GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

Wednesday

November 1, 2017

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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 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair DIONNA MARIA LEWIS, 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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1	P-R-O-C-E-E-D-I-N-G-S
2	(10:48 a.m.)
3	MR. BENNETT: Good morning. Let's
4	bring the meeting to order. Today is November 4th,
5	and it's the November meeting of the District's
6	Board of Elections. Can you hear us okay?
7	(Off the record comments)
8	MR. BENNETT: My name is Michael
9	Bennett, Chair of the Board. To my far left is Ms.
10	Alice Miller, Executive Director of the Board of
11	Elections. To her right is Ms. Dionna what's
12	your last name?
13	MS. LEWIS: Lewis.
14	MR. BENNETT: Board member to my right
15	is Mr. Ken McGhie, General Counsel for the Board
16	of Elections, and Director of the Office of
17	Campaign Finance, Cecily Montgomery.
18	MS. MONTGOMERY: Good morning.
19	MR. BENNETT: The first item on the
20	agenda is the adoption of the agenda. And can we
21	get a motion from Ms. Lewis?
22	MS. LEWIS: I move to adopt today's

1	agenda.
2	MR. BENNETT: Okay, second. And so
3	the agenda's adopted. The adoption of the minutes
4	from the last meeting, that was October 4th, and
5	transcripts are made available. Any motion from
6	Ms. Lewis?
7	MS. LEWIS: I move to adopt the Board
8	meeting minutes from the Wednesday, October 4th,
9	2017, meeting.
10	MR. BENNETT: All rightie. And so the
11	minutes are adopted unanimously. And next, any
12	Board matters? Do we have anything
13	MS. LEWIS: Yes.
14	MR. BENNETT: for the Board? I
15	don't. So next item are public matters. Anybody
16	from the public that has any matters for the Board
17	today?
18	(No audible response)
19	MR. BENNETT: Okay. Hearing none,
20	we'll have Ms. Miller's report.
21	MS. MILLER: Thank you, Mr. Bennett.
22	MR. BENNETT: Jon the Baptist is fine.

1	(Laughter)
2	MS. MILLER: I want to start with the
3	pending move of the Agency. I mentioned in
4	September that DGS had identified and offered a
5	lease for space with the for a move for the
6	Agency.
7	The Board, at this point, will be
8	relocated in January of 2018, based on the latest
9	information we received from DGS. This space will
10	be ready for occupancy in early January.
11	We're going to begin the formal
12	messaging of that move by use of social media,
13	Instagram, FaceBook and, where we can, public
14	service announcements to let individuals know of
15	our intended move.
16	We intend to be fully operational at the
17	new location by January 26th which is the date of
18	the pickup for candidates running for the primary
19	election.
20	As I mentioned back in September
21	MR. BENNETT: Pickup of their
22	material?

Pickup for a number of 1 MS. MILLER: petitions. 2 All right. 3 MR. BENNETT: 4 MS. MILLER: Yes, the first day, it's 5 January 26th. The location is one block away from the Navy Yard on the Green Line Navy Yard Metro 6 7 Station, on the Green Line. We are planning to host an open house 8 9 to invite members of the public once we get settled 10 and situated there prior to the pickup. 11 would give everybody an opportunity to see where we're located and get some chance to figure out the 12 13 best way for individuals to get there. 14 I will state that we don't have a lot 15 of members of the public coming in as we used to. 16 Not nearly the traffic that we used to have. But 17 we still are very close to the metro, some blocks 18 away. And we do want to have an opportunity for 19 members of the public to see where we are and how 20 they can access the new location once we move in 21 January.

Okay.

MR. BENNETT:

1	MS. LEWIS: Update on our E-sign
2	process, that's the E-petition process that we'll
3	be instituting beginning in January. Our
4	co-partner is in Denver. The project is going very
5	well. The Denver team plans to return back in
6	early December to provide the staff with additional
7	training.
8	We will plan to kick this off for the
9	petition process to begin in January with the
10	primary. And we have talked to the Denver team,
11	and they are going to also be here in January, if
12	we get started, to assist with the training of
13	candidates for the petition process.
14	MR. BENNETT: Can you just explain,
15	real quick, for my
16	MS. MILLER: Sure.
17	MR. BENNETT: kind of refresh my
18	memory on the E-sign. This is for petitions when
19	candidates are being nominated. So they'll have
20	electronic they'll have the iPads to be able to
21	
22	(Simultaneous speaking)

1	MS. MILLER: We purchased 100 iPads
2	that we will loan out to circulators. They can
3	also use their own mobile device. And what will
4	happen is that the voter load will be loaded through
5	an app on those mobile devices.
6	So when someone signs the petition,
7	they can instantly see if the individual is
8	registered to vote. Because it will communicate
9	with the device and come up with a registered voter
10	or not.
11	MR. BENNETT: And so the device so
12	the it's connecting to the larger database, the
13	estimate to do the match.
14	MS. MILLER: Yes. And we'll also
15	provide an opportunity for individuals to register
16	if they're not registered to vote.
17	MR. BENNETT: And they can do it right
18	there on the app?
19	MS. MILLER: That's correct.
20	MR. BENNETT: And I'm assuming the
21	answer is there's not an opportunity, but I assume
22	there's no opportunity for if you can create a

1	record, is there an opportunity to change the
2	record?
3	MS. MILLER: No.
4	MR. BENNETT: Okay. But you can
5	create a record?
6	MS. MILLER: You can create a record,
7	but you can't modify it or change it.
8	MR. BENNETT: So if you had a different
9	address or something like that, you'd have to go
10	in as your
11	MS. MILLER: We can modify it. We get
12	that information, and we change it internally here.
13	But they can modify it on the app.
14	MR. BENNETT: But they can't actually
15	change a permanent record from
16	MS. MILLER: Or delete it.
17	MR. BENNETT: so since I'm a voter
18	yes, well, delete it or if I'm a voter, and I
19	moved, and what the record shows is my address is
20	in Ward 5. And I've moved to Ward 4. Can I change
21	a record there with the person receiving it and
22	change my address at that time?

1	MS. MILLER: You can update your
2	federal registration.
3	MR. BENNETT: I can update the federal
4	registration?
5	MS. MILLER: Yes.
6	MR. BENNETT: Okay. But it's just
7	like they're going want to do it today. It doesn't
8	give anybody, like, any more power than they had
9	before.
10	MS. MILLER: That's correct.
11	MR. BENNETT: It's just they're doing
12	it on somebody else's device versus going online
13	and doing it themselves.
14	MS. MILLER: That's correct.
15	MR. BENNETT: Okay. All right.
16	MS. MILLER: Okay. Just so, you know,
17	that put into the law, for us to have that process
18	available, by the Council last year, I think it was.
19	We were fortunate enough to be able to
20	work with Denver, because they've been using this
21	before. And they basically provided their process
22	to us and guided us along. So

1	MR. BENNETT: Is the software the same?
2	MS. MILLER: The software's the same.
3	It's the same software. So we feel fairly
4	comfortable with what we do. Otherwise, we would
5	have been in the dark and trying to figure this out
6	by working with another vendor or someone else who
7	had basically just would have done a bid on this.
8	Denver's election process has gone
9	through this several times, and they've got a lot
10	of positive results from it. They would have the
11	same results as we would as
12	MR. BENNETT: Are there other states
13	that do it other than
14	MS. MILLER: No. The other states are
15	going to do it. Other districts were trying to do
16	it. They've all reached out to Denver. But
17	Denver has put everyone in the background until
18	after their
19	MR. BENNETT: They've kind of got
20	MS. MILLER: Yes.
21	MR. BENNETT: So when did they
22	

1	(Simultaneous speaking)
2	MS. MILLER: I believe about three
3	years ago now.
4	MR. BENNETT: Okay. So they've had a
5	couple of cycles.
6	MS. MILLER: That's correct.
7	MR. BENNETT: Okay, thank you.
8	MS. MILLER: Thanks.
9	MR. BENNETT: Yes, thanks.
10	MS. MILLER: Our registration system
11	procurement, that's the VR procurement that we were
12	provided the funding for back in May, we've been
13	going through a couple of cycles with the
14	contracting officer to try to get the statement of
15	work out on the street.
16	We had a subsequent meeting with her and
17	someone else in the contract and procurement in
18	October. And we've done modifications to the
19	statement of work based on her recommendations.
20	We were told that, at the last meeting
21	or the last set of modifications, that the
22	statement of work would be sent to the Office of

1	the Attorney General on October 26th.
2	MR. BENNETT: Yes.
3	MS. MILLER: After the Office of the
4	Attorney General reviews the statement of work, it
5	should be then set for bid. We have contacted or
6	attempted to contact the contracting officer to
7	determine whether or not it did, in fact, go to the
8	Office of the Attorney General. We do not have a
9	record for that, so I can't confirm with you as to
10	whether or not it has gone to the next step.
11	But once it gets to the Attorney
12	General, and their review is done, it will be out
13	for bid for 30 days. So hopefully, we'll see a
14	light at the end of the tunnel.
15	MR. BENNETT: Do we have a regularly
16	scheduled review with the Counsel relative to
17	budget and that kind of stuff?
18	MS. MILLER: Yes.
19	MR. BENNETT: So when is our budget
20	hearing?
21	MS. MILLER: It hasn't been set yet,
22	

January, budget hearing in April.

MR. BENNETT: But part of what I -- the reason I'm asking that is that I think both our updates to the Office of Campaign Finance system, as well as our new voter registration system, I'd like to be able to -- for us to be able to have some positive reports, so to speak, well, at least detailed status reports at those hearings.

Because they, you know, allocate money for it. And the changes need to be made. And so one of the things I think we ought to do is make sure the Office of Contracting, and the Attorney General, or, like, whoever has to review this to get it out, understands that, you know, we're trying to really drive to get these things done.

And we've got dollars allocated for it.

And it's not something that we can wait on. And it needs to have some priority getting through the system.

Because, you know, part of what ends up driving the Office of Campaign Finance's activities is our ability to be able to use the

1 system properly to catch things, you know, that we don't have to wait for the post to catch or audit. 2 We can ask -- you know, ultimately end 3 4 up driving our costs up as an organization, 5 particularly on the Office of Campaign Finance side, because you need more auditors to find things 6 7 if you don't have a system that can do it. MS. MILLER: Right. 8 9 MR. BENNETT: So I think we ought to, 10 you know, make sure that they're aware of that. And I'm really happy to get involved personally to 11 12 make this thing happen. This is not -- I mean, because we're 13 14 just getting behind the eight ball relative to the 15 processes that we have to complete if we don't get 16 this done in a reasonable fashion and in a timely 17 18 MS. MILLER: Understood. But we've 19 had ongoing conversations with them and tried to 20 impress upon them the importance of the, you know, the need to get this solicitation out for bid, 21

especially in light of the upcoming elections.

1 And it's just been a slower than, I think, necessary 2 process. Clearly, you know, they're contracted 3 4 employees that they're trying to put in the city 5 and work to make sure that we capture all of that and we understand that. So they sent it back to 6 7 us but, you know, from my perspective, they need to put the contract --8 9 MR. BENNETT: Yes. 10 MS. MILLER: -- you know, and just make 11 the corrections to it that meet the standards. 12 it needs to be from the contracting and procurement 13 perspective and then send it out for bid. 14 MR. BENNETT: Yes. Okay. 15 MS. MILLER: So, you know, we've tried 16 to impress upon them to do that. We'll see what 17 happens. 18 Last month, the staff -- members of the 19 staff attended an Inclusion and Integrity Election 20 Symposium Administration at Auburn. The symposium is for the participants from local, 21 22 state, and national election professionals who

engage with researchers, vendors, and advocates on questions facing election administrators today.

There were a number of panels over a two-day period that focused on various things involving election administration. And one of the panels we had focused specifically on diversity in elections or the lack thereof.

I want to take a minute and recognize

Karla Garcia who sat on that panel and did a

fantastic and wonderful job with her presentation.

It was well received by all of the attendees.

She talked about and represented the challenges that Hispanic voters feel and have as they try to deal with the election process in the United States of America, dealing with the fact that they are intimidated but still entitled to and have the right to vote as citizens.

She was very clear with her presentation and was able to put a personal perspective on it from the aspect that Karla's always out on election day and before, working with the voters.

1	And this was a panel that I kind of
2	insisted that they put together, because they've
3	never done anything on diversity. And while they
4	had African Americans on the panel, I say if you
5	all are missing
6	MR. BENNETT: Right.
7	MS. MILLER: Yes. We're missing
8	another portion that needs to be represented. And
9	no one seemed to have anyone within their four walls
10	to sit on that panel to represent that community.
11	I made one call to Karla and asked her
12	if she would do it. And without hesitation, she
13	said sure. So I want to personally thank her, and
14	recognize her, and let it be known to everybody that
15	she did a great job, not only from my perspective
16	but from all of those who were there.
17	
18	MR. BENNETT: Thank you so much.
19	(Applause)
20	MS. GARCIA: Is this the phone call?
21	MR. BENNETT: Yes.
22	(Laughter)

1	MS. GARCIA: Thank you.
2	MR. BENNETT: And I'm really reporting
3	it, and we really do appreciate your stepping up.
4	I mean, this is, you know, regardless who sits on
5	this dais and has their jobs in the organization,
6	we all are a part of making sure that what I believe
7	is the tip of the spear of American democracy, and
8	that's voting, so that everybody has an opportunity
9	to vote.
10	And your participation and focus on
11	people that sometimes others don't focus on was
12	really important. And we certainly appreciate
13	that. And I'm sure it's going to be a model for
14	others in other jurisdictions. So thank you.
15	MS. GARCIA: And I appreciate the
16	opportunity. Thank you.
17	MR. BENNETT: Thank you.
18	MS. MILLER: And her picture is
19	actually in the book.
20	MR. BENNETT: All right.
21	(Applause)
22	MR. BENNETT: Thank you again, Karla.

1	
1	Thank you so much. David, you ought to
2	(Laughter)
3	MS. MILLER: That would conclude my
4	report.
5	MR. BENNETT: Okay, thank you so much.
6	Next, Mr. McGhie.
7	MR. MCGHIE: Okay, I just have
8	litigation status. And the only case that we have
9	pending in court right now is Paul Cohn versus the
10	D.C. Board of Elections. That's dealing with
11	Initiative 77, which is the Minimum Wage
12	Initiative.
13	As you recall, the Board rejected Mr.
14	Cohn's challenge. Mr. Cohn is representing the
15	Board of Trade. And so we rejected his challenge
16	to the initiative petition. And so he filed an
17	appeal with the Court of Appeals. And the Court
18	of Appeals gave us a briefing schedule, and Mr. Cohn
19	was supposed to file his motion, dispositive
20	motion, yesterday.
21	MR. BENNETT: Yes.
22	MR. MCGHIE: So he did that, he filed

1	a motion for summary reversal. And he, I guess,
2	gave us or emailed us a copy of what he filed this
3	morning. It was about 40 pages. I haven't had a
4	chance to look at it yet. And then I
5	MR. BENNETT: A motion for summary
6	reversal of our decision?
7	MR. MCGHIE: Of our decision, yes.
8	MR. BENNETT: Okay.
9	MR. MCGHIE: So we would file for
10	summary affirmance, they filed for summary
11	reversal. And so we got, today Ms. Christensen and
12	myself are looking at the motion. And I think our
13	motion or our response is due on November 13th.
14	MR. BENNETT: Okay. Got it.
15	MR. MCGHIE: And that's where we stand.
16	MR. BENNETT: Okay. And it doesn't
17	look as if we can get the parties in the room to
18	look at
19	MR. MCGHIE: No. The Board of Trade
20	definitely does not want this initiative to go
21	forward.
22	MR. BENNETT: So they're pretty

1	adamant about it?
2	MR. MCGHIE: Yes.
3	MR. BENNETT: Okay. All right. So
4	we'll see what the Courts say.
5	MR. MCGHIE: Okay.
6	MR. BENNETT: All right, anything
7	else?
8	MR. MCGHIE: No, that's it.
9	MR. BENNETT: All right. Any
10	questions, Ms. Lewis?
11	MS. LEWIS: No.
12	MR. BENNETT: All right. Ms.
13	Montgomery?
14	MS. MONTGOMERY: Yes. Good morning.
15	MR. BENNETT: Good morning.
16	MS. MONTGOMERY: During the month of
17	October there were three filing deadlines in the
18	Office of Campaign Finance. The first was with the
19	Constituent Service Program. Their report of
20	receipts and expenditures was due on October the
21	second. October 17, there were nine required
22	filers, all nine timely filed. And also they

electronically filed their report.

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The second deadline was the report of receipts and expenditures which was due from the Senator Representative Statehood Fund. That was also due on October the 1st. There were three required filers, all three timely filed. And they, as well, electronically filed their reports.

And October the 10th, the report of receipts and expenditures due from was Independent Expenditure Committee as well Political Action Committee. There 54 were required filers, 55, I'm sorry, required filers, 49 PACs, and six independent expenditure Fifty-three timely filed, and those committees. consisted of 47 political action committees and six independent expenditure committees.

There were two failures to file, and those failures to file were referred to the Office of the General Counsel.

They were the Better Leadership PAC, Richard Tappan, Treasurer, as well as the Gertrude Stein Democratic Club political account, Jessica

Pierce, Treasurer. And all of the timely filers also electronically filed their reports with the Agency.

We had six new candidates in committee for participating in the 2018 election cycle who registered with the Agency during the month of October. They are Lisa Hunter, Lisa Hunter for Ward 6, City Council, registering on October the Dionne Bussey-Reeder, Dionne for DC, City Council at large, registered on October the 5th. Michael Bekesha, Bekesha 2018, City Council, Ward registered October the 11th. Phil on Mendelson, Mendelson for Chairman, 2018, Council, registered on October the 17th. Sycamore, Friends of Jamie Sycamore, City Council, Ward 1, registered on October the 24th. Aaron Holmes, Holmes for DC City Council, at registered on October the 25th.

We also held entrance conferences during the month of October. And as you know, the entrance conferences are mandatory with respect to the newly registered candidates and treasurers.

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The first one was held on October the 1 participants 11th. 2 The Lisa were Hunter, Candidate Lisa Hunter for Ward 6. Silvia M. Diaz, 3 4 Treasurer, Lisa Hunter for Ward 6, on October the 5 13th. The participants were Muriel Bowser, 6 7 Candidate, Re-elect Muriel Bowser Our Jodie Ovca, Treasurer, Re-elect Muriel Bowser Our 8 9 Mayor. Charles Allen, Candidate Re-elect Charles 10 Allen for Ward 6. Kenyan McDuffie, Candidate, 11 Kenyan McDuffie 2018. John Hardage, Treasurer, 12 BB&T PAC. 13 On October the 25th, the participants 14 were Karl A. Racine, Candidate, Karl Racine 2018. 15 Michael Bekesha, Candidate, Bekesha 2018, 16 Cassendra Baker, Treasurer, for the Bekesha 2018 17 Principal Campaign Committee. Jamie Sycamore, 18 Candidate, Friends of Jamie Sycamore, Yauheui Koraneu, Treasurer, Friends of Jamie Sycamore. 19 20 In our Audit Branch during October 2017, the Audit Branch reviewed 85 reports of 21

receipts and expenditures which were filed by our

various entities who are registered with the Agency. There were also ongoing audits. The following periodic random audits are ongoing.

First we have the periodic random

audits of the candidates who have registered for the upcoming election, 2018, of their report which was filed on July 31st, 2017. Brianne for D.C. 2018, the audit was initiated on September the 27th, 2017. The Committee to Elect Lori Parker for D.C. Council, and that audit was initiated on September the 8th, 2017.

With respect to our Political Action Committees, of the July 31st, 2017, filing, the periodic audit was initiated on September the 12th of the Metropolitan Political Action Committee.

For their Constituent Service Program for the October the 1st, 2017, filing, we have three periodic random audits which were initiated, one for the Ward 7 Constituent Service Fund, for the Ward 4 Constituent Service Fund, and the Do Something Constituent's Fund for Ward 8.

We also issued final audit reports

1 during the month of October. The first was of the full field audit which was conducted by Vince Gray, 2 2016, Principal Campaign Committee. 3 And the full field audit was conducted 4 5 of the campaign based on the fact that the candidate was a newly elected official. And the report was 6 issued on October the 6th, 2017. 7 With our periodic random audit, 8 9 issued a final audit report of the audit of the 10 Republican Committee D.C. PAC on October the 26th 11 and also the D.C. Legal PAC on October the 3rd, 12 2017. 13 The final audit reports are posted at 14 our website and are available for review by members 15 of the public as well as the financial reports which 16 we receive during the month of October. I would 17 ask Mr. Sanford to -- may I have the report for the 18 Office of the General Counsel. 19 Thank you. MR. BENNETT: 20 MR. SANFORD: Good morning, 21 Chairman and distinguished Board Member Lewis. 22 name is William Sanford, General Counsel for the Office of Campaign Finance.

During the month of October 2017, the Office of the General Counsel completed seven informal hearings, issued seven orders, which included the following.

One order was issued for failure to timely file a report of receipt and expenditures in which no fine was imposed. Six orders were issued for failure to timely file reports of receipts and expenditures in which fines totaling \$7,200 were imposed.

The Office of the General Counsel imposed fines against the following respondents. A fine of \$1,700 was imposed against Christian Carter. A file of \$1,700 was imposed against Jacque Paterson for Ward 8 Committee. A fine of \$1,700 was imposed against Sheila Bunn who was a candidate for Ward 8. A fine of \$1,700 was imposed against the Committee to Recall Mayor Bowser, Victor Honey, Treasurer.

A fine of \$200 was imposed against Lannette Woodruff, candidate for school board.

1 And a fine of \$200 was imposed against the Committee to Elect Jacque Paterson, who was a candidate for 2 the school board in the 2016 election. 3 4 During the month of October 2017, the 5 Office of the General Counsel maintained three open investigations. They included full investigation 6 2013-013, Lee Calhoun, Respondent, infraction, 7 campaign contribution violations. Full 8 2013-014, 9 investigation Stanley Straughter, Respondent, campaign contributions violations. 10 11 And full investigation 2013-015, Jeffery Thompson is the Respondent, campaign violation was the 12 13 infraction against Mr. Thompson. 14 During the month of -- oh, excuse me, 15 that Mr. Thompson is alleged to have committed. 16 During the month of October 2017, the 17 Office of the General Counsel did not receive any 18 requests for interpretive opinions. And during 19 the month of October 2017, the Office of the General 20 Counsel did not conduct any show cause proceedings. 21 And that should conclude my report. 22 Thank you, Mr. MR. BENNETT: Great.

1	Sanford. Ms. Montgomery, anything else?
2	MS. MONTGOMERY: That completes our
3	report.
4	MR. BENNETT: Okay. Are there any
5	questions for us? Did somebody join us on the
6	phone?
7	MALE PARTICIPANT: Mr. Sindram.
8	MR. BENNETT: Oh, okay. All right.
9	Since we have no other
10	(Off the record comments)
11	MR. BENNETT: Since we have no other
12	items for the Board, I'm going to let me put on
13	the record, somebody might call in.
14	MS. MILLER: He did call. And he said
15	he needed to call direct
16	MR. BENNETT: No, no, no. No, no, I
17	was going to say on the record if he had called in
18	I was going to put on the record that he attended
19	digitally, but he didn't. So that's fine. But I
20	do want to put on the record, and I see it in the
21	minutes, that my loss was recognized at the last
22	meeting.

1	And, one, I just want to say and I'll
2	make this quick, because I don't want to embarrass
3	myself thank you. I always thank folks on the
4	panel, but thank all of you and other members of
5	the Office of Campaign Finance that were incredibly
6	supportive, and continue to be supportive at this
7	time. So thank you.
8	It means far more than I can ever
9	express. But thank you so much for all of your
10	support, whether you showed up, whether you prayed,
11	whether you called, sent a note, it all helps a lot.
12	So thank you for that. And so with that, the
13	meeting is adjourned. Thank you.
14	(Whereupon, the above-entitled matter
15	went off the record at 11:18 a.m.)
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