

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY
APRIL 3, 2019

+ + + + +

The District of Columbia Board of Elections convened in Suite 750, 1015 Half Street, SE, Washington, D.C., 20003, pursuant to notice at 10:58 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
KENNETH MCGHIE, General Counsel
WESLEY WILLIAMS, Public Affairs Manager,
Office of Campaign Finance
WILLIAM SANFORD, General Counsel, Office
of Campaign Finance

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CONTENTS

Call to Order	3
Adoption Agenda from March 6th, 2019 board meeting	3
Adoption minutes from March 6th, 2019 board meeting	4
Office of Candidate Finance Report	5
Legal Report	13
Executive Director Report, BOE	16
Adoption of petition to recall Jack Evans, Ward 2 council member	23
Petition to recall Jack Evans rejected	74
Proposed rulemaking to amend the Chapter 5 voter registration, passed unanimously	80
Second emergency of proposed ruling, passed unanimously	81
Proposed rulemaking to amend Chapters 30, 34, 37, and 99 of DCMR, passed unanimously	83
Litigation of and status update Graham v. the DC Board of Elections	86
Public Comment	87
Adjourned	92

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

2 (10:58 a.m.)

3 CHAIRMAN BENNETT: Good morning. Can
4 you hear us okay there?

5 COURT REPORTER: Yes, sir.

6 CHAIRMAN BENNETT: And do we have,
7 anybody, preliminary? Mr. Sindram? Okay.

8 My name's Michael Bennett, Chair of
9 the Board of Elections. To my far right is Ms.
10 Cecily Montgomery, Director of Office of Campaign
11 Finance.

12 MS. COLLIER-MONTGOMERY: Good
13 morning.

14 CHAIRMAN BENNETT: To her left, my
15 right, Mr. Michael Gill, board member. To the
16 right, Mr. Kenneth McGhie, General counsel, Board
17 of Elections. To my left is Ms. Dionna Lewis,
18 board member. And Alice Miller to the far right,
19 the Director of the Board of Elections.

20 This meeting is hereby called to
21 order. And first thing on the agenda is the

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1 adoption of the agenda. Can I get a motion from
2 one of the board members?

3 MEMBER LEWIS: So moved.

4 MEMBER GILL: Second.

5 CHAIRMAN BENNETT: It's properly
6 moved and seconded. The agenda is adopted
7 unanimously. Adoption of the minutes from the,
8 of March 6th board meeting, can I get a motion to
9 adopt the agenda -- the minutes from the March
10 6th, 2019 board meeting?

11 MEMBER LEWIS: So moved.

12 MEMBER GILL: Second.

13 CHAIRMAN BENNETT: It has been
14 properly moved and seconded. The minutes from
15 the last meeting is adopted unanimously.

16 Any matters from the Board, Mr. Gill?

17 MEMBER GILL: No matters.

18 CHAIRMAN BENNETT: Ms. Lewis?

19 MEMBER LEWIS: Happy Spring.

20 CHAIRMAN BENNETT: Okay. And I have
21 no matters, as of this moment anyway. As I look

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1 through the agenda, I'm going to kind of give,
2 everybody fair warning. There are -- there is
3 one matter under the general counsel's section
4 that we will hear from proponents and opponents.

5 And then, after the meeting, we will
6 take a break and consider those items. And
7 that's with regard to the Jack Adams recall. And
8 then we'll reconvene shortly thereafter with a
9 decision.

10 So, with that, just anticipating that
11 there will a short break at the end. And we
12 won't -- we'll just simply take a break and then
13 reconvene.

14 Ms. Montgomery, if you'd give the
15 Office of Candidate Finance report, please?

16 MS. COLLIER-MONTGOMERY: Yes, the
17 first thing that I would note for members of the
18 public is that we have added the Fair Elections
19 Program Division to our monthly report so that,
20 in the future, I will be reporting each month on
21 the activity of the Fair Elections Program

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1 Division.

2 First, during the March 2019, for the
3 Fair Elections Program Division, the Division met
4 with the Public Finance Planning Committee on
5 March the 14th, 2019.

6 And the purpose of that meeting was to
7 introduce the Fair Elections Program manager,
8 Erick Jackson, who is in the audience, to the
9 members of the Planning Committee and also to
10 discuss proposed rule changes to implement the
11 fair elections process as well as to discuss
12 proposed recommendations which were made to the
13 Council with respect to legislative changes to
14 the Fair Elections Amendment Act.

15 We also, in the Fair Elections
16 Division, conducted training for our trainers on
17 March the 21st '19. And that involved 12 members
18 of our staff. And the purpose of that was to
19 make sure that our trainers understand the fair
20 elections process in terms of their training for
21 members of the public, whether it's our mandatory

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1 training conferences, our on-site training
2 conferences or with respect to our outreach
3 service plan for members of the public.

4 We also met during the month of March
5 with the Executive Director of the Office of
6 Advisory Neighborhood Commissions, and that is
7 Gottlieb Simon. And the purpose of that meeting
8 was to seek the agreement of the cooperation or
9 coordination with Mr. Simon with respect to the
10 outreach that we have planned for the Advisory
11 Neighborhood Commissions.

12 And as a result of that meeting, Mr.
13 Simon emailed all of the Chairs of the various
14 Advisory Neighborhood Commissions to notify them
15 of the outreach program that is planned by the
16 Office of Campaign Finance in terms of our asking
17 to be placed on their agendas.

18 And that email blast was on March the
19 14th, 2019. And once that was done, the Office
20 of Campaign Finance also emailed requests to the
21 ANC Chairs asking to be placed on their agendas.

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1 And that occurred on March 18, 2019. And our
2 outreach program is planned beginning in April
3 through October of 2019.

4 On March the 18th, we also completed
5 the selection process, the recruitment process,
6 for the new audit positions in the division.
7 With the Fiscal Year 2019 budget for the Office
8 of Campaign Finance, the Council included 5 new
9 positions for the Fair Elections Program.

10 And those were the Fair Elections
11 program manager, the information technology
12 specialist and three auditor positions. With the
13 auditor positions, the selections were made, and
14 those -- the applicants who were selected are on
15 board with the Agency as of this date.

16 With the information technology
17 specialist, interviews were held for that
18 position on March the 28th. And there is a
19 second screening of the two most qualified
20 candidates on April the 3rd, which is today.

21 We also met with our vendor on March

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1 the 27th to view the interim e-filing system for
2 the Fair Elections Program. We viewed the
3 proposed contribution and expenditures schedules
4 and we also viewed the administrative process
5 which will assist the Office of Campaign Finance
6 in the verification of the contributor
7 information.

8 We are, at this point, scheduled for
9 testing of the system on May 15th. And we are
10 hoping that -- well we anticipate that the system
11 will be available for public use by June the 3rd.
12 And that will be in time for the first filing,
13 which would occur on July the 31st 2019, assuming
14 that anyone registers for the program.

15 As of this date, we have not had any
16 candidates who have registered and have indicated
17 an intent to participate in the Fair Elections
18 Program. If we do not have any candidates who
19 register and indicate their intent prior to the
20 July 31 date, then the next filing date would be
21 December the 10th, 2019 for the program.

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1 I would like to point out, for the
2 record, that the proposed Chapters 43 and 44 of
3 the Board's regulations which were adopted by the
4 Board, as proposed, at the last Board meeting,
5 that those regulations were published in The
6 Register on March the 22nd for public comment.
7 And those regulations are the chapters which will
8 implement the Fair Elections Program.

9 We also published, at our website, on
10 March the 18th, 2019, the registration, the
11 contribution card and the candidate and treasurer
12 affidavit forms for use in the Fair Elections
13 Program as well.

14 We also published two new FEP
15 brochures on our website on March the 18th, 2019.
16 And we published two additional brochures at our
17 website this week. And one, basically, is an
18 informational FAQ sheet which will focus on the
19 dates during the election cycle 2020 that are
20 critical to the program.

21 And we also published an informational

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1 FAQ sheet for candidates who are in the
2 traditional program with respect to dates that
3 are critical to those candidates as well.

4 CHAIRMAN BENNETT: Cecily, can you
5 speak closer to the mic? I don't think people
6 can hear. There is someone that suggested you
7 just move to the side.

8 MS. COLLIER-MONTGOMERY: In our
9 public information and record management
10 division, during the month of March, there were
11 no filing dates for principal campaign
12 committees, political action committee or
13 independent expenditure committees.

14 We did, however, make referrals to the
15 Office of the General Counsel. There were 26
16 referrals which were made to the general counsel
17 for failure to file the January 31st report of
18 receipts and expenditures.

19 And the names of those candidates and
20 committees and treasurers will be available at
21 our website by the end of the day with our monthly

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1 stats. During the month of March there was one
2 new committee which registered with the Office,
3 and that was the Ward 2 Citizens Recall. That
4 is the Recall Committee, and they registered on
5 March the 18th, 2019.

6 In our audit branch, during the month
7 of March, the audit branch conducted 51 best
8 reviews of reports of receipts and expenditures
9 by political action committees as well as by
10 principal campaign committees and our Inaugural
11 Committee and our ballot committees.

12 With respect to our ongoing audits,
13 there are four field audits which are ongoing in
14 the office. The first one is of the principal
15 campaign committee that was active during the
16 2018 election cycle -- Sheika Reid, for Ward 1,
17 which was initiated on August the 29th, 2018.

18 We also initiated a full field audit
19 of an inaugural committee, the D.C. Proud 2019
20 Inaugural Committee. The audit notification
21 letter was issued on March the 27th '19. And the

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1 financial records are due from the committee on
2 April the 22nd, 2019.

3 We also had four full field audits
4 which we initiated of newly elected officials and
5 those officials were elected to the School Board
6 during the 2018 election. The first is the
7 Frazier O'Leary, for Ward 4, that was initiated
8 on March the 4th, 2019.

9 The Committee to Elect Zachary Parker
10 2018, that was initiated on March the 5th, 2019.
11 Jessica Sutter for School Board, SBOE, initiated
12 March the 5th, 2019. Emily for Education, which
13 was initiated on March the 4th, 2019.

14 We also have ongoing periodic random
15 audits of our political action committees, and
16 that is with respect to the January 31st, 2019
17 filing. The political action committees are the
18 Economic and Protection Party -- we're waiting
19 for the records; the Ward 7 Democrats, which was
20 initiated on March the 11th, 2019 and ABC of Metro
21 Washington DC PAC, which was initiated on March

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1 the 5th, 2019.

2 We issued one audit of the AFSCME PAC.
3 And that was issued on February the 21st, 2019.
4 And that is available for members of the public
5 at our website.

6 And I would ask the General Counsel
7 for the Office of Campaign Finance to provide the
8 report, the legal report, of the Agency.

9 CHAIRMAN BENNETT: Thank you. Mr.
10 Sanford?

11 MR. SANFORD: Good morning, Mr.
12 Chairman and distinguished board members. My
13 name is William Sanford, general counsel for the
14 Office of Campaign Finance.

15 During the month of March 2019, the
16 Office of the General Counsel received a total of
17 30 referrals. They included 26 referrals from
18 the Public Information and Records Management
19 Division and four referrals from the Reports,
20 Analysis and Audit Division.

21 The Office of the General Counsel

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1 conducted six informal hearings and issued seven
2 audits which included the following. Four orders
3 were issued for failure to timely file reports in
4 which no fines were imposed. Two orders were
5 issued for failure to timely file a report in
6 which a total of \$3,500 in fines were imposed.

7 And one order which was issued arising
8 from an investigation in which a fine of \$4,000
9 was imposed. However, that fine is subject to a
10 reduction of \$2,000 in the event that the
11 respondent in this case attends ethics training
12 within the prescribed time period.

13 During the month of March 2019, the
14 Office of the General Counsel imposed fines
15 against the following respondents: a fine of
16 \$1,600 was imposed against George Jackson for
17 Mayor. A fine of \$1,900 was imposed against the
18 D.C. Recovery Act.

19 A fine of \$4,000 was imposed against
20 council member Brandon Todd. And as I indicated
21 earlier, that fine is subject to a reduction of

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1 \$2,000 on the condition that the council member
2 attend ethics training within the prescribed time
3 period.

4 During the month of March 2019, the
5 Office of the General Counsel completed an
6 investigation. That was LCF investigation,
7 formal investigation 2018-002. The Complainant
8 in this matter was Emily Naden. The complaint
9 was filed on December 4th, 2019. The Respondent
10 was Brandon Todd, council member. The infraction
11 was inappropriate use of government resources.
12 And the order was issued on March 18th, 2019.

13 During the month of March 2019, there
14 were no requests for intent to entitlement and
15 there were no show cause proceedings conducted.
16 And that should conclude my report.

17 CHAIRMAN BENNETT: Great. Thank you,
18 Mr. Sanford. Ms. Montgomery?

19 MS. COLLIER-MONTGOMERY: Yes, thank
20 you. This concludes the report of the Office of
21 Campaign Finance.

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1 CHAIRMAN BENNETT: Great. Any
2 questions, Ms. Lewis?

3 MEMBER LEWIS: No questions, thank
4 you.

5 CHAIRMAN BENNETT: And, Mr. Gill, any
6 questions?

7 MEMBER GILL: No questions.

8 CHAIRMAN BENNETT: Okay, great. Next
9 on the agenda is executive director report, Board
10 of Elections. Ms. Miller?

11 MS. MILLER: Thank you. Good
12 morning. I am happy to report that we are well
13 underway with the information and implementation
14 of our new voter registration System. And that
15 previously reported VRS goes to a selected vendor
16 of the system.

17 After a very long and protracted
18 review process, VRS held a kickoff meeting on
19 March 26th for our senior staff and Board
20 members. We were given a very high-level
21 overview by the executives and senior management

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1 of the company about the data conversion process,
2 hardware and the software requirements, employee
3 retraining and time and dates of implementation
4 and support for the go live process.

5 Prior to that, VRS team members met
6 with the members of BOE staff and began going
7 over the documents that will be needed to -- that
8 will need to be converted, processes for our
9 staff accessing voter registration information,
10 reviewing the BOE election worker models that
11 staff generally interact with, BOE mapping,
12 development and accessing reports such as our
13 ease report, area information, Seeds, LERA and
14 other such required reports that the system will
15 generate the data around.

16 This process is ongoing. It's
17 tedious. Attention to detail requires almost
18 constant ongoing communication with VRS and
19 exchange of information. We're excited about
20 moving forward on this project. It is long
21 overdue.

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1 Once it's been completed, we can look
2 forward to a more automated ERS platform system.
3 With current technology, the platform will better
4 support our day-to-day operations.

5 With respect to outreach, we
6 participated in several outreach activities over
7 the past month and engaged a few new partners
8 with registration activities. Those partners
9 include So Others May Eat.

10 Some adult students organizations
11 that we interacted with on March 13th, from that
12 activity we did get -- we had new elections and
13 14 election worker applications.

14 Also the Salvation Army Turning Point
15 Center for women and children. It's a
16 transitional home where mothers reside with their
17 children. Goodwill Excel Center, a center for
18 adult students and the Court Services and
19 Offender Supervision Agency, CSOSA.

20 They're hosting an interactive
21 orientation for returning citizens on March 28th.

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1 Our staff is there to register individuals.
2 Approximately 50 individuals were potential
3 registrants at the event. Staff was allowed to
4 leave donor applications at the event, but for
5 some reason we're not allowed to actually
6 register potential voters.

7 So we're working with Mr. Thornton,
8 who is a board Chair associated with that
9 organization, trying to solve what happened with
10 that. Also, staff is also continuing to work
11 very closely with our high schools to provide
12 students and their administrators the necessary
13 information for the kids to get registered.

14 We're also working with teachers,
15 principals and attorney citizen organizations,
16 individuals dedicated to servicing those
17 populations. So I hope to get these people
18 focused on and registered for the 2020 elections,
19 get them participating with us for both -- as
20 voters and co-workers in helping us in any way
21 that they can towards the election activities.

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1 The outreach division also works with
2 the League of Women Voters and attends our
3 naturalization -- the naturalization ceremonies
4 monthly at the United States District Court.

5 This month, we have been asked by
6 Judge Sullivan to deliver the welcome address to
7 the incoming citizens. Rachel Coll will
8 represent the Board in give our welcome address,
9 inviting new citizens to register to vote and
10 explaining the elections that are scheduled next
11 year.

12 That will be on the ballot, major
13 parties that will be conducting the elections.
14 The naturalization ceremonies occur monthly.
15 Total number of naturalized citizens generally
16 include well over a hundred individuals of which
17 80 to 90 percent will elect to register to vote.
18 So we're grateful for Rachel to do that, and we're
19 pleases that we were asked to deliver the welcome
20 address to these citizens. And that concludes.

21 CHAIRMAN BENNETT: Okay. Any

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1 questions. Mr. Gill?

2 MEMBER GILL: No questions.

3 CHAIRMAN BENNETT: Ms. Lewis?

4 MEMBER LEWIS: No, thank you.

5 CHAIRMAN BENNETT: All right, just a
6 couple of comments/questions. I think, for the
7 record, with regard to the new voter registration
8 system, in the process of implementing the new
9 system, one of the things we want to do is make
10 sure we clean up the database that currently
11 exists, but at the same time we got to make sure
12 that we don't lose any critical data or any
13 voters' registration in the process of cleaning
14 out those records.

15 And the other thing, just for the
16 record to be real clear, when the new voter
17 registration comes online, it will be run
18 concurrently with the old system to ensure that
19 we don't lose any critical data.

20 One of the things that, in the last
21 oversight hearing, we had a number of -- or one

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1 particular comment about the fact that there were
2 six or eight or nine percent other persons that
3 a individual had tried to contact, based on voter
4 registration system, that either had deceased or
5 was no longer there.

6 One, that's a fairly common
7 percentage. And, two -- and the reason for that
8 is that there is a hesitation to take voters out
9 of the system until we have clear evidence that
10 they're no longer a part of the system. And
11 that's -- or no longer voters in that area.
12 That's pretty common around the country.

13 And so anyway, just wanted to make
14 sure that the record's clear, particularly on the
15 last piece, that we're going to run the systems
16 concurrently until we're real comfortable that
17 the new system, in fact, is appropriately
18 reliable.

19 Next on the agenda is Mr. McGhie. And
20 so, if you would start with your list, sir.

21 MR. MCGHIE: Yes. The first thing I

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1 have on my agenda is adoption of petition to
2 recall the Jack Evans Ward 2 council member. And
3 I'd ask that the proposal of the measure and the
4 council representing Mr. Evans come to the table.

5 Okay, beginning with the proposer,
6 could you state --

7 CHAIRMAN BENNETT: Wait one second,
8 please. I'm sorry, thank you.

9 MR. MCGHIE: Beginning with the
10 proposal, can we -- would you please state your
11 full name and address for the record?

12 MR. EIDINGER: Yes, my name is Adam
13 Eidinger.

14 CHAIRMAN BENNETT: You need to turn
15 on the mic.

16 MR. EIDINGER: Okay. My name is Adam
17 Eidinger. Last name is spelled E-I-D-I-N-G-E-R.
18 First name is Adam, A-D-A-M. And I live at 2448
19 Massachusetts Avenue, NW. That's 20008
20 Washington, D.C.

21 CHAIRMAN BENNETT: Okay. Sir?

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1 MR. DINAN. My name is Donald Dinan,
2 and I represent council member Jack Evans'
3 matter.

4 MR. MCGHIE: Okay, but before I begin
5 with the actual approval of the petition, we have
6 a few preliminary matters. We have some, at
7 least one individual that is objecting to the
8 petition. And so I would like to read her
9 statement for the record.

10 And if there's any other preliminary
11 matters that any of the other parties would like
12 to bring to the Board's attention before they
13 make their decision, we'll do that at that time.
14 And anybody that would like to be heard in favor
15 or against the petition, we'll hear that as well.

16 So the first one is from Sherri
17 Kimbel. She is the Director of Constituent
18 Services. And she writes, "I am greatly
19 disturbed by the wording in the recall petition
20 by Jack Evan stating that Evans' staff is corrupt
21 and insinuating that we solicited funds for him.

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1 "This besmirched my reputation. I
2 have done anything remotely corrupt. I
3 understand that this is the statement of those
4 soliciting signatures and I am concerned that if
5 it goes out from BOE there is a complicit
6 perception that BOEE approves this statement.

7 "I feel, and other of my colleagues agree,
8 that this is blatantly unfair and defaming. I
9 wanted the Board to know my feelings about this
10 as they make a decision on this petition and its
11 wording."

12 Now are there any other individuals in
13 this audience that would like to be heard as being
14 opposed to the petition being issued?

15 Okay, are there any individuals that
16 would like to be heard in favor of the petition
17 being issued?

18 MR. EIDINGER: May I speak in regards
19 to this objection?

20 MR. DINAN: Go ahead, yes.

21 MR. EIDINGER: Okay, well for

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1 starters, we don't mean any specific staffer and
2 their language. This is clearly, as it's
3 written, this statement I've proposed here is not
4 the Board of Elections. So I don't think this
5 means that the Board approves of this statement.

6 Jack Evans had ample opportunity reply
7 directly to the statement that we put forward and
8 I don't believe, actually directly addressed it.
9 That was his choice. I also believe that there's
10 ample evidence that staff was directed by Jack
11 Evans to solicit employment by workers for the DC
12 government that actually sent these emailed which
13 had been FOIA'd and had been in The Washington
14 Post.

15 So, to me, that's corrupt because he
16 was using his staff to solicit paid work. So I
17 think this statement is correct. And there's
18 ample evidence of that. And the full point of
19 this recall is to see if the public agrees.

20 If we can get 10 percent of the
21 registered voters in Ward 2 to agree, because I

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1 think that that's where this is being played out.
2 The jury in this is the citizens, and we need to
3 have this opportunity to weigh in on this. It's
4 about corruption.

5 CHAIRMAN BENNETT: Just for the
6 record, let the record reflect, though, that
7 while the Board had no control over what you put
8 in your documents and, in particular, this
9 petition, as you indicated in your, I think, very
10 first couple sentences, this is not a statement
11 that we adopt in any way. I think we could
12 broaden that.

13 But we also don't have the authority
14 to control nor to strike, whatever you happened
15 to put in the petition. And it is across the
16 record that you made that statement. But --

17 MEMBER GILL: So, Mr. Chairman, can I
18 ask just --

19 CHAIRMAN BENNETT: Sure.

20 MEMBER GILL: -- observation on this?
21 We do amend petitions for some to be within the

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1 form. We don't get to the substance of the issue.
2 That's for the voters to decide.

3 But I would say I'm -- I am concerned
4 about a recall petition directed against a
5 politician which, that's part of the job, that it
6 does put the Board of Elections on record with
7 this statement. It's on our letterhead. And in
8 that one sentence I have some concern on in that
9 everything else that's alleged, there's a person
10 who faces the voters and other bodies.

11 But I think it's a leap to throw staff
12 into this. You know, either it's about the
13 council member or it's about a larger
14 organization. But it's -- I just wonder what are
15 limits are.

16 I mean, if somebody wants to allege
17 that a particular council member is an agent of
18 a foreign government, we don't vet that
19 necessarily and I would assume voters are
20 responsible enough. But I feel like this
21 sentence is maybe a bridge too far. I'd like to,

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1 when we have deliberations, I'm just putting
2 folks on notice, I want to discuss it.

3 MR. DINAN: Sure, no problem.

4 MEMBER GILL: The only other comment
5 I have is that when it comes to -- so I assume
6 the answer by council member Evans, it has in
7 here, "During my service on the council, I have
8 supported improving the Ward's green spaces and
9 added dog parks. I championed funding for Stead
10 Park, Francis Field, Rose Park et cetera. --- I
11 assume that's Francis Field?

12 MEMBER LEWIS: I noticed that as well.
13 I thought that was a typo.

14 MEMBER GILL: Okay, so I just wanted,
15 before we -- that is something that I think the
16 Board would be remiss if we sent it out with a
17 typo.

18 CHAIRMAN BENNETT: Okay. Ms. Lewis,
19 do you have -- anything else, Mr. Gill?

20 MEMBER GILL: No, that's it, thanks.

21 CHAIRMAN BENNETT: Okay, Ms. Lewis,

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1 do you have anything?

2 MEMBER LEWIS: I actually have similar
3 sentiments to board member Gill, actually. I
4 mean, obviously this doesn't, I think we'd agree,
5 rise to the level of defamation per se. And, you
6 know, as the petition indicated, no one is named
7 individually.

8 But I think also, as board member Gill
9 said, this does not -- this sentence does not
10 speak to the candidate or the petitioner -- excuse
11 me, the Respondent or the politician himself who
12 does actually have to face the voters. And so,
13 I would like to discuss that in greater detail as
14 well.

15 CHAIRMAN BENNETT: Okay. Do you have

16 --

17 MR. EIDINGER: May I just -- if you
18 pardon me, it's his conduct and how he managed
19 his own staff is the issue here. And for us to
20 express that, we need this statement in there,
21 that this is the problem, is that he's corrupted

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1 his own office.

2 And, you know, I think taking that out
3 would really be unfair to us because that's what
4 we're telling people when we ask them to sign,
5 that we believe he's corrupt. That's what
6 recalls are for. We shouldn't have to wait for
7 the next election to address this matter, and
8 we've waited for the Council to address this
9 matter and it hasn't been satisfactory either.

10 CHAIRMAN BENNETT: If I could maybe
11 paraphrase what I think I heard from both my
12 colleagues is that the issue is not the fact that
13 that's your view. The issue is the fact that it
14 may appear that that is the position or the view
15 of this Board. And that's part of the big
16 concern.

17 I appreciate your point, but I wanted
18 to make clear -- at least, I think, I'm
19 paraphrasing what my colleagues are concerned
20 about.

21 MEMBER LEWIS: Well, I mean, I also

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1 think that, you know, there's potentially a happy
2 median here where we can perhaps take out the
3 word "staff" or -- I mean, there may be things we
4 can think through to, I think, to your point,
5 still try and convey the message and the narrative
6 that you would like to convey but still, from our
7 perspective, at least not seem to implicate
8 discreetly or implicitly other individuals who
9 may not be the real objective, I think, of what
10 it I you're trying here -- to get the will of the
11 voters responds on.

12 CHAIRMAN BENNETT: Mr. Gill, do you
13 have anything further?

14 MEMBER GILL: Just I agree with
15 Dionna. But we'll go back and look at it, to the
16 extent that slight editing or just simply taking
17 out the three words or four words -- "and his
18 staff" -- three words -- and then take out "them"
19 and replace it with "it".

20 So he has corrupted his office by
21 using it to solicit such paid work. I mean, that

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1 keeps it to the focus and it doesn't -- I mean,
2 I don't know how large the staff is for a council
3 member, but this seems to throw a lot of people
4 under the bus and --

5 MR. EIDINGER: Well, to me, it's
6 outrageous that the staff didn't know better,
7 that they shouldn't be soliciting paid work. And
8 that's part of our argument to the District
9 voters, that he should be recalled, is that he
10 actually directed the staff -- and the staff did.

11 The staff could have said, sorry, boss
12 this is illegal, which it is. And yet we have
13 FOIA's letters that have now been released to
14 public that show the staff was involved in the
15 whole operation of soliciting the work.

16 It's not like they weren't involved.
17 So, to take out the staff is weakening our
18 argument to the District voters. And I think it
19 really does need to be in there. I appreciate
20 you're saying about the Board in a previous
21 statement, but it's very clear on the petition

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1 that this is my statement, not the Board's
2 statement.

3 And Jack Evans has his own statement,
4 and it's clear that's not the Board's either. Nor
5 -- I mean, he says he does great things. I didn't
6 vet them. Did you vet -- did you vet -- did you
7 vet everything in John Evans' statement? Is it
8 all true?

9 You know, I mean, he takes credit
10 about his work all the time. So maybe he's doing
11 that again in his statement. I don't think you
12 can touch either one of these statements.
13 Wouldn't you agree?

14 CHAIRMAN BENNETT: Yeah.

15 MR. DINAN: For the record, Mr. Chair
16 and the board, I'm going to reserve my comments
17 on this issue to our defense.

18 CHAIRMAN BENNETT: Great. So in
19 that, I think that you heard the concern of the
20 other board members, going to be critical. We
21 don't write your petition for you. So --

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1 MR. EIDINGER: But I just heard them
2 both say they want to write. They want to take
3 out --

4 CHAIRMAN BENNETT: No, that's not --

5 MR. EIDINGER: -- some of the
6 language. That's writing it. I mean --

7 CHAIRMAN BENNETT: Let me be -- we
8 don't write your petition for you. So -- but we
9 will -- you know, there obviously is some concern
10 about that.

11 I'm not sure. Was there any -- is
12 there any additional discussion/comment?

13 MEMBER LEWIS: Well, I did just want
14 to slightly respond to a point that you raised.
15 You're talking about the individuals in his
16 office. This is a petition to recall the
17 politician, the current council member for Ward
18 2, Jack Evans -- not Jack Evans's office or his
19 staff members.

20 And so while I hear you and I
21 understand what you're saying -- and we're

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1 certainly not trying to provide -- we do want to
2 make sure that the narrative is insulated in a
3 way that it actually gets to the heart and the
4 person that it is directed to.

5 And so, you know, we can't control
6 what messaging you verbally articulate to
7 potential voters or to voters or petition
8 signatories. But in terms of what it says here,
9 we would, I think, discuss with our General
10 Counsel what leeway, if any, because again, this
11 is just a conversation that we have to have.

12
13 We don't even know if we are going to
14 be within our rights to even do such a thing, but
15 these are concerns that we raise. And we wanted
16 to make sure that we put it forth on the record
17 so there are no surprises in the event that there
18 is a potential amendment.

19 But I did just want to address
20 slightly that point about his staff was doing
21 because this isn't a petition, as I understand

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1 it, to recall his staff. It's a petition to
2 recall him.

3 MR. DINAN: His staff would lose their
4 jobs the same day he loses his job. The office
5 would be shut down. So to recall him is to remove
6 him and his staff from their current positions.
7 I've -- there's no other way around it.

8 You can't continue to have staff if
9 he's no longer a council member. The office
10 would be shut down. So it actually does remove
11 his staff. And that's something that we are
12 talking about, is part of the problem is this
13 entire office is corrupt.

14 And they all were complicit in it and,
15 yes, we have the power to recall the man on top.
16 But that means the whole office is shut down. So
17 we want "the staff" in there for that reason
18 because we -- I think the public should know that,
19 that his staff would lose their jobs too.

20 And that's an incentive for people to
21 sign this petition because I think people want

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1 justice here.

2 MEMBER LEWIS: So just to reiterate
3 my point, we can't control what you verbally say
4 to people. But this is something we may have
5 control over in terms of what's in black and in
6 writing that is coming off from our templates
7 from, you know, from our Agency.

8 And so, while we certainly appreciate
9 that, I also just wanted to reiterate the fact
10 that this is the candidate -- or excuse me, the
11 council member himself as opposed to his office,
12 right?

13 While, you know, may, what you said
14 may or may not be true, that's not really our
15 focus. We're just focused specifically for the
16 council member who the petition is the objective
17 for.

18 CHAIRMAN BENNETT: I think --

19 MR. DINAN: Mr. Chair, if I may be
20 heard, I would like to respond to that last
21 statement by Mr. Eiding. First of all, the

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1 entire staff of Mr. Evans' was not mentioned nor
2 implicated nor cast any doubt upon in the credit
3 reports that Mr. Eidinge refers to, which has to
4 do with the emails.

5 So the vast majority of the people are
6 completely, completely innocent. Mr. Eidinge
7 makes this point that if Mr. Evans does leave
8 office, obviously, his staff would leave with
9 him.

10 But these people, most of whom are
11 young, look, they're -- they don't want their
12 careers destroyed. I mean, they're leaning on
13 the job. Very common that the office staff is
14 going to have a job, hooking up with other council
15 members.

16 So while I said I would reserve my remarks
17 to our defense, on that particular point that he
18 just made, I wanted to stress no strenuous
19 objection that the innocent people not be harmed
20 and be harmed in a way that that would fall on
21 them the rest of their lives, particularly young

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1 people who had nothing to do with anything we're
2 discussing here.

3 CHAIRMAN BENNETT: Thank you. Any
4 other questions, Mr. Gill?

5 CHAIRMAN BENNETT: Okay, great.
6 We're sliding into the substance of this, I think,
7 a little bit.

8 MR. DINAN: Okay.

9 CHAIRMAN BENNETT: So, Mr. McGhie, you
10 want to continue? So do you have position with
11 regard to the opponent or proponent, ma'am?

12 MS. DIENER: I'm a proponent of the
13 recall.

14 CHAIRMAN BENNETT: Okay. Would you
15 come up to the podium, please?

16 MR. BIDINGER: I'm the proponent, and
17 this is our treasurer.

18 CHAIRMAN BENNETT: Okay. Would you
19 get -- appoint a mic, sir, to her?

20 MS. DIENER: Good morning. Thank
21 you. My name is Robin Diener. I'm a teacher of

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1 adult literacy. And I'm very interested in words
2 and how things are written.

3 CHAIRMAN BENNETT: Can you give me --
4 can you give your address, please, ma'am?

5 MS. DIENER: My address is Ward 2,
6 1612 Corcoran Street, NW 20009.

7 CHAIRMAN BENNETT: Okay.

8 MS. DIENER: This statement that we
9 wrote says, he, Jack Evans, has corrupted his
10 office and his staff by using them. So they're
11 not saying the staff is corrupt or has done
12 anything independently on their own as individual
13 workers.

14 But they have been corrupted by their
15 boss as doing it. So it doesn't implicate them
16 in wrongdoing. And the specific use of the word
17 corrupt is they were corrupted by -- it's a
18 passive thing or something that was done to them.

19 And this is, in fact, the entire
20 problem. Jack Evans has created the appearance
21 of difficulties, of wrongdoing, of passive

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1 illegality. And that has put a very bad light on
2 the office.

3 And for those of us who live in Ward
4 2, we won't to have someone representing us who
5 is the damaged. Apparently, there are
6 investigations underway. There are things that
7 will be revealed, internal data and perhaps even
8 cleared. We don't know that.

9 But to have put his office and his
10 constituents at such a disadvantage is part of
11 the wrongdoing here. But specifically, with
12 regard to the word corrupt, I believe you will
13 find that is not that -- it is not saying that
14 the individual staff members, who I know really
15 well and who are lovely -- it is not saying that
16 they are corrupt. It is saying they have been
17 corrupted by the boss. So thank you for hearing
18 me.

19 CHAIRMAN BENNETT: All right, thank
20 you. Do you want to continue Mr. --

21 MR. MCGHIE: Sure. Are there any

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1 other preliminary matters or issues that either
2 of the parties would like to bring before the
3 Board before they begin to to address the
4 petition?

5 Is there any -- there are no other
6 letters?

7 CHAIRMAN BENNETT: No, the only thing
8 -- no, you go ahead.

9 MR. MGGHIE: So neither party has any
10 other matters?

11 MR. DINAN: Oh, yes, the -- I thought
12 Mr. Eidinger was going to make this case.

13 MR. EIDINGER: Oh, you want me to make
14 this case? I thought I already did. Okay.

15 CHAIRMAN BENNETT: No, yes.

16 MR. DINAN: All right. Oh, then I do
17 want to speak.

18 CHAIRMAN BENNETT: Yes, but he goes
19 first, right?

20 MR. DINAN: Yes.

21 CHAIRMAN BENNETT: Yes, so pull the

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1 mic to you, sir.

2 MR. BIDINGER: I thought we were just
3 wrapping up this part, so that means I didn't do
4 it right. But, well, you know, I think this
5 statement really is the case is being made.

6 But I personally, on a personal level,
7 I had no idea I'd be doing this until I read
8 reports in the Washington Post, multiple reports,
9 and learned that there is a grand jury
10 investigating this and that for secure documents
11 are going out.

12 And I remember where Jack Evans has
13 played a role in overturning a lot of legislative
14 that has benefitted businesses, legislation that
15 I worked on, ballot initiatives I've worked on.
16 We just went through a process with the minimum
17 wage fight in the City that was terribly
18 disappointing.

19 But that didn't motivate me to do a
20 recall. I want to make that for the record.
21 I've been someone who has been on the opposite

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1 side of political disputes with him for years and
2 sometimes on the same side, things like cannabis
3 reform where he's been really driven.

4 That was all just political
5 disagreement. I think we're at the point now
6 where the District government's reputation is
7 being harmed irreparably as long as he is in
8 office.

9 And I feel that someone who's served
10 in the office over 28 years and has repeated close
11 calls with corruption with basically people
12 paying him for assets, paying him for
13 legislation, that this latest round, with clear
14 evidence of him directing staff to solicit paid
15 work for him, that this is just beyond the pale.
16 It's grotesque.

17 And I knew that there were people
18 talking about recall. And I'm thinking, I know
19 how to do this. I know how to collect signatures.
20 This is something that I think the community needs
21 to do for themselves.

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1 Ward 2 needs to do this for
2 themselves. We need to take back our government
3 from a politician who has lost his way and seems
4 to think it is perfectly fine to personally
5 benefit. Even though it may be legal in some
6 cases, I think, at this point, he's crossed the
7 line into illegality.

8 And we shouldn't have to wait two more
9 years. And really, he should be resigning. He
10 should be stripped of all his powers in the
11 council, and that's not happening. So we have no
12 choice but to bring the recall. And I want to
13 thank the Board for considering the petition as
14 it's written. And that's all I have to say.

15 CHAIRMAN BENNETT: Okay. Go ahead.

16 MR. DINA: Thank you. Good morning,
17 Mr. Chairman, members of the Board. My name's
18 Donald Dinan, and I represent council member
19 Evans.

20 As a preliminary matter, we would say
21 that we very strongly object to the statement of

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1 the submitter. The accusations are false. They
2 were shown to be false. Mr. Evans, it must be
3 remembered, has not been charged with any crime.
4 He has not even been accused from any credible
5 source, any source of crime.

6 There was an investigation ongoing.
7 And as Attorney General Karl Racine has said, the
8 Attorney General's office in the District, is
9 deferring to the federal authorities, as is
10 common, while they conduct an investigation.

11 And the results of this investigation
12 will be what they will be. But we want it on the
13 record that we totally and adamantly object and
14 remark those statements that were just made.

15 Now, as to the petition, we would
16 respectfully request that this board, this
17 notice of intent to recall, must be dismissed.
18 And we say that for the following reasons. It is
19 clear, under D.C. law, that the petitioner, the
20 person who file the Notice of Intent has to be a
21 registered voter in the Ward for which the council

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1 member is to be recalled, in this case, Ward 2.
2 This is D.C. Code Title 1 Section 1001.17 as
3 implemented in DCR, Chapter 11, 100.3(c).

4 Now Mr. Eidinge r has elicited his
5 address in his notice as 2448 Massachusetts
6 Avenue, NW, which is in Ward 2. However, Mr.
7 Eidinge r owns a home at 1858 Mintwood Place, NW
8 Unit 4. The deed was recorded on May 5th, 1999,
9 so he's owned that home continuously since then.

10 Curiously or maybe instructively, Mr.
11 Eidinge r also, at the Office of Tax and Revenue,
12 has claimed and is receiving the homestead
13 deduction. Of course, it would be illegal for
14 someone to take a homestead deduction if they
15 didn't live there.

16 On the other hand, filing a Notice of
17 Intent to Recall and putting down a false address
18 is likewise illegal. For the Board's reference,
19 I have made a copy -- it's Exhibit 1 -- of the
20 OTR showing the homestead reduction. And if I
21 may advance, I would give copies.

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1 Therefore, on the face of these two
2 documents, the one claiming the homestead
3 deduction at the house that he owns and presumably
4 lives, which is in Ward 1, contrasted with the
5 petition, we would submit on just these two
6 documents that there is a severe, severe issue as
7 to whether the petitioner is a registered voter
8 in Ward 2.

9 And that the document submitted is
10 either/or. He can't be in two places at once.
11 But we going further into record, the situation
12 becomes even clearer.

13 In what I'm going to call the Maryland
14 incident, Mr. Eidinger famously announced in
15 April of 2018, publicly, that he was moving --
16 this is a quote as quoted by the Washington Post
17 -- his primary residence to Salisbury, Maryland
18 for the purposes of working against the re-
19 election of Congressman Andy Harris, who Mr.
20 Eidinger blamed for stopping the complete
21 legalization of recreational marijuana in the

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1 District of Columbia.

2 Mr. Eidinger had been a key member, as
3 he just recently stated in this hearing, in
4 attempting and achieving partial legalization
5 recreational marijuana. The article actually had
6 to do -- in the article I sent to the Washington
7 Post April 10th, 2018 -- with whether his daughter
8 could continue to go to DCPS, when she'd just
9 been admitted to the Duke Ellington School, if he
10 was, in fact, moving out of the District -- and,
11 using the phrase primary residence.

12 Mr. Eidinger's ex-wife lives in
13 Virginia. His daughter's a minor. And in that
14 article, Mr. Eidinger was quoted as listing,
15 stating the similar legal address in the
16 District. And he stated that it was Mintwood
17 Place. This is in April of 2018.

18 CHAIRMAN BENNETT: Can you repeat what
19 you just said? I didn't hear what you said. He
20 stated what, sir?

21 MR. DINAN: Oh, he stated that he

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1 still had an address in the District of Columbia,
2 and he stated it was Mintwood Place.

3 CHAIRMAN BENNETT: Okay.

4 MR. DINAN: And that was -- it's in
5 the article I just cited.

6 CHAIRMAN BENNETT: Okay.

7 MR. DINAN: Well, in November 2018,
8 Mr. Eidinger returns to the District of Columbia,
9 at the end of November, after the election. When
10 he returns, he re-registers his driver's license
11 to get his D.C. driver's license.

12 And he lists, and it is listed in
13 public records, on his driver's license that his
14 address is 1858 Mintwood Place. Also, his motor
15 vehicle is registered to the Mintwood Place
16 address.

17 However, within 24 to 48 hours, later
18 Mr. Eidinger goes down and re-registers to vote.
19 And he lists 2448 Massachusetts Avenue as his
20 residence. Thus, he's telling two different
21 government agencies that he lives in two

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1 different places. Well, you can only have one
2 principal address.

3 The -- and if one looks on the, well,
4 on government records, the Board of Elections
5 records, the card, his registration is marked
6 that he has to show proof of residency. In other
7 words, on the left-hand side, it says status. On
8 the right-hand side, my card would say yes. On
9 his it says, "require active ID".

10 He hasn't done this, where it says he
11 hasn't done it yet. Now where does 2448
12 Massachusetts Avenue come from? Mr. Eidinger
13 owns and operates a company known as Mintwood
14 Strategies. Mintwood lists its business address
15 on LinkedIn at Mintwood Place. It lists its
16 business address on Mantra at 2448 Massachusetts
17 Avenue.

18 By the way, there are no business
19 licenses for Mintwood Strategy at either of these
20 addresses. Mr. Eidinger has a partner, an
21 associate, who lives at 2448 Massachusetts Avenue

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1 as a renter, the owner. It's a woman who lives
2 in California and that he uses certain
3 information, I believe he uses that address for
4 business, even though there's no business
5 license.

6 The -- so that's where that address
7 comes from. But in listing where Eidingen
8 actually does business, is that, on July 27th,
9 2018 Mintwood Strategies made a donation to an
10 organization known as Citizens for Kirkland J.
11 Hall, Jr. This was a reported Maryland Campaign
12 Finance report for these Citizens for Mr. Hall
13 filed November 20th, 2018 for the period October
14 22nd to November 13th as reported in the Maryland
15 State Board of Elections.

16 Mintwood Strategies lists, again, its
17 address as Mintwood Place in that donation.
18 Further, Mr. Eidingen, not long after, made a
19 donation to Elissa Silverman's campaign
20 Silverman campaign for this election, past
21 November.

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1 This donation was made October 25th,
2 2018. He listed his address, as reported by the
3 Silverman campaign in their filing with OCF, he
4 listed his address as Mintwood Place. Further,
5 all through the time that he lived in Maryland,
6 he claimed he lived in Maryland, he maintained
7 the homestead deduction -- which you couldn't do
8 if you actually lived in Maryland.

9 Therefore, we would submit that, under
10 the overwhelming preponderance of the evidence,
11 that Mr. Eidinger is not a Ward 2 registered voter
12 and that this Notice of Intent, this petition,
13 must be denied.

14 We further submit, at the very least,
15 that the preponderance of this evidence is that
16 there is a severe question of where he lives and
17 that he does not live on Massachusetts Avenue.
18 And before any action is taken, that question
19 must be answered.

20 We would also point out a couple of
21 other deficiencies. D.C. Code Title 1, Section

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1 1102.04 and 1102.06 make clear that the petition
2 must -- the petitioner must file a Statement of
3 Organization, a verified statement of
4 contributions with OCF in order for the petition
5 form to be approved.

6 DCMR Chapter 11, Section 100.3(g),
7 states that implementing this law must accompany
8 this information, the form must accompany a
9 recall notice in order for the recall to commence.

10 Now, in the file, or at least in the
11 files provided to us and the file that was shown
12 this morning on the revised statement, we see no
13 Statement of organization or verified statement
14 of contributions. And if there are, indeed, not
15 in the file as a clear matter of law, the recall
16 cannot go forward.

17 Finally, and this kind of takes us
18 back to where it really started, I would like to
19 address the language in the petition. The
20 District of Columbia law provides that a recall
21 petition must state a reason for the recall.

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1 The law, though, is also clear, and we
2 go back to 1001.17, Chapter 1, that the petition
3 may not be rejected if the form is incorrect or
4 for matters of form. There are 18 -- there are
5 33 states that require a reason to be given --
6 approximate 18 states of the District of Columbia
7 are known what is not non-reason -- non-
8 specificity reason forms. In other words, the
9 other states, the required reason requires
10 specificity. You have to actually state each
11 thing in detail, et cetera, which can be
12 challenged.

13 In the non-specific jurisdictions, in
14 being candid, say that the law is very -- the
15 case law is kind of all over the place, as Mr.
16 Gill pointed out. However, substance matters,
17 in the D.C. Code, which says for, but it does not
18 say substance, implies and/or as case law from
19 other states say that substance matters may be
20 reviewed.

21 We believe that this is the better

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1 part of the law. And I would state in the
2 following: I will not go over the corrupted
3 language. We've all spoken on that. I think we
4 know what that issue is. I would rather say,
5 though, that if you say somebody has been
6 corrupted, that means they're corrupt.

7 But in Paragraph 1 of petitioner's
8 statement, they make the statement believes that
9 Mr. Evans believes, is that there is no legal,
10 ethical distinction between an elected
11 representative and presuming his own financial
12 self-interests.

13 Based off that -- that's just saying
14 it is metaphysically something that nobody could
15 know, in and of somebody elite that's stating an
16 opinion, an unsubstantiated opinion.

17 But they go on, in Paragraph 2, it
18 says that Evans is -- I'll leave out brazenly --
19 sought work with companies that seek to influence
20 the D.C. government, Metro, et cetera. He has
21 peddled his expertise of swaying his fellow

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1 council or Metro Board members.

2 If one takes the offending emails and
3 looks at them and then looks at this statement,
4 the offending emails say nothing of the sort and,
5 in fact, actually say that Mr. Evans was using it
6 in trying to get a job with a law firm in saying
7 he knew a lot of people in D.C. government.

8 That's legal, under D.C. law. He
9 specifically says, in those emails, that he could
10 not, of course, represent any of these people.
11 So this statement -- and then he wrote it with
12 the corruptive language to his staff -- this
13 statement is false, when you compare the record,
14 or, at very best, very, very misleading.

15 And then finally, on the third
16 paragraph, this states the grand jury -- it's
17 been brought to the attention of a grand jury --
18 that is false. There is no grand jury that's
19 investigating this. U.S. Attorney's Office is
20 investigation. There is no grand jury.

21 So we would submit that one cannot say

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1 in a recall petition things that are
2 demonstrative, beyond a doubt, false or false or
3 severely, severely misleading. Therefore, in
4 conclusion, we believe this petition must be
5 dismissed.

6 The preponderance of the evidence is
7 that Mr. Eidinger is not a Ward 2 registered
8 voter, one. Two, it's a tactical deficiency
9 because he hasn't filed the OCF forms. And,
10 three, we direct the language that he has
11 proposed, being subsequently incorrect, should
12 not be allowed and should be modified if the
13 matter is not dismissed.

14 But, on the residency, you can't be
15 two places at once. And it's kind of like, you
16 know, which law did he break? I mean, he says
17 he's got the homestead exemption. It says he
18 lives there. And he puts down on forms he lives
19 there. The presumption is that he does live
20 there.

21 I want to thank the Board for this

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1 opportunity to be heard. Thank you.

2 MR. MCGHIE: Okay, Mr. Eidinger,
3 normally I would give you a chance. I don't want
4 you to respond right now because Mr. Dinan has
5 made some allegations that can surely say that
6 you lied to the Office of Tax Revenue or you lied
7 to us, and there could be some ramifications with
8 that. So, I don't want you to respond at this
9 time.

10 My thinking right now and my
11 recommendation to the Board would be that this
12 matter needs to be decided at a later time, that
13 you're, obviously, in my opinion you're surprised
14 at these allegations and you need to be given an
15 opportunity to respond.

16 MR. EIDINGER: Well, I would like to
17 respond about a couple of them, at least, because
18 I have my voter registration card right here and
19 it says 2448. And I think there are some really
20 simple explanations to these outrageous
21 allegations that I am doing something incorrect

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1 here.

2 So, you know, you ought to give me at
3 least a chance. I mean, he's had ten minutes
4 here.

5 MR. MCGHIE: No, that's fine.

6 MR. EIDINGER: Okay.

7 MR. MCGHIE: That's up to you.

8 MR. EIDINGER: So, let's start with
9 the one basic thing.

10 MR. MCGHIE: One -- hold on one
11 second. Sorry. Are you going to respond? Any
12 response off of --

13 MEMBER GILL: I think Ken's concerned
14 that his responses may be held against him if
15 somebody else wants to follow up on these things.
16 So just, I guess if you're duly warned -- we'd
17 like to hear your response, but I don't want to
18 be complicit in --

19 MR. EIDINGER: Yes, okay. Well, yes,
20 you can only be registered to vote in one place
21 at a time. And --

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1 (Simultaneous speaking.)

2 CHAIRMAN BENNETT: But let me state -
3 - hold -- if you could stop one second. And what
4 the concern is, is to make sure -- I mean, he
5 made some significant allegations relative to
6 your petition and to your -- not just your
7 credibility, but to a number of different areas
8 where there are issues associated with your --
9 with the legality of your activities.

10 And so, what our General Counsel is
11 concerned about is just to make sure that you're
12 aware that whatever you say today is, indeed, on
13 the record. And we're happy to hear that, but
14 just want to make it clear, to that, okay?

15 MR. BIDINGER: Okay.

16 CHAIRMAN BENNETT: Okay.

17 MR. BIDINGER: So --

18 CHAIRMAN BENNETT: Is there anything
19 else, Ms. Lewis, to that?

20 MEMBER LEWIS: No.

21 MR. BIDINGER: So, yes, I was a Ward

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1 1 voter until April of 2018 when I started renting
2 a house in Salisbury, Maryland to do political
3 work. And I was not employed in Maryland. I am
4 still employed in the District of Columbia.

5 My business is still in the District
6 of Columbia. My daughters still live with me in
7 the District of Columbia. But I was spending
8 three or four days a week in Maryland. And under
9 Maryland law, I, having a license there, I could
10 vote there.

11 So I decided to vote there. I never
12 gave up two residences in D.C. One is 1858,
13 which is where many of these documents are listed
14 because I've owned the property since 1999 --
15 1858 Mintwood Place. And then, since 2013, I've
16 rented a house, which was used as a home office,
17 on Massachusetts Avenue, 2448.

18 And so you have to understand that I
19 sold these properties. I never stopped renting
20 in the District. I just had a third property in
21 Maryland that I was living at -- some of these

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1 most of the week, some of these less. I saw no
2 reason to move my business there because the work
3 -- my business is still being done in the
4 District.

5 I voted in the primary out there. And
6 voted in the general out there. I didn't vote
7 here. That was all lawful. I talked to Maryland
8 election officials about the situation as well,
9 whether I can legally register here. And they
10 said, well, for us, you just have to have an
11 address here. That's all they cared about. So
12 I stopped voting here and I started voting there.

13 Well, on the question of the homestead
14 deduction, I have not filed my 2018 taxes yet.
15 What we do is -- I do an extension typically,
16 which would be about in week or so. So I haven't
17 actually made this transition to the 2448. At
18 least for tax purposes, it has not been filed
19 yet. And it will be immediately like for this
20 coming year, for 2018 because this is the year
21 that's no longer a homestead deduction property

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1 for me.

2 So that will be changing. This is
3 based off of how it was set up in '99. I have
4 multiple bills here including a registration of
5 my business at 2448. This is a notice from the
6 Office of Tax and Revenue. It says Mintwood
7 Strategies, 2448 Massachusetts Avenue, NW.

8 I have a renter's insurance policy
9 here for 2448 Massachusetts Avenue, NW. I have
10 a have a water bill for 2448 Massachusetts Avenue,
11 NW. I'm in the process of changing my ID right
12 now. I just got my tags and I need to go do
13 that. But I do have a D.C. ID. I never gave up
14 my D.C. ID. You don't need a Maryland ID to vote
15 in Maryland.

16 The voting criteria, when you live in
17 another state, usually you --

18 CHAIRMAN BENNETT: You mean, by D.C.
19 ID, you mean your driver's license?

20 MR. EIDINGER: Yes, your driver's
21 license. But I absolutely live at 2448

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1 Massachusetts Avenue. There are people here in
2 the room that will back me up on that. This
3 gentleman here, who comes to my house every day,
4 he's an employee and I do withholding for him at
5 this address, 2448 Massachusetts Avenue.

6 So I just think it isn't even an issue
7 here because the Board has issued me a card.

8 CHAIRMAN BENNETT: If you'll allow me
9 -- sir, if I could -- is your driver's license
10 the Mass Avenue?

11 MR. EIDINGER: No, but I'm in the
12 process of changing that. And I guess because
13 I'm selling this property, okay, so I rented
14 another property. This is a normal thing
15 families do.

16 Also I want to address Duke Ellington.
17 You brought my daughter into this, which is quite
18 frustrating because she's a minor. With that
19 said, my daughter -- I went and met with Duke
20 Ellington. I explained that she spends five
21 nights a week with me in the District of Columbia

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1 and she has a bedroom as following here about.

2 They don't care if it's lived in.
3 They don't care if it's rent-appropriated. They
4 want to know that it's 2448. They don't think -
5 - they just want to know that you're in the
6 District.

7 And she is, and it's perfectly
8 legitimate for her to be going to D.C. Public
9 Schools. And I would like to put that to rest
10 because that has been brought up by politicians
11 across the city who want to attack me for doing
12 activism and trying to drag my daughter into it
13 when, in fact, she's not breaking any rules.
14 We're not breaking any rules.

15 I pay taxes in the city, you know.

16 CHAIRMAN BENNETT: Sir, if you don't
17 mind, I'd like the record not to reflect this
18 also about your daughter. That's certainly a
19 personal matter and we'd like to respect that, so
20 if you could -- I appreciate your honesty --

21 MR. EIDINGER: Yes, sorry. I will

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1 move on. However, I, you know basically decided
2 to vote in another state. It's my right, and I
3 think -- I don't have to sell my property or give
4 up my house in the District, both properties.

5 And at this point, I don't believe I'm
6 violating any Office of Tax and Revenue
7 guidelines for a homestead deduction because I
8 haven't even filed for 2018, and that's the year
9 when things changed. So, you know, I think it's
10 really clear that I have residency here.

11 I would not have registered at this
12 2448 if I wasn't there. That's where I received
13 mail for this. So there is no issue here
14 and, you know, since you didn't know that I have
15 multiple properties in the city, I would
16 understand why you might be a little bit confused.

17 But, you know, owning a property and
18 renting a property, you sometimes use the older
19 property's address for a while because you want
20 to receive mail and you don't want -- you know,
21 I wasn't even sure I would stay at this rental

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1 property that long, and now I'm staying there.

2 So, you know, this was a personal
3 matter, but I'm not registered in two places.
4 I think that should be the key thing here. And,
5 you know, I went to Maryland to fight a
6 congressman who was oppressing the District of
7 Columbia and preventing lawmakers from writing
8 their own laws in the District of Columbia.
9 That's why I went there.

10 But I wouldn't want to give up my life
11 in the District of Columbia, by any means. And
12 many District residents, including Ralph Nader,
13 have apartments, legal in the city, all year long,
14 but still vote in other states. They never gave
15 up their voting rights in those states.

16 So it was kind of maybe the reverse of
17 that, that was taking advantage of my right to go
18 buy a property in another state and vote there.
19 You know, and so there was no double voting. And
20 there was -- that would be something that I think
21 this board should be concerned about, but I wasn't

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1 registered here as a voter while I was registered
2 at home.

3 I just got a notice from Maryland
4 saying -- at this address, 2448 Massachusetts
5 Avenue -- saying please confirm you've moved your
6 voting status back to D.C. And I did. So, you
7 know, you're trying to maybe prove this, but I
8 think -- I'd be happy to bring this up there for
9 you to take a look at them, if it helps.

10 CHAIRMAN BENNETT: Okay, if you could
11 provide it to -- there. Okay, I just wanted to
12 -- thank you. Is there anything else, Mr. --

13 MR. EIDINGER: Yes, are there any
14 questions that the Board might want to ask me?
15 Or you -- is there any confusion on what I just
16 explained, what -- oh, the OCF forms.

17 Okay, so I filed the -- electronically
18 refiled, so I'm surprised you don't have it.

19 CHAIRMAN BENNETT: I'm not -- sir,
20 what are you looking for and that you don't think
21 we have?

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1 MR. EIDINGER: Well, we have a print
2 out of the electronic filing of the statement of
3 organization. That was filed online. And I
4 signed it in-person here. And when Robin came
5 yesterday with -- our treasurer is here -- and
6 she signed the statement of organization. What
7 else is there?

8 MS. DIENER: Right. I'm sorry, but
9 there may actually be an issue here. I
10 apologize. As I explained to the Office
11 yesterday, I've had some family issues with my
12 mother and so forth, you know, the kinds of things
13 that happen in life.

14 And I really did not close attention
15 as I simply did not have wi-fi where I was staying
16 for the past two weeks. I apologize. But it
17 sounds very unprofessional. But there is a first
18 filing report I learned about yesterday. I'm
19 trying to understand.

20 I'm going to have to take a training
21 to be treasurer. I have not had that yet.

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1 That's scheduled for the 9th. And those are
2 schedules -- well, I received notice of it, plus
3 you guys.

4 But I also did not -- and I do not
5 have the email with me from Mr. Wesley Williams
6 in the Campaign Finance Office who says I have
7 ten days -- we have, the Campaign has ten days
8 from Monday, I guess, to file that first report
9 then.

10 So instead, perhaps we should ask for
11 a delay since we didn't have that -- I didn't
12 know that this was already scheduled, so I do
13 apologize for that. It was incorrect.

14 CHAIRMAN BENNETT: Well, I think the
15 issue is the registration.

16 MS. DIENER: Not in the first filing
17 because I believe that Counsel suggested that
18 that first filing was required.

19 CHAIRMAN BENNETT: Ms. Montgomery,
20 can you --

21 MS. COLLIER-MONTGOMERY: Yes.

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1 CHAIRMAN BENNETT: -- clarify what was
2 required?

3 MS. COLLIER-MONTGOMERY: Yes, I asked
4 Wesley --

5 CHAIRMAN BENNETT: Just a little
6 closer.

7 MS. COLLIER-MONTGOMERY: Yes, I asked
8 Wesley Williams, who is the manager of our public
9 information records division to come to the
10 meeting. And basically, they did, in fact,
11 register. The committee registered, filed the
12 statement of organization, but they have not
13 filed the verified statement of contributions.

14 And I would ask Mr. Williams to come
15 forward and verify that on the record.

16 CHAIRMAN BENNETT: Mr. Williams? I'm
17 sorry, ma'am. If you could shift chairs with
18 him. My apologies.

19 MS. DIENER: That's okay.

20 CHAIRMAN BENNETT: Mr. Williams,
21 could you clarify the matter regarding the

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1 registration, financial filing? And, please
2 identify yourself first, for the record.

3 MR. WILLIAMS: Okay. Wesley
4 Williams,
5 Public Affairs Manager for the D.C. Office of
6 Campaign Finance.

7 On September 18th of this year, the
8 committee registered electronically. I mean --

9 CHAIRMAN BENNETT: You mean, not
10 September 18th?

11 MR. WILLIAMS: I'm sorry, March 18th.

12 CHAIRMAN BENNETT: Okay. Thank you.

13 MR. WILLIAMS: My fault. March 18th
14 they registered online. They were provided with
15 a secret code which is the process to register.
16 However, I have no signed copies of the statement
17 of organization nor the statement of acceptance
18 or chairperson.

19 I did receive the statement of
20 acceptance of Treasurer Monday, April 1st. And
21 I did talk to Ms. Diener, spoke with her yesterday

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1 in regards to the requirements that she needs to
2 file the first report and receive signatures as
3 well as provide the signed documentation. So we
4 did speak yesterday.

5 And I also provided emails that I had
6 sent to the email addresses that were provided
7 through registration back in March.

8 CHAIRMAN BENNETT: Okay.

9 MR. WILLIAMS: And I followed up with
10 that. When she filed the statement of acceptance
11 of treasurer, there was a different email
12 address, so I forwarded the emails that I had
13 sent to the other email addresses to her. And
14 then we spoke yesterday.

15 CHAIRMAN BENNETT: Okay, what I am
16 going to do now is I'm going, if you guys wouldn't
17 mind waiting for about 15 to 20 minutes, I'm going
18 to take a quick break without having to adjourn
19 the meeting completely.

20 And then we've got a number of
21 different issues that I'd like to discuss with

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1 the other board members, and then we will come
2 back and determine how best to proceed. Okay?

3 All right, thank you. We'll take
4 about a 20-minute recess.

5 (Whereupon, the above-entitled matter
6 went off the record at 12:18 p.m. and resumed at
7 12:43 p.m.)

8 CHAIRMAN BENNETT: Okay we are back
9 in session from the adjournment. We had
10 opportunity to discuss this carefully. And so at
11 this point, we're going to have to reject the
12 petition because you just haven't met the Office
13 of Campaign Finance filing requirements.

14 MR. EIDINGER: We just filed it. We
15 just did it. It is on file right now.

16 CHAIRMAN BENNETT: Well, but you
17 didn't meet them when you filed this petition,
18 sir.

19 MR. EIDINGER: But the treasurer's
20 mother isn't -- is gravely ill and could not make
21 it here last week when she was supposed to be

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1 here. But short of last week, thinking that
2 everything was all done, turns out it wasn't.
3 Now it is. It is, it's all filled out and -- as
4 of today.

5 (Simultaneously speaking.)

6 CHAIRMAN BENNETT: Yes, I sincerely -
7 - I mean, I certainly -- and I, with regard to
8 that, but unfortunately the requirements just
9 weren't met, and so you can refile.

10 And in addition, there being a number
11 of things brought today that I think that you, at
12 least you know they're coming and so we'd need to
13 make sure that those things are addressed. But,
14 unfortunately, you know, when the petition was
15 filed, the requirements, the OCF, the Office of
16 Campaign Finance filing requirements weren't met,
17 so --

18 MR. EIDINGER: So are you saying we
19 have to start the whole process over? Or can't
20 we just continue with this petition? Because the
21 filing, it is on file. It is dated today. I

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1 mean, we just left OCF. It's all there.

2 CHAIRMAN BENNETT: Yes, but --

3 MR. EIDINGER: But can you ask Wesley
4 to come and maybe say, I have everything required?
5 Because he would say that, I think, right now.

6 CHAIRMAN BENNETT: Well, it was not
7 filed as required. And so that's the thing that
8 -- the challenge. So, yes, you will have to
9 start the process again.

10 And my -- I wish I had a different
11 answer for you just for the, just because I
12 understand and appreciate the hardships you guys
13 have been through. But --

14 MS. DIENER: But we can we file?

15 CHAIRMAN BENNETT: Yes.

16 MS. DIENER: So I appreciate that.

17 And --

18 CHAIRMAN BENNETT: And my
19 recommendation is also for you to -- also to speak
20 with the attorney with the Board of Elections to
21 ensure that the filings that are required are, in

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1 fact, done in a timely way with the Board of
2 Elections --

3 MS. DIENER: And I will have the
4 opportunity to have taken that training, so that
5 sounds good.

6 CHAIRMAN BENNETT: Yes, okay, great.

7 MR. EIDINGER: I just want to say, for
8 the record, the Board didn't do anything wrong
9 here, okay? This was a matter, a life and death
10 matter that Robin was going through and was
11 unavailable at this time.

12 She came here yesterday, asking, to
13 make sure everything was in order. And she was
14 told when she left that she had ten days to file
15 the OCF initial filing -- from today.

16 So now we're being punished because
17 that wasn't filed, but we got information from
18 the Board, from the OCF yesterday. You were told
19 yesterday you had ten days. And had Wesley just
20 simply said, you don't have this filing room
21 within -- by tomorrow, we could have -- she could

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1 have done that here yesterday.

2 So I see this --

3 MS. DIENER: It's okay.

4 MR. EIDINGER: no, it's not okay

5 because --

6 MS. DIENER: No, I mean --

7 MR. EIDINGER: -- we are losing time
8 on the recall. There's only the third year that
9 we can do this. And you're pushing back a
10 potential election that we would be able to bring
11 on the recall by not issuing this today.

12 So I'm asking you, why don't you just
13 call someone in from OCF right now? They'll tell
14 you that we have all of our paperwork on file.

15 CHAIRMAN BENNETT: Sir, for the
16 record, your -- and that's why I think the
17 training is necessary -- your statement's
18 relative to what was required and not just is it
19 correct. And so I, you know my -- well, you can
20 proceed as you wish. But your statements just
21 aren't correct relative to the filing

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1 requirements, so.

2 MS. DIENER: Well, for my part I
3 acknowledge I did wrong here. And thank you for
4 your indulgence and the fact that we can move
5 forward. We'll just do that. So thank you.

6 CHAIRMAN BENNETT: Thank you.

7 MS. DIENER: Thanks for giving us this
8 amount of time.

9 CHAIRMAN BENNETT: Sure. Go ahead.

10 MEMBER LEWIS: I do think it is just
11 worth noting or maybe reiterating that there were
12 some matters that were raised today that should
13 be addressed in whole. And so, while there is
14 one component, I think -- there's timeliness of
15 the filing.

16 I think that there are some other
17 things that parties should probably look at to
18 see if there are things they need to address in
19 addition to a timely filing or not as well.

20 MS. DIENER: Note taken, indeed.
21 Thank you.

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1 CHAIRMAN BENNETT: Thank you. Is
2 there anything else? I don't think there's any
3 other matters we need to address at this point on
4 this matter.

5 So the petition is rejected based on
6 the failure to properly file with the Office of
7 Campaign Finance.

8 MR. DINAN: Okay. Thank you, Mr.
9 Chairman.

10 CHAIRMAN BENNETT: Thank you. The
11 next item on the agenda is --

12 MR. MCGHIE: Proposed --

13 CHAIRMAN BENNETT: -- the proposed
14 rulemaking. Mr. McGhie?

15 MR. MCGHIE: Yes. The next item is -
16 - the next is the proposed rulemaking to amend
17 the Chapter 5 voter registration. The purpose of
18 the amendment to subsection 511.2 is to clearly
19 enumerate the agencies that serve as voter
20 registration agencies in the District of
21 Columbia.

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1 So the -- under the existing federal
2 and District of Columbia provisions, any agency
3 of the District of Columbia government that
4 provides with assistance or that operates or
5 funds programs primarily engaged in providing
6 services to persons with disabilities shall serve
7 as a voter registration agency.

8 Additionally, as needed or desired,
9 the mayor or the council of the District of
10 Columbia may designate additional agencies as
11 voter registration agencies. But such
12 designations are optional. So these regulations
13 just give a list of all of the designated voter
14 registration agencies thus far.

15 And the next --

16 CHAIRMAN BENNETT: Can you hold -- do
17 you want to vote on that?

18 MR. MCGHIE: Yes. I would ask the
19 Board to entertain a motion to adopt this as
20 proposed rulemaking that would be published in
21 the DC Register for a 30-day comment period.

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1 CHAIRMAN BENNETT: Do you have any
2 questions, Ms. Lewis?

3 MEMBER LEWIS: No.

4 CHAIRMAN BENNETT: Mr. McGhie -- Mr.
5 Gill? Sorry.

6 MEMBER GILL: No.

7 CHAIRMAN BENNETT: Okay, I need a
8 someone to motion.

9 MEMBER LEWIS: So moved.

10 MEMBER GILL: Second.

11 CHAIRMAN BENNETT: It's been properly
12 moved and seconded, and it's unanimous, so that
13 we can put forward this proposed rulemaking.

14 MR. MCGHIE: Okay.

15 CHAIRMAN BENNETT: Next item?

16 MR. MCGHIE: Next item is a second
17 emergency of proposed ruling. It's a Chapter 5
18 administration. The first notice of emergency
19 of proposed rulemaking to adopt the minutes to
20 Chapter 5 on the registration. It was published
21 in the DC Register on December 28th.

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1 The purpose of the proposed amendment
2 was to provide means for voters who are victims
3 of covered offenses or covered employees as
4 defined in the Address Confidentiality Act of
5 2018 to make their voter records confidential.

6 So we initially had proposed this as
7 an emergency of proposed rulemaking. And during
8 the comment period, we received comments from the
9 mayor's newly created office dealing with Address
10 Confidentiality. They requested that some
11 additional provisions be put in.

12 So we're putting it out again as a
13 second emergency in proposed rulemaking. So I'm
14 asking, at this time, that the Board entertain a
15 motion to adopt this second emergency of proposed
16 rulemaking for a 30-day comment period. Thank
17 you.

18 CHAIRMAN BENNETT: Okay, can I get --
19 do you have any questions, Mr. Gill, Ms. Lewis?

20 MEMBER GILL: No.

21 MEMBER LEWIS: No.

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1 CHAIRMAN BENNETT: Can I get a motion?

2 MEMBER LEWIS: So moved.

3 MEMBER GILL: Second.

4 CHAIRMAN BENNETT: It's been properly
5 moved and seconded, unanimous. Please go forward
6 with proposed rulemaking.

7 MR. MCGHIE: Okay. The last rulemaking
8 that I have is proposed rulemaking to amend
9 Chapters 30, 34, 37, and 99 of DCMR, and these
10 are the proposed rulemaking as promulgated by the
11 Office of Campaign Finance. So I will defer it
12 to them to explain the reasons for these proposed
13 amendments.

14 CHAIRMAN BENNETT: Okay, Mr. Sanford?

15 MR. SANFORD: Good afternoon, Mr.
16 Chairman and distinguished board members.
17 William Sanford, General Counsel for the Office
18 of Campaign Finance.

19 As general counsel, again, reported,
20 we are requesting that the Board approve
21 amendments to Chapters 30, 34, 37 and Chapter 99.

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1 Briefly, Chapter 30 is the chapter in the Title
2 3
3 District of Columbia Municipal Regulations that
4 covers political committees.

5 That chapter is amended to include
6 Fair Elections Committees and their requirements,
7 just like all these chapters are taking amended
8 to cover the provisions of the Fair Elections
9 Program.

10 Chapter 34 is a chapter that
11 addressing recordkeeping and audit procedures.
12 That is being amended to include the provisions
13 of the Fair Elections Program .

14 Chapter 37 is the chapter that
15 addresses informal hearings and the issuance of
16 funds. That chapter is also being amended to
17 include the Fair Elections Program.

18 And finally, Chapter 99 is a
19 definitions chapter, and that is being amended to
20 include terms that are specific to the Fair
21 Elections Programs such as terms of verification,

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1 qualified government contributors, base amounts,
2 matching funds. Terms that not only apply to the
3 fair elections program.

4 So we will now ask the Board to approve
5 these amendments and propose this proposed
6 rulemaking.

7 CHAIRMAN BENNETT: Any questions, Ms.
8 Lewis?

9 MEMBER LEWIS: No, thank you.

10 CHAIRMAN BENNETT: Mr. Gill?

11 MEMBER GILL: No.

12 CHAIRMAN BENNETT: Okay, go ahead.
13 Motion?

14 MEMBER LEWIS: So moved.

15 MEMBER GILL: Second.

16 CHAIRMAN BENNETT: Properly moved
17 and seconded to actually go forward as proposed
18 rules.

19 MR. MCGHIE: Thank you. Okay, the
20 last matter I have on the line agenda is
21 litigation of and status update, and that deals

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1 with the Graham v. the D.C. Board of Elections
2 matter.

3 And as the Board is familiar, that
4 matter dealt with Referendum 008. The parties
5 have filed a complaint in Superior Court
6 challenging the Board's formulation, the notice
7 and whether or not it was a proper subject.

8 The Superior Court ruled in favor of
9 the challenger on all matters except for whether
10 or not it was a proper subject for the initiative
11 which was Count 2, and they, the Superior Court
12 held onto that matter.

13 And just recently, as of yesterday,
14 all the parties agreed to voluntarily dismiss
15 that matter. So there is no more issue in
16 Superior Court dealing with whether or not it's
17 a proper subject for an initiative.

18 The only items that are still
19 understanding are the ones that are entered in
20 the Court of Appeals that deal with the notice
21 and standing. So we are still waiting on a

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1 briefing schedule from the Court of Appeals. And
2 as soon as we get a briefing schedule on the issue
3 of notice of standing, I will let the Board know.

4 CHAIRMAN BENNETT: Okay. Any
5 questions?

6 MEMBER LEWIS: No, thank you.

7 CHAIRMAN BENNETT: Mr. Gill?

8 MEMBER GILL: No questions.

9 CHAIRMAN BENNETT: Okay.

10 MR. MCGHIE: That concludes my
11 matters.

12 CHAIRMAN BENNETT: Great. Okay,
13 we're down to Number 7, public matters. Do we
14 have any matters from the public for the Board?

15 MS. BRIZILL: Good afternoon. My
16 name is Dorothy Brizill. I'm Executive Director
17 of DC Watch. We're based at 1327 Girard Street,
18 NW. I have a question for Ms.
19 Collier-Montgomery. I have --

20 CHAIRMAN BENNETT: Is your mic on, Ms.
21 Brizill?

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1 MS. BRIZILL: Yes.

2 CHAIRMAN BENNETT: Okay. Very good.

3 MS. BRIZILL: I have reviewed the
4 order that your office issued regarding Brandon
5 Todd, OCF 2018-002, in which you have made a
6 determination that he used government or council
7 resources to assist a political campaign in Ward
8 4.

9 And you had made the -- imposed a fine
10 and made recommendations regarding ethics
11 training. I a procedural question to ask you.
12 Do you know whether or not Mr. Todd has agreed to
13 pay the fine, whether or not he's appealing and
14 whether or not he plans to take ethics training?

15 MS. COLLIER-MONTGOMERY: Okay, he
16 certainly has a certain period of time within
17 which to pay the fine. And I'll just ask Mr.
18 Sanford --

19 CHAIRMAN BENNETT: Cecily, can you
20 please turn up your microphone?

21 MS. COLLIER-MONTGOMERY: I'm sorry.

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1 And I would ask Mr. Sanford to respond in full.

2 MR. SANFORD: Well, good afternoon.
3 Again William Sanford. The respondent in this
4 matter, council member Todd, has 15 days from the
5 date of receipt of the order to appeal the
6 decision of the Office of Campaign Finance. And
7 he has an additional ten days from that date to
8 pay any outstanding fines.

9 Those periods are still pending and so
10 we would have, I believe, until the end of this
11 week to file his appeal and possibly an additional
12 ten days from this Friday to pay the fine.

13 In the event that he fails to pay the
14 fine or file the appeal, then there would be a
15 period during which the Office could commence
16 that there be intention of a petition for
17 enforcement in the D.C. Superior Court.

18 And by doing that, we would refer the
19 matter to the Board's General Counsel who would
20 schedule pre-hearing conferences, hopefully, to
21 try to resolve it. In the event it is not

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1 resolved and the respondent has not shown good
2 cause for not resolving the issue, the matter
3 would be taken by the Board's General Counsel to
4 the D.C. Superior Court for enforcement.

5 MS. BRIZILL: I have a follow up point
6 of inquiry. Immediately -- almost immediately
7 upon issuance of the order, when it became public,
8 Mr. Todd was asked to respond to the OCF order.
9 And what he did in response was direct his Council
10 staff to respond on his behalf.

11 Now, as you know, there is a clear
12 line that is drawn between a council member using
13 his paid government workers to become involved in
14 a campaign matter, which this was clearly a
15 campaign matter. And then as recently as
16 yesterday, he was continuing to do that.

17 My question to you, is that -- would
18 you consider that a separate and additional
19 violation of ethics or campaign finance laws? Or
20 which could, this newest violation just added
21 onto this particular matter in this issue be

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1 reissued?

2 MS. COLLIER-MONTGOMERY: Well,
3 certainly our statute is limited to the use of
4 government resources to support or oppose
5 campaign related activities. So that may be
6 more or less an ethics as opposed to an issue
7 under the Campaign Finance Act.

8 MS. BRIZILL: So the question would
9 be whether or not he's using staff to support or
10 oppose a candidate as opposed to using staff
11 relative to the campaign?

12 MS. COLLIER-MONTGOMERY: I thought
13 that your question was with respect to his
14 responding to the order, which was entered by the
15 Office of Campaign Finance and whether he was
16 using this -- inappropriately using staff to
17 respond to questions about that order.

18 MS. BRIZILL: Right.

19 MS. COLLIER-MONTGOMERY: Okay, so
20 what I was indicating was that our statute
21 addresses the use of government resources to

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1 support candidates or to oppose candidates for
2 office. And so I was saying that I didn't think
3 that that conduct would necessarily -- or that
4 act -- would fall within the parameters of our
5 statute.

6 MS. BRIZILL: Okay, thanks.

7 CHAIRMAN BENNETT: Thank you. Any
8 other matters from the public for the Board?
9 Seeing and hearing none, this meeting is
10 adjourned. Thank you.

11 (Whereupon, the above-entitled matter
12 went off the record at 1:02 p.m.)

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