

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

THURSDAY

MARCH 12, 2020

+ + + + +

The District of Columbia Board of Elections convened a Regular Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 11:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair  
MICHAEL GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director  
LINDA JOHNSON, Assistant to the Executive Director  
WILLIAM SANFORD, General Counsel of

Office of Campaign Finance

TERRI D. STROUD, General Counsel

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

(11:53 a.m.)

CHAIRMAN BENNET: Okay. It is 11:55 on March 12, 2020, and I call the meeting to order. I ascertain there's a quorum.

Board Member Karen Greenfield is absent and will be absent during this meeting. Board Member Mike Gill to my immediate right is here. So, that represents two Board Members which is a quorum.

And I'm Michael Bennet, Chair of the Board and I'm here. Let me also introduce to my left is Ms. Alice Miller, Executive Director of the Board of Elections.

To my far right is Mr. William SanFord who is the general counsel of the Office of Campaign Finance and is sitting in for Director Cecily Montgomery today who is out ill. And to his left is Ms. Terri Stroud, General Counsel of the Board of Elections.

The first order of business is to adopt the agenda for the day. And also, I'd like

1 to at the same time adopt the minutes from the  
2 meeting, from the February meeting. So, can I  
3 get a motion from Mr. Gill?

4 MEMBER GILL: I move to adopt today's  
5 agenda and the meeting minutes from February 5th.

6 CHAIRMAN BENNET: Okay, it's been  
7 properly moved, I second. And having second  
8 unless there is a nay both are approved  
9 unanimously.

10 Can you hear us okay, to the reporter?  
11 Are you able to hear us okay? Great, thank you.  
12 Any Board matters, Mr. Gill?

13 MEMBER GILL: No Board matters, thank  
14 you.

15 CHAIRMAN BENNET: Okay, great. None  
16 from me today. The Office of Campaign Finance  
17 report will be provided by Mr. William SanFord.  
18 Mr. SanFord.

19 MR. SANFORD: Good morning, Mr.  
20 Chairman and distinguished Board Member Michael  
21 Gill. My name is William SanFord. As you know,  
22 I am sitting in for our Director Cecily Collier-

1 Montgomery.

2 On February 5, 2020, the Office of  
3 Campaign Finance provided testimony on the Fiscal  
4 Year '19 performance report and the Fiscal Year  
5 '19 performance plan during a performance hearing  
6 before the Committee on Judiciary and Public  
7 Safety before the Council of the District of  
8 Columbia.

9 In addition, the Fair Elections  
10 Program fact sheet for the Ward 2 June 16th  
11 special election was published on the OCF website  
12 on January 27th. OCF 2020 scheduled a training  
13 seminar was published at the OCF website on  
14 January 30, 2020.

15 A list of candidates in the Fair  
16 Elections Program was published at the OCF  
17 website on January 31st. February 20th Fair  
18 Elections Program Committee convened to discuss  
19 the recommendations that the Committee had made  
20 going forward.

21 And on March 9, 2020, candidates of  
22 the Fair Elections Program and the Traditional

1 Campaign Finance Program candidates were  
2 published at the OCF website.

3 In terms of community outreach, the  
4 community outreach for the month of February 2020  
5 for the Fair Elections Program consisted of  
6 visits to five ANC community meetings which  
7 included ANC 8A on February 5, 2020; ANC 4C on  
8 February 12, 2020; ANC 3F on February 18, 2020;  
9 ANC 2A on February 19, 2020 and ANC 7B on  
10 February 20, 2020.

11 In February a total of 43 candidates  
12 were registered in the Fair Elections Program and  
13 there was one withdrawal leaving a total of 42  
14 candidates. Three new candidates registered in  
15 February.

16 They included the following  
17 individuals. Nate Brown 2020, At-Large Council  
18 Member registered on February 4, 2020. Will  
19 Merrifield, D.C. At-Large Council Member  
20 registered on February 12, 2020.

21 And Monica Palacio for City Council  
22 At-Large registered on February 12, 2020. The

1 following candidates were sent forward in the  
2 Fair Elections Program in February.

3 Friends of Christina Henderson,  
4 Council Member At-Large certified on February 14,  
5 2020. Markus for DC, Council Member At-Large  
6 certified on the 21st of February 2020. Let's  
7 Reid 2020, State Board of Education for Ward 8,  
8 February 19, 2020.

9 For the special election, Jordan  
10 Grossman was certified for Ward 2 special  
11 election on February 18, 2020. And Kishan Putta  
12 was certified for the Ward 2 special election on  
13 February 25, 2020.

14 In total a sum of \$450,888.05 was  
15 distributed in various amounts and matching  
16 payments during February of 2020 under the Fair  
17 Elections Program. And the specifics regarding  
18 the individual distributions are posted at the  
19 OCF website.

20 The Fair Elections Program conducted  
21 a total of 38 desk reviews in February, issued  
22 private requests for additional information and

1 issued one referral to the Office of the General  
2 Counsel.

3 On June 2nd, the June 2, 2020, primary  
4 election included 19 candidates registered under  
5 the Fair Elections Program, nine of which were  
6 certified as participating candidates.

7 The June 16, 2020, special election  
8 included six candidates registered under the Fair  
9 Elections Program, two of which were certified as  
10 participating candidates.

11 The November 3, 2020, special election  
12 includes 17 candidates registered in the Fair  
13 Elections Program. Three candidates are  
14 certified as participating candidates.

15 As of February 29, 2020, a total sum  
16 of \$1,193,812.70 has been distributed or  
17 disbursed in various amounts and matching  
18 payments to 15 candidates certified under the  
19 Fair Elections Program.

20 And upon looking at the Records  
21 Management Division there is one legal defense  
22 fund which was recorded prior. It was reported



1 and that fund did file its report timely.

2 The principal campaign committees and  
3 PACs which were required to file their reports on  
4 January 31st, totaled 134 recorded filers, 117  
5 timely filed and 17 were referred to the Office  
6 of General Counsel for failure to timely file.

7 Under the Fair Elections Program a  
8 total of 38 recorded filers were required to file  
9 their reports on the 31st of January. Twenty-  
10 eight timely filed, ten failed to timely file  
11 their reports and those ten were referred to the  
12 Office of the General Counsel.

13 There were three independent  
14 expenditure directives that were required to file  
15 their reports on January 31st and all three  
16 timely filed their reports. All three filed  
17 their reports electronically.

18 There were seven initiative referendum  
19 committees that were required to file their  
20 reports on January 31st. Four timely filed,  
21 three were referred to the Office of the General  
22 Counsel for failure to timely file their reports.

1                   There was one report collecting that  
2 was required to file its report on January 31st.  
3 That committee did timely file.

4                   Under new candidates in the Fair  
5 Elections Program there were a total of six new  
6 candidates. They include the following  
7 individuals.

8                   Jack Evans 2020, Ward 2 City Council,  
9 Jack Evans, Ward 2 City Council. Trayon White,  
10 re-elect Trayon White 2020, Ward 8 City Council.

11                   Nate Brown, Nate Brown 2020 At-Large  
12 City Council. Will Merrifield, Will Merrifield,  
13 D.C. At-large City Council and Monica Palacio for  
14 City Council At-Large was the final candidate in  
15 the Fair Elections Program.

16                   Under the Judicial Program there were  
17 nine new registrants. They include the following  
18 individuals. Dorothy Douglas, candidate for U.S.  
19 Senate.

20                   Milton Hardy, candidate for Ward 7  
21 Chairman of D.C. Republican Party. Travis  
22 Korson, candidate for Ward 6, Chairman of the

1 D.C. Republican Party.

2 Asar Mustafa, candidate At-Large City  
3 Council. Donald Green, candidate U.S.  
4 Representative. Brook Pinto, Brook Pinto for  
5 Ward 2 City Council. Brook Pinto, Brook Pinto  
6 for Ward 2 City Council special election.

7 Eleanor Ory, Committee to Elect Ory  
8 for Senate. And Frederick Hill, Fred Hill for  
9 Ward 8 City Council.

10 There were two new initiative  
11 committees that were registered in February. And  
12 they include Community Health and Safety Campaign  
13 and U.S. Citizens Recovery Initiative Alliance  
14 Incorporated.

15 During the month of February the  
16 Office of Campaign Finance conducted two entrance  
17 conferences. The first was conducted on the 12th  
18 of February in 2020. There were nine  
19 participants.

20 And the second conference was  
21 conducted on the 26th of February and there were  
22 11 participants. The information regarding the

1 individual participants will be posted at the OCF  
2 website.

3           During the month of February the  
4 Reports Analysis and Audit Division conducted 40  
5 desk reviews and issued 23 audit letters and made  
6 two referrals to the Office of the General  
7 Counsel.

8           There were two ongoing Full Field  
9 Audits. They included DC Legal Defense Fund for  
10 Jack Evans. The audit notification letter was  
11 issued on February 18, 2020.

12           There were random periodic audits of  
13 candidates in the upcoming 2020 election. The  
14 candidates who were audited include the Re-elect  
15 Brandon Todd 2020 campaign. That was initiated  
16 on September 4, 2019.

17           Friends of Robert White; Veda for Ward  
18 7; Richard Campbell, Ward 8 City Council; and  
19 Committee to Elect Rogers for Council. The audit  
20 notification letters on the last few candidates  
21 and committees were issued on February 10th.

22           Periodic random audit of political

1 action committees based upon the January 31st  
2 audit were issued to Verizon Communications Inc.  
3 Good Government Club PAC; DC Libertarian Party,  
4 Firefighter's Committee on Political Activities  
5 and the Greater Washington Board of Trade.

6 And those audit notification letters  
7 were issued on February 10, 2020. During the  
8 month of February 2020, the Office of the General  
9 Counsel received 34 referrals from 22 hearings  
10 and issued 22 orders which included the  
11 following.

12 Four orders were issued for failure to  
13 timely file reports in which the fines were  
14 suspended. Seventeen orders were issued for  
15 failure to timely file a report in which a total  
16 of \$28,150 in fines were imposed. A Board Oder  
17 was issued vacating the referral.

18 During the month of February 2020 the  
19 Office of the General Counsel imposed a total of  
20 \$28,150 in fines against the following  
21 respondents. Friends of Courtney Snowden, a fine  
22 of \$2,250 was imposed.

1 Carter At-Large a fine of \$1,850 was  
2 imposed. Melik At-Large a fine of \$1,850 was  
3 imposed. Justin Green At-Large a fine of \$1,850  
4 was imposed.

5 Lannette Woodruff, School Board a fine  
6 of \$250 was imposed. Committee to Elect Natalie  
7 Williams a fine of \$1,850 was imposed. Seniors  
8 United PAC a fine of \$450 was imposed.

9 Money Supply Increase a fine of \$1,800  
10 was imposed. D.C. Recovery Act a fine of \$1,800  
11 was imposed. D.C. Choice a fine of \$2,000 was  
12 imposed.

13 Holmes for D.C. a fine of \$1,900 was  
14 imposed. Committee to Elect Professor Alpha Bah  
15 a fine of \$1,900 was imposed. Toliver for Ward 8  
16 a fine of \$1,900 was imposed.

17 Committee to Elect Shawn Patterson a  
18 fine of \$1,900 was imposed. Committee to Elect  
19 Khalid Pitts a fine of \$1,900 was imposed.

20 Dustin Canter for DC Mayor a fine of  
21 \$1,900 was imposed. And Nate Brown for Ward 8 a  
22 fine of \$1,000 was imposed.

1                   During the month of February the  
2                   Office of Campaign Finance collected a \$100 fine  
3                   from Gayle Carley for Ward 5 in accordance with  
4                   an installment payment plan that had been reached  
5                   with that, Carley in the 2018 election.

6                   During the month of February the  
7                   Office of the General Counsel received one  
8                   request for an investigation. The complainant  
9                   was the Committee to hold Jack Evans accountable,  
10                  Adam Eiding, Chairman that was received on  
11                  February 3, 2020.

12                  The respondent is the DC Legal Defense  
13                  Committee for Jack Evans. The allegation is the  
14                  unlawful use of legal defense committee, of a  
15                  legal defense committee. That matter was  
16                  referred to the Reports Analysis and Audit  
17                  Division.

18                  During the month of February there  
19                  were no reports for interpretative opinions and  
20                  no show cause proceedings were conducted. And  
21                  that should conclude my report.

22                  CHAIRMAN BENNET: Thank you, Mr.

1 SanFord. Any questions, Mr. Gill?

2 MEMBER GILL: No. No questions.

3 Thanks, Bill. I guess, one way to look at this  
4 is we have a lot of interest in running for  
5 office which we should be happy about.

6 I know candidates and their treasurers  
7 are required to take classes about the system  
8 before they are allowed to file. So, everyone  
9 knew this was coming.

10 I guess I'm just observing that's a  
11 lot of fines and a lot of folks not paying  
12 attention to everything.

13 MR. SANFORD: Each order indicates if  
14 the respondent attended the training and  
15 certified that they would comply with the rules  
16 of the Office of Campaign Finance.

17 CHAIRMAN BENNET: Okay. The only  
18 other thing, I don't have any questions.

19 But at the April meeting what I would  
20 like to do in regards to the Fair Elections  
21 Program is to have some level of report with,  
22 regarding the debate process that we're



1 responsible for and where we are and what, since  
2 that's a new process and a new program  
3 responsibility that the Office of Campaign  
4 Finance had in April we should report on where we  
5 are with that.

6 I think there will at least be one or  
7 so debates that we're required to provide. And  
8 if there are none that we are required to provide  
9 we need to report that as well.

10 MR. SANFORD: I will provide that  
11 information at the next Board meeting.

12 CHAIRMAN BENNET: Yes, that would be  
13 fine, yes. I understand we're still in the  
14 planning process as it relates to that. But I  
15 just wanted to give everybody a heads up.

16 Next on the agenda is the Executive  
17 Director, Ms. Miller.

18 MS. MILLER: Thank you, Mr. Chairman.  
19 First item under my agenda you see we have some  
20 polling place final relocations and I think a  
21 couple temporary moves.

22 Mr. Arlin Budoo, our facility

1 operations manager will put these on the record  
2 for the Board and ask for the Board's approval on  
3 these polling site locations.

4 MR. BUDOO: Good morning.

5 CHAIRMAN BENNET: Good morning.

6 MR. BUDOO: My name is Arlin Budoo,  
7 for the Board of Elections. First, I would like  
8 to start with Precinct Number 29. I am proposing  
9 that we relocate to the Second District Police  
10 Station.

11 It was not available for the 2018  
12 primary and general election due to scheduled  
13 renovations. We then moved to the Washington  
14 Hebrew Congregation located at 3935 Macomb Street  
15 NW.

16 The renovations have been completed at  
17 the Second District Police Station and we are  
18 recommending that we relocate that back to the  
19 Second District Police Station located at 3320  
20 Idaho Avenue NW.

21 I want to make a note that the  
22 Washington Hebrew Congregation was not available

1 for the scheduled primary actually due to other  
2 events that they have scheduled at that location.

3 So, therefore I propose that we  
4 relocate to the Second District Police Station at  
5 3320 Idaho Avenue and we will be using the  
6 community room. The facility is accessible.

7 There is street parking and the voting  
8 space is good. It is approximately two blocks  
9 from the previous polling place.

10 The next precinct is Precinct Number  
11 58. As you are aware, Ward 6 Council Member,  
12 Charles Allen voiced concern of the use of  
13 Metropolitan Police Department precincts as  
14 polling places.

15 The folks at the police station are  
16 located at 6001 Georgia Avenue. We would now  
17 relocate, I would now propose that we relocate to  
18 the Emery Heights Community Center located at  
19 5701 Georgia Avenue.

20 We currently use Emery Heights  
21 Community Center as an early voting center. The  
22 site is accessible. We will be using the

1       gymnasium.

2                   There is a parking lot and off the  
3 street parking at the location as well. And it's  
4 approximately three blocks from the current  
5 polling place.

6                   The next precinct is Precinct Number  
7 89. This was presented to the Board in December  
8 of 2019. And we put it on the table until the  
9 renovations have been completed at the current  
10 site.

11                   We currently are sharing space with  
12 Precinct Number 88 at Eastern Market. And as you  
13 are aware, there was a large crowd during the  
14 last general election in 2018.

15                   We will ask to relocate either  
16 Precinct 88 or Precinct 89. Go to Precinct 89  
17 attorney, Ms. Terrica Jennings at which time she  
18 was able to do a survey.

19                   At the time that we went for the  
20 survey there is a door within the facility that  
21 has what is called a panic push door where it  
22 extends out. So, it does deem the site

1       inaccessible.

2                   But I am in negotiations with the site  
3       to have that door, that panic push button removed  
4       from that door.

5                   So, therefore I am asking that we do  
6       approve the relocation from Precinct 89 from  
7       Eastern market to the Capitol Hill United  
8       Methodist Church located at 421 Seward Square,  
9       SE. And we will be using the fellowship hall.

10                   And the next precinct is Precinct 105  
11       which is at Benning Park Recreational Center  
12       which served as a polling place for the 2018  
13       general election. This site will not be  
14       available for the 2020 presidential primary  
15       election.

16                   The Board of Elections was informed  
17       that the facility is scheduled to undergo  
18       extensive renovations which are scheduled to be  
19       completed around September of '21.

20                   This was necessary a temporary move  
21       until the renovations are completed at Harris  
22       Elementary School which is the normal polling

1 place that serves Precinct 105.

2 Therefore, I am proposing that we  
3 relocate to St. John Baptist Church located at  
4 5228 Call Place, SE. We will be using the  
5 fellowship hall there.

6 Ms. Jennings was able to survey this  
7 polling place as well. It does meet the Board's  
8 requirements. The voting area we'll be using is  
9 the fellowship hall.

10 The voting space is excellent. The  
11 lighting is excellent and there is street  
12 parking. It is approximately six blocks from the  
13 current polling place.

14 And lastly, the newly formed Precinct  
15 144 was approved by the Council after an  
16 emergency resolution was submitted. On the  
17 Board's behalf I worked with Council Member  
18 Charles Allen.

19 Even though we began negotiations with  
20 the Hilton Garden Inn we were approved to use the  
21 site. But upper management denied us the use of  
22 the site.

1           So, therefore I have to find an  
2 alternative location. I have identified and  
3 received approval from the pastor. This location  
4 would serve as a temporary polling place because  
5 it is actually outside of the newly formed  
6 boundaries.

7           Once the renovations are completed at  
8 Capitol Hill Montessori School we will relocate  
9 to that school which is also a DCPS site.  
10 Therefore, I am proposing that we establish the  
11 newly formed precinct at Mt. Airy Baptist Church  
12 located at 1100 North Capitol Street, NW.

13           The site is accessible. We will be  
14 using the fellowship hall. The voting space is  
15 excellent and there is street parking at this  
16 site.

17           MS. MILLER: How far outside the  
18 boundaries is it?

19           MR. BUDOO: It's across the street.

20           CHAIRMAN BENNET: Is there -- and I've  
21 got questions about most of them. I'll start at  
22 the end. I'm sorry, was that if you don't mind,

1       okay.

2                       With regard to the last one where you  
3       are relocating to Mr. Airy Baptist Church. Is  
4       there another polling, is Capitol Hill Montessori  
5       currently a polling place or --

6                       MR. BUDOO: No, sir.

7                       CHAIRMAN BENNET: So, there is nothing  
8       there, nothing else is going in there, right?

9                       MR. BUDOO: Nobody is in there.

10                      CHAIRMAN BENNET: Okay. And Mt. Airy  
11       Baptist Church is just across the street from --

12                      MR. BUDOO: Yes. The boundary is  
13       North Capitol Street. So, it's just on the other  
14       side of North Capitol.

15                      CHAIRMAN BENNET: And how far would,  
16       let's say the furthest person who would vote in  
17       that area, how far would they have to go?

18                      MR. BUDOO: Approximately, I would say  
19       seven or eight blocks because we redrew the  
20       boundaries for a precinct. When we redrew the  
21       boundaries of 83.

22                      So, everything north is closer for



1       them as opposed to having to go all the way up to  
2       Precinct 83.

3                   CHAIRMAN BENNET:  It's a little bit,  
4       it's just across the street.

5                   MR. BUDOO:  It's still within a close  
6       proximity for the newly formed presence and the  
7       newly formed precinct.  Yes, sir.

8                   CHAIRMAN BENNET:  All right.  Back to  
9       the first one.  So, the one going from Washington  
10      Hebrew Congregation to Second District Police  
11      Station.

12                  MR. BUDOO:  Yes, sir.

13                  CHAIRMAN BENNET:  Was Councilman Allen  
14      only concerned about the police station in his  
15      ward or all police stations?

16                  MR. BUDOO:  He was concerned about all  
17      police stations.  With the Washington Hebrew  
18      Congregation with the scheduling of their primary  
19      they were not available for the primary because  
20      it, you know, as we discussed before the dates  
21      keep changing.

22                  So, they had a previous scheduled

1 event going on. That site was not available.

2 CHAIRMAN BENNET: So, this is just for  
3 the primary or this is going to be throughout the  
4 year?

5 MR. BUDOO: Well, I was going to do  
6 this throughout the year because I don't, would  
7 not like to change precincts within an election  
8 cycle.

9 So, what we would do is we would go  
10 back to the Second District for the 2020  
11 elections and then --

12 CHAIRMAN BENNET: In 2022 --

13 MR. BUDOO: Right. And then in 2022  
14 I can negotiate with the Congregation and request  
15 that we relocate back.

16 CHAIRMAN BENNET: Okay, police  
17 station. Mr. Gill, you had a question?

18 MEMBER GILL: No. I was just -- you  
19 do such a great job. Keeping all these things on  
20 track and I love your write ups where you, you  
21 know, acknowledge some of the concerns and such.

22 I will just say that, you know,

1 Arlin's job is to look at the statute for ADA and  
2 accessibility and such like. And to the extent  
3 that you can accommodate community concerns and  
4 convenience, I think you always do a great job.

5 And so, I appreciate that this timing  
6 had nothing to do with you. For people that are  
7 kind enough to offer their facilities sometimes  
8 they're not available.

9 And so, you know, I think as long as  
10 it meets the statute and all the requirements  
11 we're supposed to care about unless they change  
12 the statute that's the first priority.

13 CHAIRMAN BENNET: Let me flip over to,  
14 okay. So, the next one to me is, I have a little  
15 concern about moving it to that police station.

16 But the next one is going from 4D  
17 police station over to Emery Heights Community  
18 Center. And that's going to be permanent, right?

19 MR. BUDOO: Yes, sir.

20 CHAIRMAN BENNET: Okay. And that 4D  
21 is parking that's going to be no problem. Okay.  
22 So, flip over to the next one, Eastern Market.

1 MR. BUDOO: Yes, sir.

2 CHAIRMAN BENNET: So, this is actually  
3 splitting because Eastern Market has two --

4 MR. BUDOO: Has two precincts. It has  
5 Precinct 88 and Precinct 89.

6 CHAIRMAN BENNET: And is this, this is  
7 splitting those up?

8 MR. BUDOO: We're just going to  
9 establish in Precinct 89. They were just sharing  
10 the location with Eastern Market.

11 So, now Precinct 88 will remain at  
12 Eastern Market and Precinct 89 will go to the  
13 Capitol Hill United Methodist Church.

14 CHAIRMAN BENNET: And assuming you get  
15 that issued right away.

16 MR. BUDOO: Yes, sir.

17 CHAIRMAN BENNET: Okay. Ms. Tanning,  
18 I assume is working that vigorously.

19 MR. BUDOO: Yes, sir.

20 CHAIRMAN BENNET: I'm looking for it  
21 now.

22 MS. TANNING: Yes. I sent him the

1 requirements for the statute.

2 CHAIRMAN BENNET: Okay, okay. Thanks.  
3 All right. So, let me do this. I'd like to get  
4 a motion from Mr. Gill to approve.

5 However, though what I'd like to do  
6 is, and I agree with Mr. Gill you do an amazing  
7 job with this so don't take this as a hit at what  
8 you do. But what I would like is to make sure  
9 that you don't have any other alternative other  
10 than that police precinct.

11 And so, what I'm going to ask you to  
12 do is to double check. I'm going to ask Mr. Gill  
13 to give me a motion to approve them all today.

14 MR. BUDOO: Yes, sir.

15 CHAIRMAN BENNET: But I'm going to ask  
16 you to double check. And if indeed you're able  
17 to find something other than a police station  
18 then I'll ask you to come back to us next month.

19 I trust that you've done your due  
20 diligence and done everything that you could  
21 possible trying to avoid police stations. And  
22 this is your only, I'm just asking you to take

1 one more look at it.

2 MR. BUDOO: No problem.

3 CHAIRMAN BENNET: Okay. Ms. Miller,  
4 does that work for you?

5 MS. MILLER: Yes.

6 MEMBER GILL: So, we have two finals  
7 and three proposed?

8 CHAIRMAN BENNET: No, no. We have --  
9 all of these I'm asking to approve them all. And  
10 I'm asking Mr. Budoo with that approval that if  
11 he would just double check, triple check,  
12 quadruple check to make sure that the police  
13 station is our -- I'm assuming you've done that.

14 MR. BUDOO: Yes.

15 CHAIRMAN BENNET: But I just want to  
16 make sure for the record that we have done  
17 everything that we can to avoid a police station  
18 because I agree with Councilmember Allen that if  
19 we can avoid those than we're better off.

20 They do have a lot of things to do at  
21 their station. So, can I get a motion, Mr. Gill,  
22 to approve?

1                   MEMBER GILL: Yes. So, a motion to  
2 approve the polling place relocations as proposed  
3 on today's agenda.

4                   CHAIRMAN BENNET: It's been properly  
5 moved. I second and let's take a formal vote.  
6 Mr. Gill?

7                   MEMBER GILL: Aye.

8                   CHAIRMAN BENNET: And I vote aye as  
9 well. Thank you, Mr. Budoo.

10                  MR. BUDOO: Thank you.

11                  MS. MILLER: Thank you. The next  
12 thing I would like to do is to begin by  
13 addressing the issue that arose last month  
14 regarding registration cards to voters and the  
15 information that was contained on the document  
16 reflecting the time of the general election as  
17 the third Tuesday in June.

18                  So, I happen to have some of those old  
19 ones if you want to see what they are. The first  
20 sentence on that card does read the primary  
21 election is held on the third Tuesday in June.

22                  And really the frame of reference is

1 that the third Tuesday in June for this year's  
2 primary was incorrect. We know that the 2020  
3 primary will be conducted June 2nd and that's the  
4 first Tuesday in June.

5 The form, as you can see, is a generic  
6 form. It has boilerplate language on it and a  
7 lot of other generic information regarding the  
8 election process which should have been caught  
9 and corrected. People have said that.

10 Obviously it wasn't and therefore the  
11 confusion over inattention to a mistake. And  
12 that's what it was. It was a mistake.

13 We stand corrected. The new  
14 information and registration card which is going  
15 out now clearly reads at the top of it, it says  
16 that 2020 election schedule for the District of  
17 Columbia's primary election and presidential  
18 election will be held June 2, 2020, the first  
19 Tuesday in June.

20 The general election will held on  
21 November 3, 2020, the first Tuesday after the  
22 first Monday in November. And a special election



1 to fill a vacancy in the office of Ward 2 Council  
2 Member will be held on Tuesday, June 16th.

3 So, this one is specific to the 2020  
4 elections. And this is the card that's currently  
5 being mailed out. We received them, I think like  
6 last week. They started going out this week.

7 And all those who received the old one  
8 will get this one as well as going forward. I  
9 just want to talk a little bit about history with  
10 respect to the primary election.

11 The date of the primary election has  
12 been ever changing for a number of years. We've  
13 gone from two primary elections to combining the  
14 presidential and local primary election date from  
15 2000 -- I'll just go back to 2000.

16 From 2000 and 2008 we conducted the  
17 local primary the second Tuesday in September.  
18 However, the presidential preference primary has  
19 been conducted the first Tuesday in January in  
20 2004.

21 The presidential preference primary  
22 was conducted the second Tuesday in, I'm sorry,

1 the second Tuesday in January. Then it got  
2 changed in 2008. It was scheduled for the second  
3 Tuesday in February.

4 In 2012, we combined the local and the  
5 presidential preference primary and the election  
6 was conducted the first Tuesday in April. That  
7 date was consistent for the 2014 primary as well.

8 However, in 2016 the primary was  
9 scheduled to be conducted the second Tuesday in  
10 June. And then in 2018 we moved to the third  
11 Tuesday in June.

12 And now for the first time this year  
13 we're the first Tuesday in June. So, it's been a  
14 little bit of a roller coaster in terms of the  
15 dates of the primaries.

16 It's an ongoing change in the date.  
17 And therefore, it creates a lot of confusion and  
18 challenges on all parts with respect to even  
19 logistical locations and the dates as Arlin just  
20 put on the record.

21 We have to change locations when we  
22 don't have a consistent date for these elections

1 to be held. It also does go to some of our  
2 forms.

3 And I'm not trying to defend the fact  
4 that this should have been caught. But it is an  
5 issue that we need to address, that we need to  
6 work closely with the Council to see how we can  
7 resolve the challenges associated with the need  
8 to change the date of the primary to a consistent  
9 date.

10 Subsequent to the 2010, the date  
11 change was dictated by the federal requirements  
12 associated with the Military Overseas Voter  
13 Empowerment Act, the MOVE Act that mandates that  
14 overseas voters receive their general election  
15 ballot 45 days prior to the election.

16 And by having our general election,  
17 primary election in September there wasn't enough  
18 time to provide adequate time to conduct the  
19 election and solidify all the due process  
20 associated to certify the results and a have  
21 general election ballot to military and overseas  
22 voters within 45 days.

1           So, all that is to say is that we just  
2 need to work to establish a date for the primary  
3 election that will be consistent and permanent.

4           It will eliminate confusion for the  
5 voters, retain consistency with the availability  
6 of our polling locations, especially the private  
7 facilities that we rely on and the need for  
8 stable scheduling along with other matters.

9           It is understandable that from time to  
10 time a change of date be warranted. The date of  
11 the District's primary has not been held on the  
12 same day since the first Tuesday in April of 2012  
13 and that was again the same Tuesday in April of  
14 2014.

15           So, we need to work to get this done  
16 and do better with this. Our voters deserve to  
17 have a date that's certain that they can rely on  
18 and hopefully we can come to some conclusion of  
19 what date the primary should be and make it  
20 consistent.

21           MEMBER GILL: This is, the card issue  
22 is on us. Thank you for owning up to it and --

1 MS. MILLER: It is.

2 MEMBER GILL: -- taking  
3 responsibility. The movable date is on our  
4 elected officials.

5 We try to adhere to their desires  
6 while there are rules for military ballots, there  
7 is just logistics of absentee ballots and such  
8 that make it difficult. So, that's not on us.

9 MS. MILLER: No. But again, we just  
10 need to work with Council and everyone involved  
11 to try to establish a firm date so that we can  
12 have the date so that everybody knows, especially  
13 our voters when the primary is going to occur  
14 every two years.

15 CHAIRMAN BENNET: Okay. Thank you,  
16 Ms. Miller.

17 MS. MILLER: Just moving on, the  
18 deadline to file nominating petitions for the  
19 June primary is June 2nd, for the June 2nd  
20 primary was Wednesday, March 4th. The list of  
21 the preliminarily qualified candidates is on our  
22 website.

1                   We're in the process of now accepting  
2                   the, anyone who is challenging those petitions.  
3                   The challenge period will close on Monday, March  
4                   16th and the office is open every day including  
5                   the weekends during the challenge period.

6                   With respect to the Ward 2 special  
7                   election, the deadline for filing nominating  
8                   petitions is next Wednesday, March 18th at 5  
9                   o'clock.

10                   During the month of February the Board  
11                   of Education Outreach Division participated in a  
12                   total of 30 events all of which are listed on our  
13                   website.

14                   Some of those events include  
15                   naturalization ceremonies, high school events,  
16                   the Office of Youth Programs, professional  
17                   development events, D.C. Retired Educations  
18                   Association, Founders Day Luncheon, Black History  
19                   Month activities.

20                   And one of the other activities that  
21                   the Department, our Education Outreach Department  
22                   Division participated in was the Fair Government,

1 the GAO. The Government Accountability Office  
2 held a Black History Month popup museum which we  
3 were there for.

4 I will also put on the record because  
5 I know our General Counsel will not, that she was  
6 the keynote speaker for the GAO's government  
7 accountability Black History Month event on  
8 February 26th.

9 The topic of her speech was voting  
10 rights in the District of Columbia and the  
11 influence of Frederick Douglass. She did a  
12 commendable job.

13 The audience was very impressed with  
14 her presentation and generally a lot of  
15 interesting conversations. So, I think she  
16 deserves credit for that and recognition for  
17 doing it.

18 And as I said, it was very cool to see  
19 and she should be doing more of those things.

20 CHAIRMAN BENNET: Thank you, Ms.  
21 Stroud.

22 MS. MILLER: We did have meetings

1 with our point of contact at Department of  
2 Homeland Security, Cybersecurity and  
3 Infrastructure Security Agency and with the FBI  
4 as it relates to the security of our election  
5 process.

6 No need to go into any detail on the  
7 substance of those meetings. But I can guarantee  
8 you that we are definitely well protected from  
9 the federal landscape and our federal partners  
10 are there to support our needs for any of our  
11 election concerns that we may have.

12 Also, the 2019 grant funding has been  
13 voted into our financial system. That's \$3  
14 million.

15 We have to come up with the match,  
16 that's 20 percent, the \$600,000 needs to be  
17 placed into our budget to be fully compliant for,  
18 we have the money available to us. So, that  
19 concludes my report.

20 CHAIRMAN BENNET: Any questions, Mr.  
21 Gill?

22 MEMBER GILL: No questions, thank you.



1                   CHAIRMAN BENNET: I just have one  
2                   comment and that's to add to your, and I let you  
3                   finish your report back to the voter's card issue  
4                   and the matter that went out.

5                   One of the things that I think we  
6                   should do and my guess is just like me I received  
7                   a new card when I got a new driver's license. I  
8                   didn't read anything on the card other than  
9                   getting my voter's card.

10                  One of the things that we try to do  
11                  and sometimes it comes back to bite us is we try  
12                  to communicate too much information to voters at  
13                  one time.

14                  And it's probably a better idea just  
15                  to eliminate that part of the information that  
16                  goes out and just make sure that the voter gets  
17                  only the information that is pertinent to their  
18                  receiving the card.

19                  So, it's probably best just to  
20                  eliminate that and then communicate with voters  
21                  separately when it comes to election days. So,  
22                  anyway that's just a comment on that.

1 I didn't have any other comments. And  
2 I thank you for sharing Ms. Stroud's service and  
3 we do hope she does more of that.

4 MS. MILLER: Just on the card, I just  
5 want to piggyback. We intend to look at  
6 completely redesigning this. Obviously this is  
7 not a mailer that should be a resource for this  
8 kind of information that's on here.

9 There are other means for which voters  
10 or anyone can verify this information. It's  
11 abbreviated and really not the source that should  
12 be used.

13 So, after 2020 this one was specific  
14 to the 2020 elections. So, I've been told by a  
15 number of people on my staff that after November  
16 this will be burned just to make sure that they  
17 do not go out.

18 But we will in the meantime redesign  
19 it so that it is just the card itself.

20 CHAIRMAN BENNET: Great, thank you.

21 MS. MILLER: You'll see it on the  
22 card.

1                   CHAIRMAN BENNET: Excellent. And we  
2 have received your report. Thank you, Ms.  
3 Miller.

4                   Next on the agenda, Ms. Stroud,  
5 General Counsel's report.

6                   MS. STROUD: Okay. Good afternoon,  
7 everyone. So, the first item on my agenda is the  
8 issuance of petitions for the Entheogenic Plant  
9 and Fungus Policy Act of 2020.

10                  I understand that there is a request  
11 that would like to be made of the Board with  
12 respect to the issuance of that petition.

13                  CHAIRMAN BENNET: Good afternoon.  
14 Thank you for your patience in waiting.

15                  MS. LAVASANI: Do I have a couple of  
16 minutes to make a statement?

17                  CHAIRMAN BENNET: Sure, please.

18                  MS. LAVASANI: Good afternoon.

19                  CHAIRMAN BENNET: Good afternoon.

20                  MS. LAVASANI: I'd like to take a  
21 moment to address the elephant in the room.  
22 This, today is quite bittersweet for me. I'm --

1                   CHAIRMAN BENNET: I'm sorry, let me  
2 stop you. Just for the record, provide your name  
3 and address. I'm sorry.

4                   MS. LAVASANI: Melissa Lavasani, 901  
5 Ninth Street, NE, Washington DC 20002. Okay.

6                   I'm elated that we've made it through  
7 this process this far. And we really appreciate  
8 the work that the Board has put into this  
9 initiative and how helpful you have been. We  
10 have had no opposition since our order here to  
11 get our petitions.

12                   And the public reaction has been  
13 extremely positive. I've had mothers reach out  
14 to me. I've had high powered executives reach  
15 out to me thanking me for putting this issue into  
16 the public.

17                   And we are excited to get started.  
18 However, the coronavirus has really thrown a  
19 wrench in our entire campaign. We're ready to  
20 hit the ground running.

21                   However, I can't in good faith send my  
22 campaign staff and our wonderful group of

1 volunteers out into the public to have  
2 conversations about entheogenic plants and fungi.

3           Unfortunately, more and more pandemics  
4 and natural disasters and major climate events  
5 have become commonplace in our society and we  
6 need to be able to adapt to these issues as they  
7 arise.

8           We have already seen the deterioration  
9 in the rule of law at the national level. Now  
10 more than ever our local jurisdictions like ours  
11 have a duty to uphold the foundation of our  
12 democracy.

13           Like all pandemics, this will end.  
14 Everyone will go back to work at some point and  
15 go back to school. The economy will recover  
16 somehow.

17           But we will still be facing a mental  
18 health crisis. And I would even argue that the  
19 mental health crisis will be even worse than it  
20 was before this.

21           So, we're asking you today for help to  
22 keep this process as fair as possible given the

1 current pandemic. We're asking that the Board of  
2 Elections holds our petitions for one month until  
3 we see how COVID-19 affects the city.

4 We are putting our campaign on hold  
5 and we will not be going out and gathering  
6 signatures for these petitions because we believe  
7 that's a really irresponsible thing to do in the  
8 face of a public health crisis.

9 So, this effort is to just have a  
10 short term fix for this much bigger issue. But  
11 we appreciate your input on this.

12 MS. STROUD: Thank you, Ms. Lavasani.  
13 There is no legal barrier for -- with respect to  
14 us holding your petitions. You've already met  
15 the requirements.

16 And I will just put on the record the  
17 progress that's been made thus far with respect  
18 to your ballot measure. On Tuesday, February  
19 28th the Board formulated the language for the  
20 initiative which was approved as a proper subject  
21 on February 5th.

22 The formulations were published in the

1 D.C. Register on Friday, February 28th for a ten  
2 day review period during which any registered  
3 voter could challenge the Board's formulation in  
4 the DC Superior Court.

5 The review period ended on Monday,  
6 this past Monday, March 9, 2020. No challenges  
7 were filed. Accordingly, the Board's  
8 formulations were deemed accepted at that point.

9 And so, we are standing at a juncture  
10 at which we could issue the petitions. But there  
11 is nothing in the law that provides that we have  
12 to do so within a certain time frame.

13 And so, assuming the Board takes  
14 action with respect to your request there is no  
15 legal barrier for the request that you're making  
16 of the Board.

17 MS. LAVASANI: Okay, thank you.

18 CHAIRMAN BENNET: Did you have  
19 anything, Mr. Eidinger?

20 MR. EIDINGER: Yes. My name is Adam  
21 Eidinger and I'm the treasurer of the campaign to  
22 Decriminalize Nature DC.

1                   And I just want to note that we had  
2 sent a letter on March 3rd to the entire DC  
3 Council and the Mayor essentially raising our  
4 concerns about paper petitioning and that we  
5 would potentially interact with a quarter million  
6 people over the course of three months doing this  
7 signature collection of upwards of 30,000  
8 signatures because we do have to get a surplus  
9 for the five wards and the five percent in five  
10 wards.

11                   I want to note that the City of  
12 Boulder has already passed a law allowing online  
13 petition signing. I think it's something that we  
14 really should be exploring maybe in the coming  
15 months.

16                   I realize that it isn't possible for  
17 this Board to create this out of thin air. You  
18 would need an act from the Council and the Mayor.

19                   But we do think you could send a  
20 communication to the Council and Mayor that you  
21 would like them to at least authorize the  
22 exploration of possible alternative ways to



1 signing petitions.

2 I also want to note that, you know,  
3 the concerns about fraud and testing the system  
4 are real. However, I believe paper petitioning  
5 opens itself up to fraud currently.

6 And the best, you know, example of  
7 this is that if someone signs my name on a  
8 petition the only way I know that was done is if  
9 I go down to the Board, purchase the petitions  
10 and literally look through 25,000 or 30,000 lines  
11 to find my name.

12 And only then can I say, I didn't sign  
13 this, someone else did. Whereas, if you had  
14 online signing you could send a letter to people  
15 who once they create like an online user ID just  
16 like we do for banking or something else.

17 And they would get a letter in the  
18 mail saying you have signed. And if you didn't,  
19 please let us know. And we could have a public  
20 list.

21 This is public information who signs  
22 a petition. You can have the petitioning all

1 public. Now, I know all of this is in the  
2 future.

3 It's not going to affect us right now.  
4 But, you know, this decision was really hard for  
5 us.

6 We have trained 50 people at this  
7 point to collect signatures and we are really  
8 concerned about their safety, the public safety.  
9 But knowing all this, where is the, you know,  
10 policy adjusting?

11 And we have so far not received any  
12 response from the Council or the Mayor. We have  
13 been actively calling. I notice they're busy  
14 now.

15 But to us this is really important and  
16 to this Board it should be really important. So,  
17 I'm asking the Board if you would actually go one  
18 step further and consider notifying the Council  
19 that you're interested in this, you would at  
20 least like to look at it.

21 That might help move this along.  
22 Thank you.

1                   CHAIRMAN BENNET: The answer is, yes,  
2 we will. What I'd like for you to do is if you  
3 could, because we're in the process of looking at  
4 how do we address this not just from a petition  
5 perspective but for elections we've got, you  
6 know, the elections coming up, primaries coming  
7 up, special election coming up, general elections  
8 coming up.

9                   And this issue doesn't look like it's  
10 going anywhere in the near future. So, it would  
11 be great.

12                   And we actually, we're going to put  
13 together some options that we want to, that one,  
14 we can take ourselves not just with petitions but  
15 with elections as well and make sure that the  
16 Mayor and the Council are aware of that.

17                   But also, some options that we need  
18 their help relative to legislation to be able to  
19 do. So, I request, recommend if you get some  
20 good ideas please put them in writing and provide  
21 them to Ms. Stroud and we will, you know, kind of  
22 move from there.

1                   But the other thing I wanted to,  
2                   before I get a motion is I'm going to ask Mr.  
3                   Gill to give us a motion too.

4                   I'm not sure we need one but I want to  
5                   make sure officially we agree to hold your, the  
6                   issuance of that petition for a month, I think is  
7                   what you're asking for.

8                   MS. LAVASANI: Yes.

9                   CHAIRMAN BENNET: But the other thing  
10                  that I wanted to note is that we don't have the  
11                  option to push your back end out relative to the  
12                  amount of time that you have to get the petition  
13                  by law.

14                  And so, if that time frame needs to be  
15                  pushed out the Council would, they would have to  
16                  legislate that. But that also creates other  
17                  problems in that we've got the time we need in  
18                  order to, you know, get ballots ready for the  
19                  general as well.

20                  So, on one hand I say, you know, it  
21                  would be great to push your back end out. On the  
22                  other hand, you know, because the election is

1       what it is it creates -- it puts us in a real  
2       bind to be able to get things ready.

3               So, with that I just want to say that  
4       before I ask Mr. Gill for a motion that you're  
5       back end is still, was it July, I believe it is.

6               MS. STROUD: Well, it's July for the  
7       November general election.

8               CHAIRMAN BENNET: Right.

9               MS. STROUD: But depending on what you  
10       get. If you had gotten the petition today you  
11       would have had until, I believe, September 8th to  
12       submit your petition.

13               That would have given you the 180  
14       days. But, yes, if you were trying to seek  
15       ballot access for November it would be July.

16               CHAIRMAN BENNET: Yes. So, I just  
17       want to make sure that in terms of full  
18       disclosure -- and I don't think we can  
19       necessarily resolve that issue at this moment  
20       right now.

21               But I just want to make sure. I'm  
22       sure that Ms. Stroud has told you before, I

1 wanted to make sure that it came from the Board  
2 that, you know, where your back end cut offs are.

3 And I'm guessing that you may want to  
4 address those issues at a later point. I wanted  
5 to make that clear. So, Mr. Gill, do you have  
6 anything further?

7 MEMBER GILL: No. I fully support  
8 this. I'm sure this was a really tough decision.  
9 But I think you're making the right decision for  
10 at least a month.

11 MS. LAVASANI: Yes.

12 MEMBER GILL: I completely agree with  
13 paper ballot, the paper signature process I've  
14 never liked that. There has to be an electronic,  
15 digital answer to this.

16 And so, we've got a crisis. Maybe we  
17 can use it for that opportunity.

18 MS. LAVASANI: Yes. We realize we're  
19 asking for a pretty big lift here. But it's a  
20 major health crisis that if we don't continue  
21 making it out of hand and, you know, this is the  
22 only path forward for us.

1                   CHAIRMAN BENNET: Yes, the -- just to  
2                   be clear also our next meeting is April 1st. So,  
3                   what I'll do is I will ask for a motion to  
4                   postpone the issuance until our next meeting.

5                   If you guys want to go past that, I'll  
6                   ask you to work with Ms. Stroud to make sure that  
7                   occurs. But I ask for a motion to postpone the  
8                   issuance until our April meeting which is April  
9                   1st.

10                  And that's only three weeks away.  
11                  But, okay.

12                  MEMBER GILL: So, motion to postpone  
13                  the issuance of petitions for the Entheogenic  
14                  Plant and Fungus Policy Act of 2020. And we will  
15                  revisit in the April 1st.

16                  CHAIRMAN BENNET: Okay. Motion has  
17                  been properly made and properly moved. I second.  
18                  I think we should take a vote. Mr. Gill?

19                  MEMBER GILL: Aye.

20                  CHAIRMAN BENNET: And I approve as  
21                  well. So, thank you both. And we look forward  
22                  to moving forward.

1                   Mr. Eidinger, just for the record I  
2                   don't recognize you without that hat. Thank you.  
3                   Ms. Stroud.

4                   MS. STROUD: Yes. So, the next item  
5                   on my agenda is the Emergency and Proposed  
6                   Rulemaking to Amend Title 3 of the DC Municipal  
7                   Regulations, Chapter 7 which is the, excuse me,  
8                   the election procedures chapter in the Board's  
9                   regulations.

10                  The purpose of the amendments to  
11                  Chapter 7 are to establish a deadline for the  
12                  receipt of absentee ballots, eliminate the  
13                  writing requirement with respect to requests for  
14                  polling place reassignment and clarify that the,  
15                  that cameras may be used in voting and counting  
16                  locations as long as they do not disrupt or  
17                  interfere with the election administration  
18                  process during early voting, on election day and  
19                  during vote tabulation.

20                  The new deadline for the receipt of  
21                  electronically transmitted voting ballots  
22                  submitted by military and overseas voters is 8:00



1 p.m. on election day. And the deadline for  
2 receipt of mailed voting ballots is the second  
3 day after election day.

4 And such mailed ballots must have been  
5 sent on or before election day. And that change  
6 was made due to the enactment of the Primary Date  
7 Alteration Amendment Act of 2019.

8 Other provisions of the rulemaking  
9 would remove the writing requirement for a  
10 requests for polling place reassignments  
11 submitted by our senior voters and our voters  
12 with disabilities. They would now be able to  
13 contact us orally and we would process those  
14 requests.

15 Finally, the last provision of the  
16 rulemaking clarifies that cameras may be used  
17 inside of counting locations as long as they  
18 don't interfere with the election and  
19 administration process.

20 We would like to have these amendments  
21 in place for the June primary election hence the  
22 emergency action today. And when Mr. Gill

1 returns I will ask that the Board entertain a  
2 motion to approve the emergency and proposed  
3 rulemaking for publication in the DC Register at  
4 which point they will become effective.

5 CHAIRMAN BENNET: Can you please go  
6 ahead and do the --

7 MS. STROUD: Sure, litigation status,  
8 okay.

9 CHAIRMAN BENNET: -- other items, yes.  
10 And we'll table that for a second until Mr. Gill  
11 comes back in.

12 MS. STROUD: So, the next item on my  
13 agenda is litigation status. The first matter  
14 that I'll discuss is Hunt v. Miller. This was a  
15 matter concerning the counting of write in votes  
16 cast in the November 2018 general election.

17 The plaintiff had asked that the  
18 Board give an itemized accounting of the votes  
19 cast in the write in contest. But the Board was  
20 not required to do that because the number of  
21 votes cast by write ins were not sufficient to  
22 overcome the amount of the actual winner of the

1 contest.

2 The Board filed a Motion to Dismiss on  
3 Wednesday, April 24, 2019. And the court granted  
4 the Board's Motion to Dismiss on March 10th.

5 The second case is Butler v. Board of  
6 Elections. This matter was an action for, in the  
7 nature of a motion to compel the Board to accept  
8 the DC term limits campaign to the proper  
9 subject.

10 The Board filed a Motion for Summary  
11 Judgment in November of 2019. And the court  
12 actually granted the Board's Motion to Dismiss on  
13 January 15th.

14 But the court docket wasn't updated to  
15 reflect that judgment and the court never sent  
16 the Board a copy. But that judgment was entered  
17 on January 15, 2020.

18 So, those two cases have been disposed  
19 of. And I'd like to acknowledge our senior staff  
20 attorney Rudolph McGann for his work in both of  
21 those cases.

22 And did you want me to finish the

1 litigation status and --

2 CHAIRMAN BENNET: Yes, please go ahead  
3 and finish the litigation status.

4 MS. STROUD: Absolutely, no problem.  
5 So, the next case is Graham v. Board of  
6 Elections.

7 This was an appeal of, the Board's  
8 appeal of a permanent injunction entered by the  
9 DC Superior Court preventing the Board from  
10 taking action on the Referendum 8 petition. All  
11 pleadings in this matter have been filed and a  
12 date for oral argument has been set for April 21,  
13 2020.

14 The next matter is Hammond v. the DC  
15 Board of Elections. This case is consolidated  
16 with Robin Marlin v. DC Board of Elections.

17 Both cases involve appeals from Board  
18 orders upholding the resolution of, resolutions  
19 of ANC 7B finding no vacancy and the affected  
20 single member District seats on the basis that  
21 the incumbents did not meet the burden for that  
22 or that the plaintiffs did not meet the burden of

1 proving that the incumbents in these matters did  
2 not meet the residency qualification necessary to  
3 serve as ANC commissioners in those single member  
4 districts.

5 All pleadings will, the plaintiffs  
6 have filed their brief. The petitioners have  
7 filed their brief in the matter, these matters on  
8 December 16, 2019. And they filed their appendix  
9 on March 4th.

10 And we will file our response on or  
11 before April 3rd. And that concludes the  
12 litigation status.

13 CHAIRMAN BENNET: Thank you. We  
14 tabled the emergency resolution, so you want to  
15 go back to that?

16 MS. STROUD: No worries. So, I'd like  
17 a motion for the Board to approve the Emergency  
18 and Proposed Rulemaking for publication in the DC  
19 Register at which point they will become  
20 effective.

21 CHAIRMAN BENNET: And this is for the

22 --

1 MS. STROUD: The amendments to Chapter  
2 7 election procedures, the election procedures  
3 chapter of the Board's regulations set forth in  
4 Title 3 DCMR.

5 CHAIRMAN BENNET: Thank you.

6 MEMBER GILL: So, before I make a  
7 motion so this, just the idea more and more folks  
8 are being involved in elections and such, people  
9 that bring a camera in under the election  
10 observer status or even just someone from the  
11 general public they still can't wear campaign  
12 propaganda?

13 MS. STROUD: No, they cannot.

14 MEMBER GILL: So, they just, right.

15 MS. STROUD: And we have issued  
16 guidelines for the media and poll watchers and  
17 election observers that are provided to the media  
18 and election observers and poll watchers  
19 indicating what activity is allowed within the  
20 polling places.

21 MEMBER GILL: I make a motion to adopt  
22 the Emergency and Proposed Rulemaking referenced

1 in today's agenda.

2 CHAIRMAN BENNET: It's been properly  
3 moved. I second. And so, just for the record  
4 let's take a vote. Mr. Gill?

5 MEMBER GILL: Aye.

6 CHAIRMAN BENNET: And aye as well.  
7 So, the proposed emergency rulemaking is approved  
8 by the Board. Ms. Stroud, any other matters?

9 MS. STROUD: No. That concludes my  
10 report.

11 CHAIRMAN BENNET: Okay, great. Do we  
12 have anyone here that wishes to provide any  
13 comments to the Board? Do we have anybody on the  
14 line?

15 Okay, is that Mr. Sindram? We are --  
16 I think we've got you now, Mr. Sindram. Would  
17 you please go ahead.

18 MR. SINDRAM: Michael Sindram,  
19 disabled veteran. Served our country more than  
20 most. Can you hear me now, Mr. Chair?

21 CHAIRMAN BENNET: Yes, we can.

22 MR. SINDRAM: Okay. Ms. Miller, I

1 have a question for you. The primary date again  
2 is when?

3 MS. MILLER: The primary is June 2,  
4 2020.

5 MR. SINDRAM: June 2nd, so that's  
6 Tuesday, okay. I want to echo and piggyback your  
7 concern. We're creatures of habit, certainly I  
8 am.

9 And when the dates keep switching it  
10 discombobulates my schedule and is most  
11 confusing. So, whatever you can do on your end  
12 and I'll do it on my end too with the Council to  
13 have a shored up date.

14 And sad but true, we don't have an  
15 election in district. We have a primary date.  
16 The primary is the election. So, that's all the  
17 more crucial and critical to get that date  
18 correct and get it etched in stone, if you will.

19 But anyway, so a permanent date that  
20 doesn't keep changing so it gets confusing. Then  
21 that in turn gives less of a voter turnout when  
22 people don't know what's going on or they figured



1 it was one day and it's not and so on.

2 So, we need to get the Council on  
3 board and make it happen. And you guys, you  
4 wanted to say something?

5 MS. MILLER: No, sorry.

6 MR. SINDRAM: Okay. And you carry  
7 great weight, in the words of ANC standards, for  
8 the Council to step up.

9 Okay. That having been said, Mr.  
10 Gill, we need an elephant in the room. I've  
11 heard that more than once. And the paper ballot,  
12 while you may not be a fan of it, it does serve a  
13 useful purpose.

14 For instance, I come in. I've made my  
15 notations on the paper ballot and then I said,  
16 well, no I want to change my mind. And so, the  
17 folks there were gracious enough to accommodate  
18 me. You can do that.

19 But we've got to give you another  
20 ballot, okay. The problem is with digital I  
21 don't know if that's possible to flip the script,  
22 change if you will.

1           Once you put it out there can you  
2           retract it, rescind it, stricken whatever you  
3           want to call it unlike the paper ballot? I don't  
4           know if you want to weigh in at the moment on  
5           that. But that's a concern. Hello.

6           MEMBER GILL: Yes, we're here. Good  
7           comments.

8           CHAIRMAN BENNET: I was, to answer  
9           your question I was looking at this memo. I  
10          think his question is once you, and it's actually  
11          just a ballot marking machine.

12          Once you actually mark the ballot and  
13          it's not correct my assumption is the person is  
14          able to review it, let someone know and then redo  
15          the ballot. Is that correct?

16          MS. MILLER: That's correct.

17          MR. SINDRAM: That's my -- go ahead.

18          MS. MILLER: That's correct for the  
19          ballot marking device, yes.

20          MR. SINDRAM: What about the machine,  
21          the digital?

22          MS. MILLER: That's what we're

1 referring to. That is the machine. It's just a  
2 formal, a reference to the formal machines. It  
3 is known as the ballot marking device.

4 MEMBER GILL: So, that electronic  
5 machine at the voting place is not, it doesn't  
6 automatically register some central satellite and  
7 come here.

8 That electronic machine simply marks  
9 a paper ballot that we then collect like all the  
10 other paper ballots and then bring to the vote  
11 tabulations.

12 MS. MILLER: That's correct.

13 MEMBER GILL: Thank you.

14 MR. SINDRAM: Well, my question is  
15 this. A paper ballot, I filled it out and then I  
16 indicate down the road well I want to change it,  
17 I want to amend it.

18 And so, the folks say fine, you can do  
19 that. You've got to fill out an additional paper  
20 ballot.

21 My question is, with the digital  
22 system is that possible as well or once you make

1 a marking is that just gone and you can't change  
2 it or reverse?

3 MS. MILLER: It can be changed from  
4 the perspective that you have an opportunity to  
5 review everything that you voted prior to casting  
6 it.

7 The whole ballot comes up and you  
8 review each and every selection that you've made  
9 on the process.

10 MR. SINDRAM: Well, see the operative  
11 word is prior to. Now what about subsequent to?

12 CHAIRMAN BENNET: Well, the answer is  
13 to your question is, yes, because what happens on  
14 the electronic machine that's called a ballot  
15 marking machine is that it actually produces a  
16 piece of paper.

17 And so, when you review that piece of  
18 paper and that paper is incorrect or is different  
19 than what you would like then you would let  
20 someone know at the precinct that this piece of  
21 paper in your hand is incorrect that was produced  
22 by the machine.

1                   And then they would in turn give you  
2                   the ability, they would destroy that and then  
3                   give you the ability to create another paper  
4                   ballot.

5                   MR. SINDRAM: Yes, paper ballot. But  
6                   then for the electronic, same difference or no?

7                   CHAIRMAN BENNET: Same difference.  
8                   The electronic marking only, it produces a paper  
9                   ballot. It doesn't send your vote somewhere just  
10                  to a server or some database.

11                  It just simply produces a paper  
12                  ballot. So, you would say no, this is really not  
13                  what I want. I want to change my mind. And you  
14                  give that to a person working in the polling.

15                  They would destroy it and then it took  
16                  you back to the electronic, to the ballot marking  
17                  machine again.

18                  MR. SINDRAM: Thank you for your  
19                  clarification, Mr. Chair.

20                  CHAIRMAN BENNET: Sure.

21                  MR. SINDRAM: And I did receive from  
22                  Ms. Jennings the Entheogenic Plant and Fungus

1 Policy Act of 2020 which I understand was  
2 deliberated somewhat today and that is going to  
3 be further discussed and possibly voted on and so  
4 on.

5 I have a concern. And my concern is  
6 this. I understand veterans came forward, if my  
7 memory serves me correctly about the usefulness  
8 of the psychoactive substances.

9 And the operative word is psycho  
10 active. My concern is this. When you open a  
11 pandora's box for the mushrooms, okay, and it was  
12 indicated they're helpful, okay.

13 Well, then if you do it for one you do  
14 it for all. So, we'll just say with crack  
15 cocaine or heroin or, you know, poppies or on and  
16 on and on, where do we draw the line, number one?

17 Number two, the danger is okay,  
18 mushrooms as put forth by the passionate pleas  
19 and they tug at my heart string as they did at  
20 you all. But the danger is being psychoactive  
21 you use these things to alleviate pain but then  
22 you get in your car.

1           You get in an accident or some other  
2 mishap happens because you're not suited and in  
3 your right mind.

4           So, my point is that while an  
5 initiative that blanket covers to pass it I think  
6 there needs to be a more detailed fine print  
7 included saying that it needs to be clearly  
8 overseen by a healthcare provider and not just  
9 carte blanche where again, you know, things can  
10 happen and for them to discuss where they could  
11 have been avoided if you follow my train of  
12 thought.

13           CHAIRMAN BENNET: Yes. Mr. Sindram,  
14 I appreciate the comment and it is on the record.  
15 And my suggestion is for that to be something  
16 that you, you know, bring back to the group that  
17 has the petition.

18           We, you know, don't control that  
19 aspect. But I think your concerns are some that  
20 should be known to the party that's putting the  
21 petition forward. So, we appreciate that.

22           MR. SINDRAM: Thank you, Mr. Chair.

1 And one final remark.

2 Ms. Stroud, General Counsel, with  
3 regard to the DC Court of Appeals I'm looking at  
4 DC Court of Appeals Rule 30(f) which reads in  
5 relevant part and I quote, "Appendix in In Forma  
6 Pauperis. No appendix is required in cases in  
7 which a party has been permitted to proceed in  
8 forma pauperis or counsel has been appointed to  
9 represent the party."

10 My point is this. Presumptively, you  
11 guys I don't know maybe I think with government  
12 you are granted waiver of pre-payment. But I in  
13 the court proceeding, IFP the rule clearly says  
14 I'm not required to file an appendix.

15 However, the court has come back and  
16 said well, you need to file your brief and  
17 limited appendix. And clearly the rule, again  
18 30(f), check it out for yourself, says I am not  
19 required to do it.

20 And I just wanted to bring that to the  
21 forefront because I know you have pro se  
22 litigants that are required to make filings in



1 the DC Court. They make life inordinately  
2 difficult.

3 Even though the law is to give,  
4 indicates latitude and in fact it's well said  
5 about Haines v. Kerner 404 US 519 1972, that  
6 indicates that a pro se pleading, filing if you  
7 will not to be held to a stringent requirement as  
8 that of counsel.

9 But it seems like the court goes the  
10 other way to make it harder for pro se folks.  
11 And I don't have digital filing and everything  
12 else.

13 I've got to go down, you know, after  
14 hours and whatnot. And I might further add, all  
15 right, sad but true and this is, you know,  
16 something to evaluate.

17 But yet this is still inextricably  
18 interwoven. I'm now forbidden in the courthouse  
19 because the clerk took issue with me, doesn't  
20 like me. So, during normal business hours I  
21 can't even go into the building.

22 There is a bar notice courtesy of

1 Chief Judge Washington which I've never been able  
2 to collaterally address or attack. So, I've got  
3 to go after hours to make my filings.

4 Sometimes they have a clock there,  
5 stamp it in, sometimes they don't. Sometimes the  
6 clock works, sometimes they don't.

7 But my point is this, they make it  
8 inordinately difficult for filing. So, maybe on  
9 your end if you could put a bug in the ears, the  
10 clerk and also Chief Judge Ann Blackburne-Rigsby  
11 whose husband sits on the Superior Court, Robert  
12 Rigsby to say hey, you know, you guys are  
13 supposed to make it accommodating for folks and  
14 it's just the opposite.

15 And you've got some input intel from  
16 constituents stating it as such.

17 CHAIRMAN BENNET: Thank you, Mr.  
18 Sindram. We certainly appreciate all your  
19 comments. But I do want to note that you're the  
20 only person providing public matters today.

21 So, I kind of let you go a little  
22 longer than I would normally. But we always

1 appreciate your interest and your -- so thank  
2 you, Mr. Sindram.

3 MR. SINDRAM: I love you too, Mr.  
4 Chair. Thank you.

5 CHAIRMAN BENNET: Thank you, Mr.  
6 Sindram.

7 MR. SINDRAM: Mr. Gill, we need an  
8 elephant in the room.

9 CHAIRMAN BENNET: I'm gaining weight  
10 to try and make sure that happens. Can I get a  
11 motion for Mr. Gill to adjourn the meeting?  
12 Thank you Mr. Sindram.

13 MEMBER GILL: Thank you, Mr. Sindram.  
14 We have a Motion to Adjourn.

15 CHAIRMAN BENNET: The motion is  
16 properly made and accepted. The meeting is  
17 adjourned. Thank you.

18 (Whereupon, the above-entitled matter  
19 went off the record at 1:07 p.m.)  
20  
21  
22

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Before: DC BOE

Date: 03-12-20

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