

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY,
DECEMBER 6, 2017

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The District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, NW, Washington, DC, 20001, pursuant to notice at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
DIONNA MARIA LEWIS, Member
MICHAEL D. GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KENNETH MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Director Office
of Campaign Finance

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

10:50 a.m.

MR. BENNETT: Good morning. Sorry for being a little tardy.

Let me call the meeting to order and we'll start with the adoption of the -- can I get a motion --

So, let me start over. Sorry, can you hear me okay?

So, we're introducing the folks here. To my far left, Ms. Alice Miller, Executive Director of the Board of Elections.

To her right and my left is Ms. Dionna Lewis, Board Member; Michael Bennett, Chair.

To my right, Mr. Ken McGhie, General Counsel, Board of Elections.

To his right, Mr. Mike Gill who is just newly confirmed for his second term. Congratulations on that.

And, Ms. Cecily Montgomery, Director of the Office of Campaign Finance.

Adoption of the agenda, can I get a

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motion from the Board?

MS. LEWIS: Move to adopt today's agenda.

MR. GILL: Second.

MR. BENNETT: That's unanimous.

Adoption of the minutes from the last meeting that was November 1st. Can I get a motion from the Board?

MS. LEWIS: Move to adopt the Wednesday, November 1, 2017 Board meeting minutes.

MR. GILL: Second.

MR. BENNETT: It's unanimous on that.

So, let's move to Board matters. Mr. Gill, I believe you have a matter?

MR. GILL: Sir, a proposed 2018 hearing schedule has been put out on the web and I move that we adopt that proposal as printed.

MR. BENNETT: All right.

MS. LEWIS: Second.

MR. BENNETT: Okay, just to note that the Board meetings are normally on the first Wednesday of every month. This changed during --

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this changes January from the first Wednesday which would actually be January 3rd to January the 10th, which would actually be the second Wednesday.

Obviously, in consideration of holiday schedules.

Any other Board matters?

MR. MCGHIE: Do you want to adopt it?

MR. BENNETT: Oh, yes, I'm sorry.

It's adopted, and it's unanimous.

Any other Board matters?

MR. GILL: I don't have anything else.

MR. BENNETT: Ms. Lewis?

MS. LEWIS: No.

MR. BENNETT: Okay, great.

MR. GILL: Do we want to recognize this is the last hearing for this year?

MR. BENNETT: That's another Board matter. We're going to --

MR. GILL: Take in the surroundings one last time?

(LAUGHTER.)

MR. BENNETT: I know, and I'll be

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honest with you: incredible.

(LAUGHTER.)

MR. GILL: Please don't take the seats with you.

(LAUGHTER.)

MR. MCGHIE: Well, that's government property, those will probably go with us.

MR. BENNETT: Yes, well, we're going to take a piece of the board away, move pieces of Cameron Indoor Stadium.

Anyway, moving along.

Yes, this is our last meeting in this room, actually, in this building. We're going to talk a bit later in the Executive Director's report of the move.

And so, we've been here for at least -- I've been here my full term and I think most people have been here for a while and the elections of the Board has been here for quite a while.

So, it's going to be nice to get new facilities. But, it's also, you know, even when you're going to something better, it's always --

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there's some things that --

MS. LEWIS: Nostalgia.

MR. BENNETT: Yes, nostalgia, thank you.

That makes you feel connected. So, anyway, that's enough of that.

The next thing on the agenda I have are public matters. Do we have any public matters?

MR. SINDRAM: Yes, Mr. Chair.

MR. BENNETT: Okay. Is this Mr. Sindram?

MR. SINDRAM: It is. Good morning, Chair Bennett, Commissioners, other within the sound of my voice. Michael Sindram, Disabled Veteran served our country more than most.

It's my understanding that you have elected, Mr. Chair, to move public comment from the beginning of the beginning -- from the end of the meeting, as it was, to now.

It used to be, as you recall, two opportunities for the public to weigh in. One, at the beginning of the meeting and, two, at the

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end after all of the entities gave their reports.

I think it's best to have the public comment toward the end. And, reason being that the -- after the reports are given, you know, there are questions that arise.

Obviously, if you have public comment now, prior to the reports, you know, that's not possible.

So, I would respectfully request you take under advisement and again have public comment at the end.

Actually, it was nice when you had two opportunities to weigh in, but, be that as it may, again, toward the end for us to intelligently weigh in after the reports.

For instance, last meeting, I wanted to weigh in and I was not permitted the opportunity.

I don't know if there was a problem with the phone or whatever, and that's not good.

Also, you indicate you're going to have new digs. So, hopefully, in your new place of meeting, whatnot, the phone connection will be just

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as good, if not better, and the ADA accommodations, you know, be held in place.

And, I want to give certainly hats off to a job well done to Ms. Jennings. She does a yeoman's job to keep on top and, you know, make certain I'm able to, you know, to be present and weigh in and whatnot.

So, I'd like to also if there's any questions you have for me, I'd like to field them at this time.

MR. BENNETT: Well, that's a really good suggestion, Mr. Sindram. I made the decision to make the change for efficiency but your points are well taken. That's the things that we discussed.

But, I'll take that back to the Board and we'll discuss that again relative to the placement of public matters.

So, very good point, I do appreciate that. And, there was a rationale for us changing that.

(SIMULTANEOUS SPEAKING)

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MR. SINDRAM: My other question --

MR. BENNETT: But, your points are well taken.

MR. SINDRAM: I did submit a letter of August 31st this year to the Board and I don't believe I have received a written response. So, I will then resubmit it and then you can act on it in kind.

MR. BENNETT: Okay, thanks.

MR. SINDRAM: Yes, sir.

MR. BENNETT: All right, any other public comment?

Okay. We're going to switch the agenda around a little bit for efficiency, but to try to get to address the things we think may be a little bit longer and of interest to most of you.

And, we're going to get to the General Counsel's report.

Mr. McGhie?

MR. MCGHIE: Okay, the first thing I have on my agenda is a proper subject matter determination for an initiative, the initiative

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that was proposed is entitled District of Columbia Drug Price Relief Act of 2018.

When the Board does a subject matter determination, they're really looking at about maybe eight different categories to see whether or not the initiative falls into one of those categories where it would not be allowed to go forward, whether it violates the Appropriation Act or whether it negates a Budget Act, whether it's unconstitutional, whether it violates the Home Rule Act and some procedural matters also as well, whether or not it -- that the proposal has properly filed all the Statements of Organization at the Office of Campaign Finance.

Mr. McGann is putting up the categories which an initiative would not be allowed to go forward. So, during the course of these proceedings you see or the opponents or the proponents see some reason why the initiative should not go forward, it would be based on one those factors.

With that said --

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MR. BENNETT: Has the proponent read the full measure, met the statutory requirements with respect to filing?

MR. MCGHIE: No, the Office of Campaign Finance has indicated that the proposal did not file the appropriate papers, Statement of Contribution and Statement of Organization at the Office of Campaign Finance.

Normally, at this point, there would be no reason to go forward. But, I'm recommending that we still go forward and hear the case on its merits even though they did not file with Campaign Finance.

MR. BENNETT: Okay.

Board members, any concerns or are you okay with moving forward?

MS. LEWIS: I have an opposition.

MR. BENNETT: Okay.

Well, let's comments from the opponents.

MR. MCGHIE: Okay, the opponents, the only opponent that signed up to speak or be heard

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on this matter is Mr. Fred Cooke.

MR. COOKE: Good morning, Mr. Bennett, Board members and staff. I'm happy to be here.

My name is Frederick D. Cooke, Jr. I'm counsel to the Pharmaceutical Research and Manufacturers of America, more commonly known as PhRMA.

With me this morning is Ms. Joanne Chan, one of the assistant general counsel with PhRMA.

And, I'm here today, I'm happy to be here, notwithstanding the Duke reference, as a parent who sent a lot of money to Chapel Hill --

(LAUGHTER)

MR. COOKE: But anyway, notwithstanding all that, I'm happy to be here.

And, I'd like to provide some comments with respect to the measure, they're probably longer than the Board wants to hear, but I'll try to keep it brief.

MR. BENNETT: Please.

MR. COOKE: We did submit written comments and I certainly embrace and incorporate

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those comments into any comments I make today.

But, it's the position of PhRMA that the District of Columbia Drug Price Relief Act of 2018 measure is not a proper subject of the initiative because, fundamentally, it appropriate funds. It violates the prohibition in the District of Columbia Code that prohibits initiatives from taking that course.

The measure purports to enact legislation that would prohibit any agency of the government of the District of Columbia from paying more for the purchase of prescription drugs than the lowest price paid for that same prescription drug by the United States Department of Veterans Affairs.

And, this would apply to all District government agencies and programs to include our Medicaid program which is a very substantial program in terms of prescription drug purchase.

We believe that the measure is not a proper subject matter for initiative and, moreover, that the short title summary statement and

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legislative text are misleading to the voters.

While the measure may seek to accomplish a laudable objective, that is to say, limiting the price of prescription drugs, it's in reality unlikely that this measure would achieve that substantively.

And, more importantly for purposes of this discussion, it would require the expenditure of a significant amount of District funds to implement the program or the legislation in the District of Columbia.

D.C. Code Section 1-204.101(a) provides for an initiative process in the District of Columbia where electors may propose laws and present such laws directly to the other electors for enactment.

But, that provision of the Code also prohibits an initiative from appropriating funds.

And, our Court of Appeals has held that the Board of Elections must reject those initiatives that would negate or limit an act of the Counsel of the District of Columbia in adopting the District's

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annual budget.

There is -- there are a couple cases, there's actually one -- and actually two that I refer to in my written comments where the Board -- where the Court of Appeals, rather, District of Columbia Court of Appeals ruled that the word of appropriations is given rather board interpretation.

And, that initiatives should not constrict the ability of the counsel to allocate funds and for the Chief Executive, the Mayor, to implement the allocation of those funds.

So, when a measure does intrude upon the prerogatives of the counsel and the mayor, specifically the mayor, to allocate District government revenues in the budget process, it is not a proper subject of initiative. And, this is what this measure would do.

If this measure were to become law, the counsel and the mayor would be compelled to make decisions about how District revenues are spent because the measure would compel the District of

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Columbia government to assume a substantial undertaking to set up the staffing, the administrative and enforcement mechanisms and the policy and program changes that are necessary to comply with the literal wording of the initiative in terms of prescription drug purchasing by the District.

So, the District would be required to establish a staff, some agency or some administration within an existing agency that would be responsible for identifying drugs, prescription drugs that are to be purchased by the District.

Then, identifying those drugs that the VA purchases. And then, identifying the price paid by the VA for those prescription drugs.

Now, that sounds pretty simple and straightforward, the problem is that the list of drugs purchased by the VA is not identical to the list of drugs that might be purchase by the government of the District of Columbia.

The population served by the VA is a very different population than that served by the

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government of the District of Columbia.

The Veterans Administration tends to serve a population that is predominantly male, that is predominantly 45 age plus and deals with medications associated with that population group.

The District of Columbia, on the other hand, serving in the Medicaid program and other programs serves a substantially female dominated population and children based populations, different drugs for those populations.

So, that would have to be done.

Now, the question then gets to be, if a drug is not purchased by the VA because it doesn't address the needs of its population, this legislation by its terms would prohibit the District from providing it because it says we can only buy drugs that are purchased at the lowest price by the VA.

So, then, we'd be hamstrung in acquiring prescription medications that don't fit the VA's profile.

We think that this is -- this

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enforcement mechanism that would have to be put in place, the staffing, the creation of the schedules, all of this necessity, require the allocation of funds to make those things happen.

And, that's an appropriation that the D.C. Code says initiatives can't do.

I also agree with the written comments submitted by the Office of the District of Columbia Office of the Attorney General which came to the same conclusion that this was not an appropriate topic for initiative because it does, in effect, appropriate funds.

And, to the extent that I can do that, I'd like to associate myself those comments, although I'm sure Mr. Racine might not feel that's what I should do.

So, we think this is an impermissible subject of -- for initiative.

We also, as I mentioned, the benefits that are proposed are really quite ephemeral. That is because it's almost impossible to figure out what the final VA price is, what the lowest price

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paid by the VA is because the VA has a schedule that is largely publically available for drugs it purchases.

But, it also enters into arrangements with pharmaceutical manufacturers that are not public. They are specifically not public. And, you can't know, then, what the lowest price the VA is paying because the information is not publically available.

As I mentioned before, the District serves a different population and this -- the VA's schedule of drugs doesn't cover generic drugs, it only covers name brand drugs.

And, then you have the problem of the complication of the dynamic of this legislation that it would create.

When the VA -- this were to go into effect and we were to purchase drugs on the VA schedule, would drug manufacturers adjust their prices to the VA to accommodate this reality?

Now, this is the conclusion that was reached in both California and Ohio where this sort

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of initiative was on the ballot in both those jurisdictions. It was defeated in both of those jurisdictions, most recently in Ohio last month.

But, that creates a problem. Have you really accomplished the objective you want when the reaction from the drug manufacturers may well be, well, I can fix that problem by raising the price I charge the VA.

So, we think that the proposed results are a little bit ephemeral. I mean, again, it's hard to argue with the objective in writ large.

But, the reality is, you may not ever get there. And, it doesn't make sense to do that.

Now, subsequently, with respect to the legislation, we think the summary statement is misleading because it says in the summary statement that the legislation will limit the price paid by the District of Columbia government for prescription medications.

We think that language should be stricken because it's -- because not all prescription drugs purchased by the District will

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be affected. It's just not true, just those purchased by the VA and the District, not all purchased by the District.

So, and we think those -- that because it doesn't include generic drugs, prescription drugs, which generally constitute approximately 90 percent of all prescription drugs, so they're not required to be listed on the schedule that the Veterans Administration utilizes.

The language in the summary statement is also inconsistent with the language of the proposed legislative text where the language of the summary statement says the initiative requires that the District pay the same price for these drugs as the United States Department of Veterans Affairs. That's not what the legislative text says.

Also, in the summary statement, it says that the VA is widely recognized as receiving the lowest prices for prescription medications. We think that's misleading because the VA does not pay the lowest price for all drugs because it does

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not cover all drugs, it only covers the drugs that the VA buys.

We think with respect to the legislative text, it's misleading in Section A1 because it prohibits the District from entering into any agreement for the purchase of a prescription drug unless the net cost of that drug is the same or less than the lowest price paid by the VA.

The District could not comply with this requirement when the District needed to enter into an agreement or the purchase of a prescription drug that was not purchased by the VA because the net cost of that prescription drug would not be the same or less than the lowest price paid by VA.

At Section A2 of the legislative text, that is the section that makes the measure applicable to any program where the District of Columbia is the ultimate payer.

As the Board members may know, the District has a significant HMO participation with -- under our captive programs.

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The District is the ultimate payer, but those organizations buy prescription drugs and then we would then be interfering with their contracts that require them to purchase drugs at our rate when they may not have the ability to do that.

So, it creates a problem where we have a number of the District of Columbia citizens participating in HMO programs that are operated by private sector vendors in contract with the District that the District ultimately reimburses them for.

And, if we were to impose this obligation on them, I don't know how that works in terms of their contract with the pharmaceutical manufacturers that they purchase drugs from or the retailers that they send their patients to to purchase drugs.

So, we think that these things create some practical obstacles to the implementation of this.

More importantly, and fundamentally for us, it's not a proper subject of initiative

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because it doesn't meet number three on the chart that was put up by Mr. McGhie. It appropriate funds and we think that, therefore, it does not meet the standard required in the District of Columbia Code and we respectfully ask the Board to reject this measure at this time.

But, I'm happy to answer any questions that the Board members may have or to provide any supplementary information that the Board may desire in this regard.

MR. BENNETT: Just a note, we will consider this after we hear from the proponents.

We will obviously only consider those things, the practicality of implementation of it, obviously, is not within our purview.

MR. COOKE: Sure.

MR. BENNETT: But, whether or not it meets the requirements of the initiative.

MR. COOKE: Right.

MR. BENNETT: We certainly will.

But, we certainly appreciate your elaboration on that whole area.

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Any questions from the Board members?

MR. MCGHIE: I'd just like to know one thing, we don't comment on the merits of the initiative, the practicality as you said.

And, you mentioned or you objected to the summary statement. The Board writes the summary statement and so the Board would only write the summary statement if the Board determines it's a proper subject for initiative.

So, I don't want the -- I propose that the things you concern yourself, I think they need to address that issue.

MR. BENNETT: Okay, thank you.

MR. COOKE: And, I would note that because the -- also Campaign Finance has noted that the proposed rule does not comply with the law, I think that's an addition reason that this should be rejected as is noted on the chart.

This is supposed to be undertaking by electors in the District of Columbia and also Campaign Finance has to be able to identify the entity at the proposed rule as whether it meets

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that requirement. And, they don't, then it can't go forward, it come in from somebody from Kansas.

MR. BENNETT: Ms. Lewis, do you have any questions?

MS. LEWIS: I don't have any questions, thank you.

MR. BENNETT: Mr. Gill?

MR. GILL: No.

MR. BENNETT: Okay, all right.

MR. COOKE: Thank you.

MR. BENNETT: Thank you.

MR. COOKE: Thank you both.

MR. BENNETT: We'd like to hear from the proponents.

MR. BLEND: Thank you, Mr. Chairman, members of the Board.

My name is Jeffrey Blend, I'm an assistant general counsel for AIDS Healthcare Foundation.

I'll be brief this morning. As you noted, we appreciate the thought that we're not here to discuss the merits, really just looking

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at the technical aspects of it, and I will focus just very briefly on the point related to number three and whether or not this appropriate funds.

From our perspective, the District of Columbia is already obligated to purchase and provide pharmaceuticals to a range of patients, Medicaid beneficiaries, whoever else.

So, in one perspective, the obligation and the appropriation is already set. The District of Columbia is already going to be purchasing drugs.

This is merely addressing how much the District is going to pay.

So, it's not as if the District of Columbia currently has to come up with a specific appropriation for pharmaceuticals, the appropriation is rather more global that they will be paying for pharmaceuticals for certain populations.

It's just ultimately a question of how much that will be at the bottom line.

So, our belief, our argument is that the appropriate is already set. We're -- if the

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District is paying for a blood pressure medication or diabetes medication before this initiative, they will providing the exact same sort of medication for a patient after the initiative passes.

Hopefully, they will be paying the lesser price for it. So, really, the -- we think a pretty simple calculation.

This is not a specific appropriation of funds and we believe that the initiative is proper subject matter for a ballot initiative.

MR. BENNETT: Okay, any questions, Ms. Lewis?

MS. LEWIS: I might, give me a moment.

MR. BENNETT: Sure.

Mr. Gill?

MR. GILL: No questions.

MR. BENNETT: Okay, hold on for one second.

MR. BLEND: Okay.

MR. SINDRAM: Mr. Chair?

MR. BENNETT: Yes, sir?

MR. SINDRAM: May I ask a question?

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MR. BENNETT: That's not proper from the public, Mr. Sindram.

MR. SINDRAM: Well, as the VA, I'm a disabled Veteran about medication. I'm just wondering how this all ties in because VA is federal.

MR. BENNETT: I understand, but I'm sorry, Mr. Sindram.

MS. LEWIS: Mr. Blend, if you could, and thank you for being here today and your comments, could you elaborate a little bit more on your argument that there would not be a misappropriation of funds?

I mean, I understand your point that, you know, that DC is already allotting funds for this particular purpose in general.

But, in terms of the technical, if you have any comments whatsoever, the technical aspects of that, that might be helpful, too.

MR. BLEND: I'm afraid I don't, really, just that conceptually, we're, you know, for the Medicaid program, for example, the -- because it

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is an entitlement program, there -- the Medicaid program is obligated to provide pharmaceuticals to Medicaid beneficiaries.

This will not -- the ballot initiative would not affect that. From our perspective, the appropriation is just much more global. It's simply that DC has obligated and appropriated funds to provide pharmaceuticals to its Medicaid beneficiaries.

And, that will not change. We're not requiring any more prescriptions be purchased. We're not addressing any more patients who would be eligible for the program.

It's simply telling the District of Columbia, as voters, that there's certain prices we do not want the District to pay for prescription drugs.

MS. LEWIS: Thank you.

MR. BENNETT: Any other questions?

MS. LEWIS: No further questions, thank you.

MR. BENNETT: Thank you, sir.

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MR. MCGHIE: I just have one, the matter. Is I ask that the Board accept all of the written comments that were submitted to my office, the written comments would be those submitted by Mr. Cooke, those submitted by the Office of the Attorney General and then the written comments from my office.

MR. BENNETT: Any objections, Mr. Gill, Ms. Lewis?

MS. LEWIS: No objection.

MR. GILL: No.

MR. BENNETT: Okay, they'll be accepted in.

And, thank both the proponents and opponents and we will consider the matter in deliberations after this session.

Anything else Mr. McGhie?

MR. MCGHIE: The next item on my agenda is the litigation status update. The only case that we have pending is the case of Paul Cohn v. D.C. Board of Elections, that together with Initiative 77 is the -- as I mentioned at the last

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Board meeting.

MR. BENNETT: Excuse me.

Thank you so much for coming, thank you.

And, anybody wishes to leave, I'll just halt the meeting for a second to allow you to do that.

We've got some really exciting things to discuss so --

(LAUGHTER.)

MR. BENNETT: But, if you've got other things to do, you're missing out.

(LAUGHTER.)

MR. COOKE: Send more money to Chapel Hill.

(LAUGHTER.)

MR. BENNETT: All right, Mr. Gill, I apologize, Mr. McGhie.

MR. MCGHIE: All right.

Okay, so that is the Paul Cohn v. the D.C. Board of Elections regarding Initiative 77.

So, as I think I mentioned at the last Board meeting, they filed their Petition for Summary Reversal with the Court of Appeals on

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October 31st.

And, we filed our Response, a Motion for Summary Performance on November 9th.

The interviewers have filed their papers on November 13th.

So, all those papers and filings are in the Court of Appeals and we're just waiting to hear from the Court of Appeals.

MR. BENNETT: Okay.

MR. MCGHIE: And, that would conclude my report.

MR. BENNETT: Any questions from the Board?

MS. LEWIS: Nothing.

MR. BENNETT: Mr. Gill?

MR. GILL: No.

MR. BENNETT: Okay.

Next item on the Agenda, the Executive Director BOE report.

Ms. Miller?

MS. MILLER: Good morning.

The first thing that I want to talk

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about is what you've already indicated and that is that this is the last Board meeting at the 441 Judiciary Square location. We will be relocating at the end of this month.

The Board is scheduled to move on December 28th and 29th wherein that the office will be closed on those days, December 28th and 29th.

We will move to 1015 Half Street, Southeast. The day of operation here will be December 27th. So, I want to make sure that's on the record. All that information is on our website.

We will reopen at the Half Street location on January 2nd. And, I guess after a little unpacking and trying to get coordinated we'll be ready for full operation that week.

We're also planning to host an open house for members of the public and elected officials for January 17th from 3:00 to 7:00 and on January 19th from 11:00 to 2:00.

The new office is at the Navy Yard Metro Station on the Blue Line. It's about a block away.

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And, for more information on that, we can just go to the website.

Does anyone have questions on the move?

All right, so, just a little bit about the e-sign project.

I've been talking about that practically all through the year. We were required by law to put in place e-petitions for certain people to gather petitions on a mobile -- from a mobile app -- petition signatures from a mobile app.

And so, the Board has just about completed that project. It's been done and we could not have done it, and I've said it consistently, without the assistance of the City of Denver's Elections Office.

They, along with the Board staff, have worked tirelessly to get this app in full operation in time for the primary circulation period, the September -- the June primary circulation period.

And, at this point, the app is just being tested to make sure that most or all of the

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bugs are out of it.

So, we're finding nothing major, just little things like making sure when the printing of the circulation -- of the petitions are, you know, full face and we can see and make sure we can see the full face of the petitions once they're printed out.

And, believe that we'll be in full operation with the app by January 1st.

I do want to clarify one aspect of the app that I spoke about at the November meeting. The app does not in and of itself allow you to register to vote or to change any registration -- any aspect of your own registration information.

What it will do is, it will take you to the Board's mobile app and an individual will then be able to log onto our website or onto our particular information to change their status which will then come over to registration clerks in the Board's office.

So, the app is -- it's a view only device in terms of gathering information. But, it doesn't

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have any edit capacity. So, I want to make sure that that's clear.

We've purchased a 100 tablets to loan to circulators. They'll be required to deposit \$350 refundable deposit once they return the tablet.

Circulators also have the option of using their own device and the app can be downloaded on their own device.

We won't do any of this with anybody until they've gone through training. It's absolutely necessary for anyone using the app, using the tablets to be trained and we will offer training on a weekly basis.

MR. BENNETT: How long does the training last? Is it an hour?

MS. MILLER: About an hour.

MR. BENNETT: About an hour?

MS. MILLER: It's about an hour.

MR. BENNETT: An hour?

MS. MILLER: So, that said, I think you also know D.C. is only the second jurisdiction that

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will be using this particular process for collecting signatures for candidates and for initiatives. Obviously, the only other jurisdiction is Denver at this point.

And also, the traditional put in paper process is still available for anybody who wants to use that. This is not a requirement, it's an option and we'll be able to move forward with those.

MR. BENNETT: So, how will candidates know that they have this option? Will they -- when they register with the Office of Campaign Finance, will the Office of Campaign Finance tell them?

MS. MILLER: It's all within the Board's arena. So, when they come here to pick up petitions, we will let them know. We will put it out on our website. We will also do some tweeting about it and all social media aspects. Tamara's been ready to do that forever.

I just wanted to make sure it was at a point where we were comfortable that it would be ready to go and I think we're there now.

MR. BENNETT: So, we are -- so, you --

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they've got to come in and pick up petitions anyway?

MS. MILLER: Mm-hmm.

MR. BENNETT: And so, they will be told of the option then?

MS. MILLER: That's correct.

MR. BENNETT: Well, do they normally pick up petitions first before they register with the Office of Campaign Finance or does it matter?

MS. MILLER: They pick up -- they register with -- no.

It's a simultaneous --

MR. BENNETT: Okay, so --

MS. MILLER: -- process.

MR. BENNETT: -- there are no rules that they have to be at the Office of Campaign Finance before you pick up a petition or vice versa?

MS. MILLER: No.

MR. BENNETT: Okay.

MS. MILLER: So, they pick up petitions here beginning on January 26th. And once the petition period starts, we will let them know that that's an option that they have to collect

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signatures, either with the mobile app or with the paper.

MR. BENNETT: Okay.

MS. COLLIER-MONTGOMERY: If I could just add one thing?

MR. BENNETT: Yes.

MS. COLLIER-MONTGOMERY: What's the nominating petition process, what happens in the Office of Campaign Finance, assuming that candidates have not registered to participate in the cycle, in the 2018 cycle in our office previously?

Because if they are collecting contributions or making expenditures, then they are required to register within five days in the Office of Campaign Finance.

Otherwise, if they are not in the process of actively collecting contributions or making expenditures, then picking up nominating petitions would trigger the requirement for them to register in our office within five days of doing that or authorizing anybody else.

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MR. BENNETT: Okay, all right. Great, thanks.

MS. MILLER: Okay, just briefly, I'll talk a little bit about our budget proposal that has been completed and submitted to the Chief -- Office of the Chief Financial Officer.

We're facing spending pressures for this year and have requested additional funding to support that shortage. We hope to get positive feedback on that.

I'll state for the record that we do need sufficient funding in order to run the elections for this year and without it, we run the risk of having things compromised.

MR. BENNETT: Okay.

MS. MILLER: And, that's it.

MR. BENNETT: Okay. Any questions, Ms. Lewis?

MS. LEWIS: In terms of the training that's going to be provided for the new tablet users, is there also going to be like an accompanying troubleshooting number or something?

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MS. MILLER: Yes, we'll have individuals on hand for troubleshooting. They'll be given instructions on how to operate it as well and a phone number available, too.

MR. BENNETT: Mr. Gill?

MR. GILL: That's my question as someone that struggles with IT, a help desk number is very important.

(LAUGHTER)

MR. BENNETT: Okay.

MS. MILLER: I also have -- I ended too soon -- we have some polling places that are recommending to be relocated. I'll have Mr. Budoo come forward to speak on the proposals of that relocation. I think we have six of them.

MR. BUDOO: Good morning.

I'm Arlin Budoo, Facility Operations Manager for the Board of Elections.

Today, I have a few precinct relocations that I want to submit to the Board as a recommendation to relocate prior to the May primary election.

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The first precinct is Precinct Number 6. Currently, we're at -- located at Georgetown Community Library. We're looking to relocate back to Duke Ellington High School.

As you all may have known, the school has been completely renovated and the facility has reopened for this new school year.

I have met with the staff at Duke Ellington and I am looking to relocate back to Duke Ellington. We'll be using the same space that we used before which was the gallery.

The voting space is excellent. There is street parking there. There's not a parking lot and is currently located four blocks from the previous polling place.

The next voting place will be Precinct Number 24 which is Marie Reed Elementary School.

We relocated from Marie Reed to the Murray Center prior to the 2016 general election.

But, that school was closed for renovations. Those renovations have also been completed.

We will be looking to relocate back to

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Marie Reed Elementary School. We'll be using the multipurpose lounge. The voting space is not the best space. I'm hoping that with schools being closed in June that we can identify another location within the facility.

I have went out with Ms. Janice and we did see a couple of more locations within the city that will probably be a better use. So, I will be requesting that from the facility as well.

Previously, Murray Center is approximately four blocks from Marie Reed, so it's not that big of a difference with the relocation.

The next precinct is Precinct Number 59, Coolidge Senior High School. Currently, Coolidge is now under renovations and it will not be available for the upcoming mayoral primary election.

I'm asking that we relocate to Tacoma Community Center located at 300 Van Buren Street.

That is within the same area of Coolidge High School, so it will not be that much of a difference or that much of an obstacle when we notify the public

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of the relocation.

And, we also used Tacoma Community Center as our early voting site as well.

The next relocation is Precinct Number 91, Watkins Elementary School. This is another site that was not available prior to 2016 general election because of renovations.

Those renovations have been completed and the school has now reopened.

COURT REPORTER: I apologize, could you slow down just a little bit?

MR. BUDOO: Okay, no problem.

Once again, we are relocating back to Watkins Elementary School located at 420 12th Street, Southeast. We will be using the multipurpose room which is a newly renovated room, a larger room than what we've had before.

Our next relocation is Precinct Number 92, Kenilworth Elementary School which was not available prior to the 2016 general election.

I am looking to relocate back to Kenilworth Elementary School where they have added

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an additional Kenilworth recreation center within that building.

That is a brand new building that we'll be using. We'll be using the gymnasium in that building as well.

Our next relocation is Precinct Number 113 which currently is East River Washington Senior Wellness Center.

I am looking to relocate this precinct due to accessibility issues and space.

I will be relocating to the Hillcrest Recreation Center located at 3100 Denver Street, Southeast. We will be using the gymnasium in this space.

And, our next precinct we will be relocating is Precinct Number 129. As you all know, Martin Luther King, Jr. Library is currently closed for renovations and the renovations are not scheduled to be completed until 2020.

I am looking to relocate right next door to the First Congressional United Church of Christ located at 945 G Street, Northwest.

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We will be using the multipurpose room in that location. That space is pretty large and it is fully accessible with slight modifications at the entrance of the facility.

Our next relocation is Precinct Number 136. We currently are at Leading Age. We relocated to Leading Age from All Souls Episcopal Church back in 2004 because of accessibility issues at the church.

We -- the realty reached out to the Board requesting that we relocate to All Souls after they went through a complete renovation of the facility where they did address those accessibility issues.

I have went out and surveyed that area and it is accessible with a slight modification with the hallway, with an entry way into the room of the building.

But, with the slight modifications, everything else is fine with the facility, so I'm looking to relocate back to All Souls Episcopal Church located at 2300 Cathedral Avenue, Northwest.

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We will be using the church hall.

MR. BENNETT: What's the slight modification you're talking about?

MR. BUDOO: It's a slight like a slight incline.

MR. BENNETT: Incline? So, you'd have to put kind of like a little wedge to --

MR. BUDOO: Yes.

MR. BENNETT: -- for a wheelchair?

MR. BUDOO: Something with wheels.

I was going to speak with them to see -- it's not a large incline, it's just a slice off like 3 percent. But, it's just not fully -- I don't want to say on the record that it's fully accessible.

MR. BENNETT: Okay.

MR. BUDOO: Okay?

MR. BENNETT: All right.

MR. BUDOO: Oh, and, the last relocation is the early voting site for Ward 7.

As you all know, we have been using Benning/Dorothy Height Library. We have been

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using the large media room in the facility. But, it's not the best space.

And, when we do have a general election, we do run into issues with trying to coordinate the voting within the facility as well as being able to accommodate for the seniors and the elderly who are there with not having them wait in line.

And, there's always been some type of logistic issue.

So, I'm looking to relocate to the Deanwood Recreation Center located at 1350 49th Street and we'll be using the gymnasium at that location.

MR. BENNETT: Okay. Any questions from any Board members?

MR. GILL: Just a comment, it's heartening to see how many of these relocations are because we're going back to schools that have been renovated.

MR. BUDOO: Yes.

MR. GILL: Or we're temporarily leaving because the library and school are being

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renovated. It means that it's not an op purview, but as a citizen.

MR. BUDOO: It's good to see that, that's true.

MS. MILLER: I just have a question.

MR. BUDOO: Yes?

MS. MILLER: For the Tacoma Community Center, the size of that, will that -- is that going to accommodate --

MR. BUDOO: Yes, it will accommodate --

MS. MILLER: You have registration at 3159.

MR. BUDOO: Okay, that's for the registration. The registration is at 3159 but as of, we'll put on the record, that's also an early voting site.

MS. MILLER: Right.

MR. BUDOO: So, a lot of those voters do participate in early voting, you know, prior to election day.

But the room is a pretty good size, we

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do use it for early voting.

MS. MILLER: Okay. And, then the relocation for 129, what's the slight modification at the entrance for that one?

MR. BUDOO: The door is pretty -- it's a pretty heavy door, so we'll just have to have the door propped open on election day.

MS. MILLER: Will they allow that?

MR. BUDOO: Yes.

MS. MILLER: Okay.

MR. BENNETT: Okay, any other questions?

We need a motion, I guess, to approve the relocations right?

MS. MILLER: To accept the recommendation --

MR. BENNETT: Accept the recommendation?

MS. MILLER: -- to relocate the precincts?

MR. BENNETT: Yes.

Is there a motion?

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MS. LEWIS: I move to -- what's the word?

MS. MILLER: Accept.

MS. LEWIS: Accept the recommendation of the proposed relocations.

MR. GILL: Second.

MR. BENNETT: The recommendation is accepted.

MR. BUDOO: And, I just want to put on the record as well that I will be notifying all affected council members as well as the agencies --

MR. BENNETT: Oh, excellent.

MR. BUDOO: -- for these respective precinct relocations. I'll also give them the normal grace period of, you know, agreeing or disagreeing if they have any issues with that, that they can give me any other recommendations within the area that I can take a look at as well.

MR. BENNETT: Okay, good, all right.

MS. MILLER: So, at this point, we would publish these in the Register, these new

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locations so there's still a period for comment.

And then, we would come back and ask the Board to take final action after that public period -- public comment period.

MR. BENNETT: Okay.

MS. MILLER: And, that would conclude my report.

MR. BENNETT: Thank you, Ms. Miller.

Ms. Montgomery?

MS. COLLIER-MONTGOMERY: Yes?

MR. BENNETT: We're on to Campaign Finance.

I'd like to move you around to earlier points.

MS. COLLIER-MONTGOMERY: During the month of November, there were no filing deadlines in the Office of Campaign Finance.

However, we did have prospective candidates and committees who registered to participate during the 2018 election cycle.

The new candidates committees who registered during November include What's Going

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On PAC who registered on October the 25th, 2017.

Anita Bonds, Anita Bonds 2018, City Council at Large registered on October the 30th, 2017.

Amone Banks, City Council Fund registered on November the 6th, 2017.

Sharece Crawford, Crawford for at Large City Council, City Council at Large registered on November the 16th, '17.

And, Foodservice PAC III registered on November the 16th, 2017.

We also conducted three entrance conferences during the month of November.

The first one was on November the 8th, 2017. The participants were Amone Banks, Candidate at Large City Council, Anita Bonds, Candidate Anita Bonds 2018, Donald Dinan, Treasurer Anita Bonds 2018, Dionne Reeder, Candidate Dionne for DC.

On November the 28th, an entrance conference was held and the participants were Phil Mendelson, Candidate Mendelson for Chairman 2018,

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Daniel Wedderburn, Treasurer Mendelson for Chairman 2018.

On November the 29th, the entrance conference participants were Elizabeth Leith, Treasurer, Dionne for DC, Sam LeBlanc, Treasurer Foodservice PAC III, Aaron Holmes, Candidate Holmes for DC, Jonas Singer, Treasurer, Holmes for DC, Anthony Miller, Treasurer, Reid4Ward1 2018.

In our audit branch during the month of November, the audit branch conducted 45 desk reviews of reports of receipts and expenditures among other activities in the division.

In terms of our ongoing audits, we do not, at this time, have any ongoing full field audits. We do have several periodic random audits.

The first with respect to the candidates in the upcoming 2018 election of the July 31st, 2017 filing, Brianne for DC 2018, the audit was initiated on September the 27th, 2017.

With our Political Action Committee's program, with the July 31st, 2017 filings.

The audit which is ongoing is of the

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Metropolitan PAC. And, that audit was initiated on September the 12th, 2017.

With our Constituent Service Program, we have three periodic random audits which were on -- which are ongoing of the October the 2017 filing.

The Ward 7 Constituent Service Fund, which was initiated on November the 2nd, 2017, the Ward 4 Constituent Service Fund which was initiated on October the 30th, 2017 and the Do Something Constituents Fund Ward 8 which was initiated on October the 23rd, 2017.

We also issued an audit report that was of the Committee to Elect Lori Parker and the audit report was issued on November the 1st, 2017.

And, the audit is available at our website for review by members of the public.

And, I would ask Bill Sanford to give the report of the Office of the General Council for the Agency.

MR. BENNETT: Thank you.

MR. SANFORD: Thank you.

Good morning, Mr. Chairman and distinguished members. My name is William Sanford, General Counsel for the Office of the Campaign Office.

In the month of November 2017, the Office of General Counsel received three referrals.

As the Director has indicated, there were no required filing dates and there were also no audits issued during that month.

During the month of November 2017, the Office of the General Counsel received \$1,250 in fines and the fines were collected from the following respondents.

The fine of \$1,000 was collected from the D.C. Chamber of Commerce PAC for failure to timely file a report.

A fine of \$250 was collected from Aaron Holmes for Ward 8 who was a candidate in the 2016 election for failure to timely file a report.

During the month of November 2017, the Office of the General Counsel maintained three open investigations involving three candidates, Stanley

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Straughter (phonetic) and Jeffrey Thompson or other investigations were initiated for campaign contribution violations.

During the month of November, no new investigations were initiated.

In the month of November 2017, there were no requests for investigations and there were no show cause proceedings conducted by the Office of the General Counsel.

And, that should conclude my report.

MR. BENNETT: Great, thank you.

Any questions, Ms. Lewis, Mr. Gill?

MR. GILL: No.

MS. LEWIS: No.

MR. BENNETT: Okay, Ms. Montgomery?

MS. COLLIER-MONTGOMERY: Yes, that concludes my report.

MR. BENNETT: Great, okay.

Any other matters from Ms. Miller, Ms. Lewis, Mr. McGhie, Mr. Gill, Ms. Montgomery, Mr. Sanford?

This concludes our tenure at 441 Fourth

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Street and --

MR. SINDRAM: Mr. Chair, was it the January meeting that would changed to what date and time?

MR. BENNETT: January 10th.

MR. SINDRAM: Same time?

MR. BENNETT: Yes, sir, in the new facility.

MR. SINDRAM: The new facility is where?

MS. MILLER: 1015 Half Street, Southeast, Suite 750.

MR. SINDRAM: Okay.

MR. BENNETT: And, we will do what we can -- we'll make sure that you get notice relative to accommodations digitally.

MR. SINDRAM: Thank you.

And, I'll be able to weigh in by phone at the January meeting?

MS. MILLER: Yes.

MR. BENNETT: Yes, sir.

MR. SINDRAM: Thank you.

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MR. BENNETT: And, we are going to consider your request.

MR. SINDRAM: Thank you.

MR. BENNETT: Thank you.

That concludes the meeting. I hate to conclude. Anyway, thank you so much.

(Whereupon, the above-entitled matter went off the record at 11:45 a.m.)

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