll call the
9 vote. All in favor of this motion? Aye.

10 MEMBER GILL: Aye.

11 CHAIR THOMPSON: So it carries two
12 to nothing. I know, Ms. Henderson, you're
13 disappointed, maybe more than disappointed.
14 And I certainly respect your right to appeal
15 this. I expect that you will, and that's fine.
16 That's certainly your prerogative.

17 So with that, we've already heard
18 from everybody. I think, with that, we've
19 concluded our handling of this, and I would
20 move that we adjourn.

21 MEMBER GILL: Second.

22 CHAIR THOMPSON: All in favor.

1 MEMBER GILL: Aye.

2 CHAIR THOMPSON: Aye. Thank you so
3 much.

4 MEMBER GILL: Thanks, everybody.

5 (Whereupon, the above-entitled
6 matter went off the record at 10:09 a.m.)

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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: BOE

Date: 10-06-22

Place: Videoteleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

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