

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

APRIL 4, 2018

+ + + + +

The District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 11:00 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
DIONNA MARIA LEWIS, Member

BOARD OF ELECTIONS STAFF PRESENT:

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

T-A-B-L-E O-F C-O-N-T-E-N-T-S

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

(11:15 a.m.)

CHAIRMAN BENNETT: Good morning.

We've got a relatively packed agenda. I'll call the meeting to order. It is 11:17. The meeting time was changed to 11:00.

We are going to have join us Board Member Dionna Lewis at some point very soon. We've got a pretty packed agenda so I want to go ahead and get started. Let's call the meeting to order.

My name is Michael Bennett. To my far left is Ms. Alice Miller, Executive Director of the Board of Elections. To my right is Mr. Rudolph McGann sitting in for General Counsel Ken McGee from the Law Department.

To his immediate right is Mr. Michael Gill, board member. To his immediate right is Cecily Montgomery, Director of the Office of Campaign Finance. When she arrives to my immediate left will be Ms. Dionna Lewis.

We'll start the meeting off by the

1 adoption of the agenda. Mr. Gill, can I get a
2 motion?

3 MR. GILL: Motion to adopt the agenda
4 as provided.

5 CHAIRMAN BENNETT: Second. There's
6 two of us so that is the adoption of the agenda.

7 Adoption of the minutes from the last
8 board meeting on March 7.

9 MR. GILL: I move to adopt the minutes
10 as provided from Wednesday, March 7, 2018.

11 CHAIRMAN BENNETT: All right. I
12 second that and vote yes.

13 We have Ms. Lewis and Ms. Royal with
14 us for the board meeting. I think our youngest
15 board member.

16 MS. LEWIS: Good morning.

17 CHAIRMAN BENNETT: Okay. Good
18 morning. We just adopted minutes from March 7th.

19 Any Board matters, Mr. Gill?

20 MR. GILL: Just that I want to
21 recognize not only Royal but my daughter Anika is
22 on spring break and is taking her time to join us

1 today also so you can pity her.

2 CHAIRMAN BENNETT: Welcome to you as
3 well as Royal.

4 Ms. Lewis, do you have any matters for
5 the Board?

6 MS. LEWIS: No matters. Thank you.

7 CHAIRMAN BENNETT: Okay. Royal?

8 Okay. Next on the agenda is the
9 General Counsel Report. Mr. McGann.

10 MR. MCGANN: Thank you, Mr. Chair.
11 The first matter on the General Counsel's Report
12 is the Travon Hawkins Recall. For the parties
13 involved with that matter, please step forward.

14 I know for the record that one of the
15 proponents of the recall, Ms. Agyei, is present.
16 Mr. Hawkins is not present. However, he was
17 notified of this meeting by email and letter of
18 correspondence.

19 CHAIRMAN BENNETT: Thank you. Would
20 you state your name for the record?

21 MS. AGYEI: Dorcas Agyei.

22 CHAIRMAN BENNETT: And your address

1 is?

2 MS. AGYEI: 1926 15th Street, S.E.,
3 Washington, D.C. 20020.

4 CHAIRMAN BENNETT: Thank you very
5 much.

6 MS. AGYEI: Historic Anacostia.

7 CHAIRMAN BENNETT: All right.

8 MR. MCGANN: At this point in time Ms.
9 Agyei has had access to the proposed recall
10 petition and I would ask at this point if the
11 proposed petition is one that reflects accurately
12 her statement for reason of recall and would she
13 care to adopt this as her official petition for
14 circulation.

15 MS. AGYEI: It does and I would.

16 MR. MCGANN: At this point I'm going
17 to defer to the Registrar's office to give the
18 particulars and the procedure for circulating the
19 recall petition.

20 MS. SMITH: Thank you. My name is
21 DeAnna Smith. I'm the Assistant Registrar of
22 Voters. I want to read a report for the Notice

1 of Intention to Recall Travon Hawkins, ANC Single
2 Member District 8A-05.

3 On December 13, 2017 Dorcas Agyei, a
4 registered voter in Single Member District 8A-05,
5 filed a Notice of Intention to recall Travon
6 Hawkins, ANC-4 SMD 8A-05. Commissioner Hawkins
7 did not file a response to Ms. Agyei's statement
8 grounds for recall on Tuesday, December 26, 2017.

9 Pursuant to D.C. Official Code,
10 Section 1-100.17G, the proposer of the recall of
11 an ANC shall have 60 days to circulate the recall
12 petition and file the same with the Board
13 beginning on the date when the proposer of the
14 recall formally adopts the original petition form
15 as his or her own. Accordingly, Ms. Agyei must
16 file the recall petition with the Board no later
17 than 5:00 p.m. on Monday June 4, 2018.

18 Pursuant to D.C. official code,
19 Section 1-100 17H3, a petition for recall of an
20 ANC shall include the valid signatures of two
21 percent of the registered qualified electorals of
22 the affected SMD.

1 The 10 percent must be accumulated
2 from the total number of registered voters in the
3 SMD according to the latest official count of
4 registered voters made by the Board 30 days prior
5 to the date of initial submission of the Notice
6 of Intention to Recall.

7 As reflected the total number of
8 registered voters in SMD 8A-05 as of February 28,
9 2018 was 1,898. Accordingly, the petition for
10 the recall of Commission Hawkins must include the
11 valid signatures of the 190 registered electorals
12 in SMD 8A-05. Thank you.

13 MR. MCGANN: Ms. Agyei, at this point
14 in time the Board is going to offer a motion to
15 accept your acceptance of the recall petition so
16 that you can begin circulating it.

17 I do want to inform you that you've
18 gotten a petition with two front sides. When you
19 make copies of that petition, copy both sides
20 back to front on the copy machine. If you need
21 any help, I can assist you after the meeting.

22 CHAIRMAN BENNETT: Okay. Can I get a

1 motion from a Board member?

2 MS. LEWIS: I move to accept the
3 petition for recall.

4 MR. GILL: Second.

5 CHAIRMAN BENNETT: All in favor.

6 MEMBERS: Aye.

7 CHAIRMAN BENNETT: Unanimous. Thank
8 you very much.

9 MS AGYEI: Thank you.

10 CHAIRMAN BENNETT: Thank you.

11 Mr. McGann, please continue.

12 MR. MCGANN: Sure. The next motion is
13 a subject matter hearing from the D.C. Bike Life
14 Access and use of Non-Traditional Vehicles Act of
15 2018. The sponsor or the proponent of the
16 measure is Mr. Eric Butler.

17 CHAIRMAN BENNETT: Good morning, Mr.
18 Butler.

19 MR. BUTLER: Good morning.

20 CHAIRMAN BENNETT: Can you state your
21 name and address for the record, please, sir.

22 MR. BUTLER: Address?

1 CHAIRMAN BENNETT: Name and address
2 for the record, please.

3 MR. BUTLER: My name is Eric S.
4 Butler, Jr. I reside at 4914 8th Street, N.E.
5 Washington, D.C.

6 CHAIRMAN BENNETT: Okay. Great. Mr.
7 McGann will give the opinions that were provided
8 this office and also the Attorney General.

9 MR. MCGANN: I would like to give a
10 quick overview of the process first. Pursuant to
11 D.C. Code 1-101.16 the Board upon receipt of a
12 proposed initiative or referendum measure must
13 refuse to accept the measure if the Board finds
14 that it's not a proper subject for the matter or
15 initiative of referendum, whichever is applicable
16 under the terms of Title 4, District of
17 Columbia's Self Government Act and Governmental
18 Reorganization Act, also known as the Home Rule
19 Act, or upon any of the following grounds:

20 Verified statement of contributions;
21 statement of organization; the report and receipt
22 of expenditures not filed with the Office of

1 Campaign Finance; proposed measures not in proper
2 form; a proposed measure authorizing, or would
3 have the effect of authorizing, discrimination
4 prohibited under the Human Rights Act of 1977; or
5 the proposed measure would negate or limit a
6 budgetary act of the council or would
7 impermissibly interfere with the appropriations
8 process under applicable Court of Appeals
9 rulings.

10 At this point in time I'm going to
11 defer to the Office of Campaign Finance to ensure
12 that you file the proper necessary paperwork with
13 their office so that you can be in compliance
14 with the first step.

15 MS. COLLIER-MONTGOMERY: Yes. The
16 statement of the organization as well as the
17 Report of Receipts and Expenditures was filed at
18 the time.

19 MR. MCGANN: At this time I will give
20 a synopsis of the Attorney General's opinion
21 with respect to D.C. General Attorney's opinion.
22 The Attorney General replied that the language

1 used in the measure is vague and ambiguous to the
2 point that no reasonable person would be able to
3 determine if their conduct was legal or illegal.

4 A person who unlawfully operates an
5 off-street vehicle would be subject to the
6 maximum criminal fine of \$100 rather than a
7 maximum fine of \$250 and/or imprisonment of 30
8 days and would have his or her license suspended
9 for six months.

10 The measure appears to reduce the
11 criminal penalties for conduct prohibited by
12 Section 9B of the District of Columbia Traffic
13 Act, but it's not clear what specifically is
14 being penalized. I think I should go back to the
15 legislative drafting. Some numbers were
16 referring to -- I'll give you some examples.

17 MR. BUTLER: Do you have a copy of
18 what was submitted?

19 MR. MCGANN: Sure. If you approach,
20 I can show you. This is my copy. The measure
21 has numerous penalty provisions with ambiguous
22 internal references that would confuse the

1 public.

2 For example, it states that a person
3 operating an off-street vehicle in violation of
4 Section A of this section shall be fined no more
5 than \$100.

6 This reference to Section A could
7 refer to Subsection A which permits the operation
8 of off-street vehicles in certain areas. Or,
9 alternatively, the amended Subparagraph A(2)(a).
10 That measure refers to paragraph A(2) as Section
11 2 which concerns the registration of off-street
12 vehicles.

13 MR. BUTLER: Could you one more time
14 go to -- what's the party that you were reading?
15 You're reading Section -- he's referring to
16 Section C. Correct?

17 MR. MCGANN: Right.

18 MR. BUTLER: Section C in the
19 lower --

20 MR. MCGANN: Yes. And it says, "In
21 violation of Section A of this section shall upon
22 conviction be fined no more than \$100." That's

1 the measure at page 2. Do you see that?

2 MR. BUTLER: Um-hum.

3 MR. MCGANN: And so the counsel --

4 MR. BUTLER: Indicating the
5 registration?

6 MR. MCGANN: Correct.

7 MR. BUTLER: Okay.

8 MR. MCGANN: And so the Attorney
9 General was -- you could explain it but the
10 Attorney General was somewhat confused about what
11 you were referring to with respect to that
12 section.

13 MR. BUTLER: So for that section, just
14 to be clear -- I can bring it back up to you.

15 MR. MCGANN: There might be some more.

16 CHAIRMAN BENNETT: Just remember, I'm
17 happy to hear your points, but we're going to
18 give you an opportunity to kind of state the
19 whole thing so you may want to just kind of wait
20 and kind of give us your broader perspective in
21 context if that's okay with you.

22 MR. BUTLER: Just so we're clear.

1 MR. MCGANN: So I'll move on after
2 that. That was the ambiguity and they are
3 claiming that it's a due process violation
4 because people wouldn't necessarily know exactly
5 what could be a punishable offense based on the
6 wording. There could be clarification with
7 respect to that.

8 MR. BUTLER: Okay.

9 MR. MCGANN: Second measure is
10 permissible law appropriating funds because it
11 would impose new responsibilities on the district
12 government that could not be carried out without
13 additional funding measure.

14 It would create a mandatory duty that
15 DMV would be able to comply with in the absence
16 of funding and does not condition DMV's
17 compliance upon funding by the counsel. This is
18 where they are referring to the mandatory
19 requirement of registration. It's the last
20 aspect of the Attorney General's letter.

21 To the extent the measure would reduce
22 penalties, the measure removed the source of

1 revenue which would intrude upon the counsel's
2 appropriation authority and could negate or limit
3 a budget request act as was the case in a case
4 named Dorsey.

5 Dorsey involved a measure, an
6 initiative measure, that attempted to rescind
7 booting in the District. The court reasoned that
8 because the government relies on the income from
9 the fines of booting, it couldn't take away that
10 revenue resource. In the same vein the Attorney
11 General's opinion thinks that you'd be taking
12 away by criminalizing the public use of street
13 bikes.

14 MR. BUTLER: I understand.

15 MR. MCGANN: That was the last aspect
16 of the Attorney General's reasoning. With
17 respect to the General Counsel's Office, are
18 reasoning concurs in only one aspect and it was
19 that last aspect with respect to the
20 decriminalization you take away revenue source
21 from the counsel.

22 With respect to the first issue in

1 terms of confusion, if it were found to be a
2 proper subject, the Board's responsibility is to
3 put it in the proper legislative form. Reading
4 as I did, I saw that what you are attempting to
5 do is just the numbering was a little bit
6 confusing. That's just an adherence to
7 legislative drafting. The General Counsel's
8 Office didn't take issue with the confusion.

9 MR. BUTLER: That was the AG?

10 MR. MCGANN: Right. The AG took issue
11 with that.

12 MR. BUTLER: The ambiguity.

13 MR. MCGANN: Correct. Now, with
14 respect to utilizing resources to get the office
15 to put a regulatory scheme in place to register
16 these new types of vehicles, General Counsel's
17 Office felt that it a function that already
18 occurs with respect to the District Department of
19 Motor Vehicles.

20 MR. BUTLER: Sure.

21 MR. MCGANN: As well as you did not in
22 your measure dictate how the counsel would have

1 to fund that so we didn't see that was the same
2 as the prohibition on regulations.

3 The only thing that the General
4 Counsel's Office, which is the Board's General
5 Counsel's Office, did concur with the Attorney
6 General that the decriminalization would take
7 away a revenue source in the way of \$250 per
8 infraction which is part of the budgetary
9 process.

10 The Attorney General's Office showed
11 that the District of Columbia does rely on those
12 types of fines and infractions in making their
13 budgets. That is the whole spiel per se.

14 MR. BUTLER: One more time.

15 MR. MCGANN: Yes, sir.

16 MR. BUTLER: This is like the last
17 thing I would need you to clear me up on. Could
18 you identify the section that the AG identified
19 as vague. I know the first one that we went
20 through was on the first page of the draft
21 legislation under Section 2 where it says 2B.

22 MR. MCGANN: Right.

1 MR. BUTLER: So that's one line. I
2 got that one. What's the other sections that
3 we're being vague? For that reason on that
4 condition cannot be accepted.

5 MR. MCGANN: At this point in time I
6 can tell you the Board is the one who makes the
7 determination whether or not it's a proper
8 subject. The Board is will to listen to whatever
9 you may want and I can address the ambiguities
10 that were raised by the Attorney General's
11 Office.

12 MR. BUTLER: So the one main thing is
13 the revenue. With the Board the issue was the
14 revenue that would be taken away through
15 decriminalizing.

16 MR. MCGANN: Actually, that's the
17 General Counsel's position.

18 MR. BUTLER: Right, right, right.

19 MR. MCGANN: The General Counsel's
20 position is that by decriminalizing the use of
21 the bikes would be taking away revenue from the
22 Counsel.

1 MR. BUTLER: Okay.

2 MR. MCGANN: You are more than welcome
3 to address all the points that were raised.

4 CHAIRMAN BENNETT: Is that all you
5 had?

6 MR. MCGANN: That is all.

7 CHAIRMAN BENNETT: Okay. What I'm
8 going to do now if there are any opponents of the
9 measure that are here I need to give them an
10 opportunity to speak as well. Are there any
11 opponents? I think the answer is no.

12 Now it's time for your comments, sir.

13 MR. BUTLER: Once again, from my
14 understanding, as we've just discussed here, the
15 slashing of the revenue would be the reason it
16 would not be considered a valid subject matter.
17 I see this says appropriation of funds, that we
18 cannot appropriate funds.

19 My question is why wasn't Initiative
20 71 determined to be not valid for this reason as
21 it took away revenue that goes to prison in the
22 amount of whatever, 5,000 prisoners per year,

1 that goes for jail offenses.

2 That's revenue taken away. That's
3 FTEs that are off of the street. That's a lot of
4 work that doesn't need to be done to go into the
5 Department of Corrections. That's revenue if I'm
6 not mistaken.

7 Also, by putting in here, like you
8 said, registration of a process that has already
9 taken place for mopeds, for scooters, I mean, you
10 have like a playpen outside with these shed
11 vehicles out but these will be actually
12 registered so we're snatching away revenue, yes,
13 and that's not appropriating funds.

14 CHAIRMAN BENNETT: So you're agreeing
15 that --

16 MR. BUTLER: I'm not agreeing that
17 it's --

18 CHAIRMAN BENNETT: Let me ask a
19 question. So are you agreeing that there is some
20 level of revenue reduction but there was revenue
21 added also? Is that where you're going?

22 MR. BUTLER: First, I don't agree that

1 taking away revenue for penalties is not the
2 appropriation of funds.

3 CHAIRMAN BENNETT: Okay.

4 MR. BUTLER: Taking away revenue is
5 not appropriation of funds so those funds were
6 first held by the citizens. They are being
7 appropriated through penalties to the government.

8 By stopping that penalty I'm not
9 appropriating government funds so I don't see how
10 that's -- based on that terminology how that
11 holds up to what I see right here on Section 3
12 which says "would appropriate funds." I just
13 don't see it because I worked on initiative 71 so
14 we should never have been able to move forward.

15 CHAIRMAN BENNETT: I understand.

16 MR. BUTLER: That's the first thing
17 that I do not understand. We were talking about
18 -- just to respond to the comment from the AG at
19 this point, we said it was vague and kind of
20 misleading.

21 I also find it kind of misleading that
22 I would be able to say that we can register the

1 vehicles, like I said, into a process that's
2 already going on, in the registration of two-
3 wheeled motor powered vehicles be they electric,
4 moped, etc., just a different type, that's not
5 adding another office.

6 You'd be collecting revenue for what
7 is now considered an offense. The revenue would
8 be coming to you voluntarily versus being taken
9 away in an act that's considered a public safety
10 risk. For that reason, I still am unclear as to
11 how taking away a penalty is appropriating funds.

12 MS. LEWIS: Sir, would you be able to
13 offer your thoughts about how you believe, or
14 what your position is, in support to help us
15 understand?

16 It seems like you posed questions to
17 us about how you don't understand how these are
18 mechanisms of taking away funds out of the
19 appropriation of funds. Can you offer your
20 thoughts about what supports your position?

21 MR. BUTLER: My position that it's not
22 an appropriation of funds?

1 MS. LEWIS: Correct.

2 MR. BUTLER: I go back to the work
3 that I did on Initiative 71. For that same
4 reason, when DCMJ sat down here when penalties
5 were being taken away from marijuana possession
6 at the time when I believe the petitions were
7 given up, marijuana was decriminalized already by
8 Counsel and there was a penalty associated with
9 it.

10 The penalty was I believe \$100 at the
11 time. That's a \$100 penalty. Initiative 71
12 wiped that penalty off of the books. For that
13 same reason that I'm sitting here today facing
14 this objection or petition to decline of subject
15 matter, based on subject matter, then why do we
16 have legalization in the city today?

17 That's my objection to that point. I
18 worked on the initiative. I was a consultant so
19 why would we be able to do it if taking away
20 penalties is appropriation of funds?

21 MS. LEWIS: Well, so with these
22 hearings we have to look at what's called de novo

1 so we're listening to all the information from
2 the beginning as a clean slate. Without
3 referencing Initiative 71, could you offer your
4 thoughts for our consideration as we assess this?

5 MR. BUTLER: On the appropriation?

6 MS. LEWIS: Right. And whatever other
7 counterpoint you have to either the AG's
8 position, the General Counsel, or the Board of
9 Elections position.

10 MR. BUTLER: Well, so as we move
11 forward with the process I'll start with the AG.
12 He said it was vague and ambiguous, I guess.
13 I'll read you a section. "Section 2 shall be
14 amended and renumbered."

15 This act in general -- I mean, the act
16 I presented is really an amendment. It was
17 already written in D.C. I just flipped over the
18 law that was already written to make the terms
19 match.

20 We amended every number as follows:

21 Section 2. Parking anytime an all-
22 terrain vehicle or dirt bike on private property

1 including public garage parking. That's like for
2 revenue.

3 Register all-terrain vehicles, dirt
4 bike, or UTV with the Department of Motor
5 Vehicles in the District. Section B. A person
6 operating an ATV, dirt bike, UTV in violation of
7 Section A (which says it's registered) shall be
8 fined no more than \$100.

9 So if you're riding your dirt bike
10 around and you get pulled over and you don't have
11 a registration here is your \$100 fine. Do not
12 sit in jail and go home and get it registered or
13 pay another \$100 fine. That's revenue.

14 A person who is convicted of violating
15 Section A(1), which is to operate or B(1), which
16 is basically saying how you operate on the road,
17 if you are violating -- if you're operating it
18 outside of the law on the road, then there's
19 another scaled penalty which is on the second
20 page which is Section C. It's a scale of
21 penalization that is already written in D.C. for
22 violations of this nature.

1 MR. MCGANN: Excuse me. You're
2 keeping Section C, which is what I thought, but
3 you're keeping Section C that exist already.

4 MR. BUTLER: We're referencing the
5 behaviors in Section 1 of the law that we wrote
6 here. If you're operating outside of Section
7 1(a), on public roads the speed limit is posted
8 45 or lower or if you're operating outside of
9 that section, which is referenced here, then we
10 need to give you a penalty.

11 If we catch you again, there's an
12 increased penalty. B says on the shoulder so if
13 you're on the highway and you want to get off the
14 shoulder and you want to go through traffic,
15 here's your ticket. They can get you for that.
16 That's what is referenced here in Section C --
17 Subsection C of Section 2.

18 MR. MCGANN: What do you mean by
19 shoulder lane? I'm sorry. Do you mean the
20 actual shoulder of the emergency lane or are you
21 talking about --

22 MR. BUTLER: D.C. has laws right now

1 on the books that can be referenced where D.C.
2 has declared the shoulders and make them rideable
3 for bicyclist. That's the laws on the books so
4 I'm not changing it or adding another law there.
5 That's something that's --

6 MR. MCGANN: So you're referring to
7 the actual shoulder as opposed to the road.

8 MR. BUTLER: The posted speed limit is
9 above 45 so if it's a highway -- it says highway
10 so any highway has a speed limit posted above 45.
11 There's no avenues in the District with a 50-
12 mile-per-hour speed limit. Like that's crazy.
13 North Capital, South Capital, like that's 45.

14 MR. MCGANN: By highways you're
15 referring to those, not federal highways.

16 MR. BUTLER: On the shoulder, yes.
17 That's something that is being violated already
18 anyway but we're putting it in a legalized form,
19 adopting practices that come from other states
20 that have legalized these types of vehicles in a
21 limited use.

22 If people have to travel from in the

1 city and going down 295 or down the Southeast
2 freeway to cut off to one of the roads maybe to
3 go to Capitol Hill. You know what I mean?
4 That's where they can use the limited access and
5 get off and keep it moving.

6 D.C. has to address our population,
7 our flow as something that's presenting in the
8 city like with an issue. We need to address the
9 cars. We need to address our unique space
10 limitations in D.C. and development.

11 We have high registration numbers
12 which means basically people are competing with
13 parking spaces for housing and this is, as I
14 said, by making it the way it's set up, it allows
15 for limited public space use.

16 As far as parking, you can't park it
17 out on the street so you won't see things like we
18 see with bike sheds. This is set up, like I say,
19 to give scalable penalties for not obeying the
20 laws of the road. I still feel like they are
21 harsher than some of the penalties that drivers
22 of traditional vehicles will see. I hope I

1 answered you question.

2 CHAIRMAN BENNETT: Let me just make
3 sure. This is really more of a question for you.
4 So the two issues -- it sounds like I'm hearing
5 two issues with his initiative. One is that the
6 Attorney General says there are a couple sections
7 that are vague. Right? Not that they violate
8 the -- that they don't meet the eight
9 requirements, but it just says it's vague.

10 MR. MCGANN: Being that they're vague,
11 in the Attorney General's opinion, is that a
12 person wouldn't have proper due process to be
13 subject to a fine because they don't know exactly
14 what the prohibited behavior is.

15 CHAIRMAN BENNETT: Okay. But the
16 basis of that is the vagueness of those sections.

17 MR. MCGANN: Correct.

18 CHAIRMAN BENNETT: Then the other that
19 our General Counsel's Office had -- the other
20 issue our General Counsel's Office has is it
21 eliminates funds that those funds are
22 appropriated. Therefore, it violates -- I can't

1 remember the number. It eliminates --

2 MR. MCGANN: Three.

3 CHAIRMAN BENNETT: It violates 3 of
4 the appropriations. Those are really the two
5 issues.

6 MR. MCGANN: The main ones and then
7 the Attorney General also had an issue with a new
8 regulatory scheme of registering a new type of
9 vehicle.

10 MR. BUTLER: What is the new
11 regulatory scheme?

12 MR. MCGANN: I'm --

13 MR. BUTLER: So we'll have to answer
14 to his -- that's another question I have. We'll
15 have to answer to his --

16 MR. MCGANN: Well, I'm just raising
17 what they -- you can address it. You are more
18 than welcome to address that.

19 CHAIRMAN BENNETT: The way the process
20 basically works is that we're just getting
21 opinions from the Attorney General. Like we at
22 the Board are getting opinions from the Attorney

1 General and also from our own General Counsel's
2 Office with regard to your initiative and then we
3 have to make a decision. I'm trying to kind of
4 narrow this down.

5 MR. BUTLER: And then that is
6 presented to me. Do I need to respond to the AG
7 right now or just address the Board?

8 CHAIRMAN BENNETT: You just address us
9 right now. What I want to try and do is narrow
10 this down to what -- it sounds like there are two
11 or maybe three.

12 MR. BUTLER: Coming from you all
13 there's one which is appropriations. What I need
14 to get from the General Counsel and from the
15 Board is what is --

16 CHAIRMAN BENNETT: We take both the
17 General Counsel's opinion under advisement, as
18 well as the Attorney General's opinion. If there
19 were other opponents to it, we would take their
20 opinions under advisement also.

21 From your perspective, the proponent's
22 perspective, you need to address all those

1 matters that we would have. There is a point and
2 you probably ought to make a counter point.

3 I'm just trying to make sure that I
4 understand the issues so that you're clear what
5 we're going to make a decision on, the issues
6 from a opponent's perspective that we're going to
7 be hearing along with any other issues that we
8 may have as individuals who sit on the Board
9 which is why we have an opportunity to ask you
10 questions.

11 From my perspective -- I'm going to
12 ask the Board members if they have additional
13 questions. From my perspective those are really
14 the only two/three issues that I hear.

15 MR. BUTLER: One more question?

16 CHAIRMAN BENNETT: It's your dime or
17 quarter or whatever it is it cost to make a phone
18 call these days. Your cell phone.

19 MR. BUTLER: So the vague, the
20 appropriations. As far as it being vague, I will
21 respond to that again. As I've explained, the
22 piece that was referred to as being vague, once

1 it's drafted and if petitions were to be issued,
2 you all would come up with terminology that would
3 -- like as it's written on every petition I've
4 worked on; Initiative 76, Initiative 77,
5 Initiative 71, I consulted on all these measures
6 and we don't put this language on any petition.

7 We put something that makes sense to
8 people walking down the street that you can read
9 in 15 seconds. So I heard the AG but nobody is
10 sitting in the poor house right now for
11 marijuana. They are researching the laws on
12 marijuana and what technically is a gift, what
13 technically is this and that.

14 Do you see what I'm saying? I
15 understand what you're saying about vague but law
16 as it's written legislative text can be argued to
17 be vague for populations that don't read
18 legislative text. Do you know what I mean? So a
19 majority of people that are violating the law
20 don't know the section or subsection or the
21 terminology of the law they are violating until
22 they've been presented with the fact that they

1 need to find out. That's my response to the
2 vague and the appropriations. I'm not
3 appropriating a new --

4 CHAIRMAN BENNETT: Can I stop you for
5 a second and just make sure I'm clear about what
6 you just said?

7 MR. BUTLER: Sure.

8 CHAIRMAN BENNETT: So your point is
9 that you believe that those sections that you
10 wrote are written in, if I can use this term,
11 plain English or plain language versus
12 legislative speak if you will.

13 MR. BUTLER: This is legislative speak
14 and on the petitions they will be in plain
15 language.

16 CHAIRMAN BENNETT: Right.

17 MR. BUTLER: That will be drafted by
18 you all. Correct?

19 CHAIRMAN BENNETT: Yes. So your point
20 is you feel like it's the plain speak, so to
21 speak, or the non-legislative speak is what
22 people will actually understand and --

1 MR. BUTLER: That's what people go by.
2 That is what people are presented with. To this
3 day people whip out petitions that say you can
4 grow three mature plants, three -- we don't want
5 to reference before but this is what you've sat
6 on.

7 People say you can have three mature
8 plants, three small plants. That's what the law
9 says. People aren't fully aware that if somebody
10 comes in your house and you have three residents
11 and all of you all are growing and somebody has
12 nine and somebody else has 12.

13 You know what I mean? Like people
14 don't reconcile their actions with the law until
15 they are presented with the law and a violation.
16 At that point that third person in the house
17 about to claim some plants. You see what I'm
18 saying?

19 CHAIRMAN BENNETT: Yeah, I hear you.

20 MR. BUTLER: To abide by the law it's
21 not their plants.

22 CHAIRMAN BENNETT: Right. I hear you.

1 MR. BUTLER: But that's how the law is
2 written. They don't know that until, like I
3 said, somebody comes in the house for something,
4 a report or whatever just like a lot of other
5 times when you encounter the law.

6 From my understanding of what was the
7 onus that was on me as the proposer is not to
8 write a legislative text in plain speak. I
9 thought it was suppose to be written like
10 referring to this section, referring to another
11 subsection if that's how the law that I'm
12 amending is already written.

13 If you look at the law that I'm
14 amending A(1)(b)(1), all that stuff is already
15 there. If it's vague, then it's already there.
16 Do you see what I'm saying? All I did was change
17 the words after the sections. These aren't new
18 sections.

19 CHAIRMAN BENNETT: Your point is you
20 didn't make it vague.

21 MR. BUTLER: I didn't make it vague.
22 To me the law 55-1401.012, Section 50-1401.05 is

1 vague by that rule and is appropriations of
2 taking away violations. If that's an
3 appropriation, then like how do we get rid of any
4 penalties?

5 CHAIRMAN BENNETT: Right.

6 MR. BUTLER: If this was a Supreme
7 Court ruling, we could never petition to get
8 penalties taken away from us. That's
9 interesting.

10 CHAIRMAN BENNETT: Mr. Gill, do you
11 have any questions?

12 MR. GILL: No. No questions.

13 CHAIRMAN BENNETT: Ms. Lewis, do you
14 have any additional questions?

15 MS. LEWIS: No.

16 CHAIRMAN BENNETT: Are you sure?

17 MS. LEWIS: Well, I guess what I'm
18 curious about is it sounds like what you're
19 saying is what the counterpoint of your proposal
20 is is that because the budget relies on certain
21 penalties, right?

22 The District budget relies on certain

1 penalties so they are kind of projecting that
2 just like they do parking tickets. Within a
3 given year we are going to obtain this amount of
4 money and these particular fines or categories of
5 fines. What is your response to that? I just
6 want to make sure I'm clear.

7 MR. BUTLER: Does that burden lie on
8 the citizens? Do we say, okay, we have these
9 penalties established so we can't legalize
10 behaviors because we must maintain these
11 penalties. Like if that's the logic, then we
12 should still have slaves. We shouldn't pay
13 people to work because it takes away from the
14 companies.

15 If you're living on government land,
16 then you should be living as a share cropper
17 because this is our land. Do you know what I'm
18 saying? Like how far do you let that -- how far
19 do you let the concept of a penalty and revenue
20 from the penalty almost become a budgetary
21 expectation? Do you know what I mean?

22 I worked for the Bureau of Land

1 Management for the Federal Government. If the
2 land that we are governing and observing and
3 maintaining, if that revenue to pay me had to
4 come from jail money.

5 Do you know what I'm saying? Money
6 from our federal prisons, then like if it had to.
7 Do you know what I'm saying? If you make this
8 legal, we can't pay for the Bureau of Land
9 Management.

10 How far do we let our need for the
11 penalties keep from putting the burden on the
12 people to keep providing the money for these
13 penalties when we have a process in place where
14 we could turn -- where we could still maintain
15 penalties, legalize the behavior, and you'll get
16 money off of the penalties.

17 You won't be sending the citizens to
18 jail therefore decreasing your population -- your
19 earning population, and you'll get back. Tickets
20 for people who ride unregistered and people who
21 are riding unlicensed, you'll get those penalties
22 for speeding and all the other types of things

1 that you have, tags and things on the vehicles.

2 You'll get the revenue back and
3 penalties that you're saying you're going to
4 lose. You lose \$250 for not arresting -- not
5 chasing down riders and getting them off the
6 device because that's what happens in practice.

7 You lose that \$250 that you chased
8 down a rider for. If you stop chasing riders,
9 you can get them with the speed cams. We have
10 technology in place, new technology in place,
11 that we don't have to depend on these things in
12 the way that we use to depend on them. We don't
13 have to depend on policing of space for traffic
14 tickets when we can just nab you.

15 If you have a dirtbike and you -- we
16 know how a dirtbike and an ATV looks so if you
17 have a seat right here and on the back of that
18 person's seat you put a registration sticker, if
19 that person takes this bike up and doing a
20 wheelie past the speed camera, that's two
21 violations that you can send to the person, or to
22 the address, whoever let them ride the bike that

1 shouldn't be riding the bike.

2 You send them one ticket for speeding.
3 You send the other one saying if you weren't
4 doing a wheelie you wouldn't see this
5 registration sticker on your car to send you this
6 ticket. You send another ticket for doing
7 stunts. That's if it happens.

8 You can better regulate behaviors if
9 you release the need on some of these penalties
10 and some of these revenues that we are accustomed
11 to. This is the foundation of our country.
12 People were used to having free labor and that
13 was a need. There was a need to build the
14 country. At a certain point you've got to let go
15 of those things. Do you know what I mean?

16 Because it becomes more harmful than
17 it is good. Like I said, with D.C. right now 80
18 percent of our people that move here do not have
19 vehicles. Our population doubles during the day,
20 during the work week.

21 The burden already is on the citizens
22 of D.C. to pay the cost for travel to now be

1 taxed for Uber and Lyft at a higher rate to then
2 the transit system that you are already being
3 taxed to ride -- not taxed to ride but you are
4 paying to ride.

5 If you want another option, you have
6 to -- half our population has to go to get a car
7 loan. You get a car loan from an institution
8 that's charging you a higher interest rate.
9 That's a penalty for being your demographic.

10 I understand penalties but what I'm
11 saying is we have the means in place to knock out
12 certain penalties and recoup those revenues by
13 other means if we apply the technologies that we
14 have in the city.

15 CHAIRMAN BENNETT: I'll go back. Ms.
16 Lewis?

17 MS. LEWIS: No, thank you.

18 CHAIRMAN BENNETT: Mr. Gill?

19 MR. GILL: I think the term
20 appropriation is what it's going to come down to.
21 In terms of the factors it's vague and so maybe
22 we'll pull out the Dorsey case.

1 CHAIRMAN BENNETT: We will make a
2 decision on this in executive session. My
3 compliments to your initiative and also to your
4 arguments around the matters that we need to
5 consider.

6 I have to say this was one of the few
7 times that we've actually, I think, gotten some
8 data in these sessions that I think will help us
9 and also cause us to really think through the
10 positions that we've gotten from both General
11 Counsel and also the Attorney General. Job well
12 done. I'm not sure what the answer is going to
13 be but thank you.

14 MR. BUTLER: You said at the executive
15 session?

16 CHAIRMAN BENNETT: We're going to meet
17 after this meeting. We'll talk through it and
18 somebody, maybe the General Counsel's Office,
19 will be able to connect with you.

20 MR. MCGANN: We'll have it to you in
21 short order.

22 MR. BUTLER: So I can expect that by

1 mail?

2 MR. MCGANN: Mail, email.

3 MR. BUTLER: Thank you so much
4 everybody.

5 CHAIRMAN BENNETT: Thank you.

6 All right, Mr. McGann. I think you've
7 got a couple more.

8 MR. MCGANN: Couple more. Bear with
9 me. At this point in time I'd like to introduce
10 my colleague Ms. Renee Christiansen to present
11 Proposed Emergency Rulemaking for Chapters 1, 2,
12 4, 5, 7, 8, 17, and 33.

13 MS. CHRISTIANSEN: Hello. My name is
14 Renee Christiansen, staff attorney for the Board
15 of Elections. For the Board's consideration
16 today is a Notice of Emergency and Proposed
17 Rulemaking affecting multiple chapters of Title 3
18 of the D.C. Municipal Regulations.

19 Those chapters are Chapter 1,
20 Organization of Board of Elections. Chapter 2,
21 Political and Ethical Conduct of Board Members
22 and Employees. Chapter 4, Hearings. Chapter 5,

1 Voter Registration. Chapter 7, Election
2 Procedures. Chapter 8, Tabulation and
3 Certification of Election Results. Chapter 17,
4 Candidates, Members, and Officials of Local
5 Committees and Political Parties and National
6 Committee Persons. Finally, Chapter 33,
7 Prohibition on Use of Government Resources for
8 Campaign Related Purposes and Interpretive
9 Opinions.

10 The purpose of the amendments to
11 Chapter 1 and 4 is to make minor conforming
12 amendments as a result of the passage of the
13 Board of Ethics and Government Accountability
14 Establishment and Comprehensive Ethics Reform
15 Amendment Act of 2011 which repealed the Campaign
16 Finance Reform and Conflict of Interest Act.
17 Additional amendments to these chapters are
18 organizational and stylistic.

19 The amendments to Chapter 2:

20 (1) Codify the Board's current status
21 to act as a personnel authority pursuant to the
22 District of Columbia Government Comprehensive

1 Merit Personnel Act of 1978 as amended for its
2 employees.

3 (2) Adopt personnel rules that apply
4 to all other District of Columbia employees
5 unless specifically exempted in this chapter.

6 (3) Relocate any existing personnel
7 regulations to this chapter.

8 (4) Retain the existing rules
9 concerning political activity of board members
10 and employees.

11 The purpose of the amendments to
12 Chapters 5, 7, and 8 is to codify rules following
13 the passage of the Automatic Voter Registration
14 Act of 2016. Substantively, the proposed
15 amendments:

16 (1) Codify a new deadline of 21 days
17 before election day for the Board to receive
18 registration applications digitally or by mail.

19 (2) Codify a new deadline of 21 days
20 before a primary election for previously
21 registered voters to newly affiliate with a major
22 political party and be eligible to go in that

1 party's primary.

2 Further amendments to Chapter 5
3 establish monthly reporting requirements for
4 voter registration agencies. Additionally,
5 amendments to Chapter 7, establish rules for
6 media contact and photography in voting places
7 and codify requirements for eligible voters to
8 remain permanent absentee voters. The remaining
9 amendments to these chapters are organizational
10 and stylistic.

11 The amendment to Chapter 17 changes
12 the deadline for candidates for party offices to
13 file amendments, or statements to amend or
14 withdraw from registered slates. This amendment
15 changes the filing deadline to coincide with the
16 deadline to withdraw as a candidate for either
17 public or party office which is 54 days before
18 election day. It would also allow for changes up
19 until the time of the ballot position lottery.

20 The purpose of the amendment to
21 Chapter 33 is to make a minor conforming
22 amendment by adding the Attorney General to the

1 list of public officials who may as part of their
2 official duties express views on a District of
3 Columbia election as permitted following the
4 passage of the Elected Attorney General
5 Implementation and Legal Service Establishment
6 Amendment Act of 2013.

7 The emergency action to adopt these
8 rules is necessary since the rulemaking will
9 establish new regulations concerning the deadline
10 by which voters can register to vote or make
11 voter registration changes including party
12 affiliation prior to the June 19, 2018 primary
13 election. Adoption of these rules is necessary
14 for the immediate preservation of public peace
15 and welfare to District residents in accordance
16 with District law.

17 If the Board votes to adopt these
18 emergency rules, they will become effective today
19 and remain in effect until August 2, 2018 unless
20 they are superseded by a notice of final
21 rulemaking adopted by the Board and published in
22 the D.C. Register.

1 Additionally, the Board's adoption of
2 this proposed rulemaking will allow the public a
3 comment period of 30 days from the date of
4 publication of the notice in the D.C. Register
5 after which the Board would make comments, if
6 any, and then consider the adoption of final
7 rules at a public meeting.

8 That concludes my summary of the
9 rulemaking before you. I would add if the public
10 is interested in receiving a copy of this rather
11 large rulemaking, contact us in the Office of the
12 General Counsel and we would be happy to provide
13 it.

14 CHAIRMAN BENNETT: Great. Any
15 questions, Ms. Lewis?

16 MS. LEWIS: No, thank you.

17 CHAIRMAN BENNETT: Mr. Gill?

18 MR. GILL: No questions.

19 CHAIRMAN BENNETT: Are we ready to
20 vote and make a motion?

21 MR. GILL: Motion to accept the
22 recommendations.

1 MS. LEWIS: Second.

2 CHAIRMAN BENNETT: All in favor?

3 MEMBERS: Aye.

4 CHAIRMAN BENNETT: Unanimous. Thank
5 you so much.

6 MR. MCGANN: Okay. Last but not
7 least, a measure on our report.

8 CHAIRMAN BENNETT: Office of General
9 Counsel.

10 MR. MCGANN: Apparently it is. We
11 have litigation status on three cases currently
12 pending before the D.C. Superior Court and Judge
13 in chambers.

14 Those cases are D.C. Board of
15 Elections v. Christopher Hawthorne; D.C. Board of
16 Elections v. Camille Loya; and D.C. Board of
17 Elections v. Charles Wilson. All three are
18 companion cases in that they're petitions for
19 enforcement of campaign finance orders.

20 We have a hearing before the Judge in
21 chambers tomorrow morning at 10:30. At that time
22 we anticipate receiving an order enforcing the

1 judgment of the Board of Elections and we will
2 record those judgments.

3 CHAIRMAN BENNETT: Great.

4 MR. MCGANN: That's my report.

5 CHAIRMAN BENNETT: That's your report.

6 Thank you.

7 MR. MCGANN: And I'm sticking to it.

8 CHAIRMAN BENNETT: And you're sticking
9 to it.

10 All right. Ms. Miller.

11 MS. MILLER: Thank you, Mr. Chair.

12 The first matter under my agenda is the proposed
13 relocation of two precincts, Precinct No. 8 and
14 Precinct No. 29. Lou is here and I'll ask him to
15 come forward and present to the Board the
16 relocations and the reasons associated with
17 relocating each of these precincts. This would
18 be 42-1900.

19 CHAIRMAN BENNETT: Okay.

20 STAFF: Good morning. The first
21 precinct that is up for relocation -- both
22 precincts are in Ward 3. The first precinct is

1 Precinct No. 8 which is Palisades Recreation
2 Center.

3 This facility is under construction
4 currently and would not be available for the
5 upcoming June 19th primary election. Therefore,
6 I am recommending that we relocate to the
7 Palisades neighborhood library located at 4901 B
8 Street, N.W.

9 On the registration for this precinct
10 is 3,821. The precinct is accessible with slight
11 modifications. When I say slight modifications,
12 it's a brand new facility but the main entrance
13 to the door does not have the pushbutton access
14 so we'll have to leave the door propped open.

15 We will be using a multi-purpose room.
16 The voting space is excellent. The lighting is
17 excellent. There is a small parking lot behind
18 the facility as well as street parking. It is
19 currently located approximately six blocks from
20 the current voting place.

21 The next voting place is Precinct No.
22 29 which is the 2nd District Police District.

1 This office is scheduled to go under renovation
2 in March of 2018 and would not be available for
3 the upcoming June 19th primary election.

4 Therefore, I'm proposing that we relocate to the
5 Washington Hebrew Congregation Church which is
6 located at 3935 Macone Street, N.W.

7 The registration for this area is
8 1,935. The facility is accessible with slight
9 modifications. This is another facility that
10 does not have the pushbutton access to the main
11 entrance but we can leave the doors propped open.
12 We will be using the multi-purpose room in that
13 area.

14 The voting space is excellent. The
15 lighting is excellent. There is a parking lot
16 that they may have to share with the staff of the
17 facility as well as street parking and it is
18 approximately three blocks from the current
19 voting place for the 2nd District voting space.

20 MS. MILLER: Just a question. I'm
21 just wondering why we waited so late to move to
22 these locations.

1 STAFF: Okay. With regards to
2 Precinct No. 8, the facility has been closed. It
3 was scheduled for renovation by April. Of
4 course, with construction and I don't know what
5 issues they had with DCPR but the construction
6 date kept getting pushed back. Therefore, they
7 informed me that it would not be available and is
8 not scheduled to be completed until July 4 and
9 opened for Independence Day.

10 With regards to Precinct No. 29 when
11 we gave the survey to the facility it was not
12 under construction because they were waiting on
13 the funding and then we were notified that the
14 funding has been approved and they will begin
15 construction in May so it still hasn't been
16 closed as of yet but they are looking in the
17 future that it will be closed in May so,
18 therefore, it will not be available for June.

19 CHAIRMAN BENNETT: So you will notify
20 the citizens by mail initially and then I guess
21 there will be signs at the old places directing
22 them to the new?

1 STAFF: I will put the proposed
2 relocations in the D.C. Register today, as well
3 as notify all the affected ANCs and the counsel
4 member for Ward 3 as well.

5 CHAIRMAN BENNETT: Any questions?
6 Thank you.

7 I'm sorry. Are we going to vote on
8 that? Can we get a motion?

9 MR. GILL: Motion to accept the
10 relocations.

11 MS. LEWIS: Second.

12 CHAIRMAN BENNETT: All in favor.

13 MEMBERS: Aye.

14 CHAIRMAN BENNETT: The ayes have it.
15 It's unanimous. Thank you.

16 MS. MILLER: Thank you.

17 MR. GILL: It's a big job.

18 CHAIRMAN BENNETT: Just briefly I want
19 to go into some general matters. The deadline
20 for candidates to file their nominating petitions
21 for the January primary was March 21st. However,
22 due to inclement weather on the 21st and the

1 government being closed, the deadline was
2 extended to March 22nd, the next business day for
3 the government.

4 All sitting chairs for the petitions
5 are required to be valid as of March 21st. The
6 10-day challenge period begins Saturday March
7 24th and will end on Monday, April 2. During
8 that time the office is open every day including
9 Sundays, I might add, even this past Sunday which
10 was Easter Sunday. The office was open and staff
11 was here. I want to commend you all on that.

12 Thank you very much.

13 We had public inspection for anyone to
14 come in and review the nominating petitions.
15 During that time we had 13 challenges filed
16 against nine candidates, or nine nominating
17 petitions.

18 As of yesterday all candidates who
19 were challenged have been notified. Prehearings
20 are now in the process of being scheduled between
21 the General Counsel's Office and the Registrar.
22 It should begin, I believe, later this week.

1 Once prehearings are completed, anyone
2 disagreeing with the outcome of the prehearing
3 will have an opportunity to go before the Board
4 to resolve those challenges. All the challenges
5 have to be resolved no later than April 23rd.

6 Our voter registration system, which
7 we have been talking about for close to a year.
8 The procurement of the VRS is finally in the
9 decision-making process. The final submissions
10 for the bid on solicitation were submitted last
11 Monday, March 26th.

12 We are actually scheduled to meet with
13 the Office of Contract and Procurement today at
14 2:30, assuming we get out of here by then, to see
15 who has submitted proposals and to review the
16 solicitations. We are moving slow but faster
17 than we were.

18 MR. MCGANN: Moving.

19 MS. MILLER: We're getting there.

20 Training. Our poll worker trainers are in place
21 and have been working in setting for the past few
22 weeks with the poll worker training materials for

1 the June 19th primary. We will begin training
2 for early voting on Monday. The training for
3 election day workers will begin a week later on
4 April 17th.

5 As you all know, early voting will
6 start on June 4 at One Judiciary Square. At the
7 other eight satellite locations early voting
8 begins on June 8th. All early voting ends on
9 June 15th.

10 Just a little bit about list
11 maintenance. Last month I did place on the
12 record that we published a list of 22,557 voters'
13 records who had not voted since November of 2010,
14 I believe. We had asked for those individuals to
15 contact the Board by March 21st if, in fact, they
16 did not want their names removed.

17 We did not receive any information
18 from any of those voters. No one responded.
19 Actually, those individuals were removed so we
20 have cleaned up our records by 22,557 voters as
21 of March 21st.

22 Also, with respect to our Eric

1 mailings which, again, onto list maintenance, I
2 mentioned last month that we had sent out 3,732
3 notices of individuals whose name appeared on the
4 voter registry but no longer reside in the
5 District according to Eric.

6 We have removed 1,266 individuals from
7 that list and we are still getting information
8 in, although we cannot remove any more because
9 our deadline to do so was March 21st but we are
10 still getting updates from that list of
11 individuals who have sent mailings for those who
12 may want their addresses updated which we sent
13 4,137 notices to in-state residents where we
14 received information that the address is
15 different from the address that we have on file.

16 As of last week we received 1,226
17 individuals have responded to that. Either they
18 are now out of state or they have updated their
19 address so the list maintenance continues with
20 that as well.

21 I'm going to talk just a little bit
22 about HOBA funding. In October of -- March 23rd

1 rather, I'm sorry, the Omnibus Bill was signed by
2 the president which allowed money for HOBA,
3 federal funding. The District will be receiving
4 \$3 million in HOBA funding. I did actually speak
5 with the chairman of the EAC last week to which I
6 say, "Where is my money?"

7 Anyway, that aside, he will be signing
8 off and I have received notification that we will
9 receive \$3 million in HOBA funding. It is
10 forthcoming. We are scheduled to be on a call
11 tomorrow to discuss the mechanics associated with
12 how that money is suppose to be directed to
13 spend.

14 A lot of attention is being focused on
15 cyber security and there's a major push towards
16 ensuring that some of that funding will be used
17 towards cyber security in addition to just the
18 overall conduct of federal elections and how
19 elections are conducted.

20 The bill is pretty general allowing
21 states to determine their most pressing
22 priorities and use of the money to meet the needs

1 of each jurisdiction used, but it does
2 specifically point to including enhancing the
3 election technology and upgrades to cyber
4 security.

5 The city will have to come up with a
6 5 percent match of that \$3 million which is
7 \$150,000. That can be done over a two-year
8 period. Our hope is that our budget is not
9 affected by the fact that we are going to receive
10 the \$3 million.

11 We will have that money but the law
12 provides that the money should be submitted or
13 provided from the EAC no later than 45 days after
14 the bill was signed which takes us somewhere
15 around the first week in March -- May. I'm
16 sorry.

17 Our budget hearings, with that in
18 mind, are scheduled for next Friday. Right now
19 we are scheduled to receive about \$10.5 million
20 of the \$12 million that was requested. I just
21 hope that none of that is affected by HOBA.

22 That concludes my report.

1 CHAIRMAN BENNETT: Thank you.

2 Any questions, Ms. Lewis, Mr. Gill?

3 MS. LEWIS: No.

4 CHAIRMAN BENNETT: Next on the agenda
5 is Ms. Montgomery.

6 MS. COLLIER-MONTGOMERY: Good
7 afternoon. The first thing that I would like to
8 announce on the record is that the Office of
9 Campaign Finance will be relocating to 1015 Half
10 Street, S.E., this building, Suite 775, on May
11 11, 2018. I will also publish a notice for the
12 public on our website as well and also on our
13 Facebook and Twitter accounts on this date as
14 well.

15 During the month of March, March 10th
16 was the deadline for the filing of the reports of
17 receipts and expenditures by our principal
18 campaign committees and our political action
19 committees who are active in the current election
20 cycle. We had 97 required filers, 45 principal
21 campaign committees, and 52 political action
22 committees.

1 Eighty-six of the committees timely
2 filed. We had two late filers and we had two
3 requests for extensions which were requested and
4 granted. There were nine failures to file and
5 those failures to file were referred to the
6 Office of the General Counsel along with the
7 failure to timely file. All of the committee who
8 timely filed electronically filed so there were
9 86 who electronically filed their reports.

10 With the referrals to the Office of
11 the General Counsel, with the failure to timely
12 file the March 10th report, again there were six
13 principal campaign committees; the 2018 Gordon
14 for Mayor, Victoria Gordon, Treasurer; Justin
15 Green At Large, Justin Green, Treasurer; Dustin
16 D.C. Canner for D.C. Mayor, Dustin Canner,
17 Treasurer; MMC Foundation, Manly Collins,
18 Candidate Treasurer; Davis for Mayor 2018; Eric
19 Gates, Treasurer; Wasserman for Ward 3, Jessica
20 Wasserman, Treasurer.

21 The political action committees and
22 initiatives committees which were referred are as

1 follows: Gertrude Stein, Democratic Club,
2 Political Account, Jessica Pierce, Treasurer;
3 Economic and Protection Party, Margaret Smith,
4 Treasurer; Emancipation Eight Pack, Anthony
5 Golterry, Treasurer; D.C. Young Democrats,
6 Anthony Stephens, Treasurer; Ward 1 Democrats,
7 Hector Huezco, Treasurer.

8 During the month of March we had 18
9 new candidates and committees who registered with
10 the agency and the names of those new candidates
11 and committees will be posted on our website
12 today with our stats.

13 We held entrance conferences during
14 the month of March on two dates. The first was
15 on March 14, 2018. The participants were Michael
16 D. Brown, Candidate Michael D. Brown for Senate
17 2018; Robert "Beau" Finley, Candidate Ward 3 Blue
18 Wave Democrats Committee; Yvonne L. Gillespie,
19 Treasurer Michael D. Brown for Senate 2018; John
20 Capozzi, Candidate Dump Trump, Democrats for
21 Action; James Lavar, Candidate Democrats Moving
22 Forward #RESIST.

1 On March 28th the participants were
2 Jessica Sutter, Candidate Jessica Sutter for
3 SBOE, Art Slater, Treasurer, Dump Trump,
4 Democrats for Action; Vasoo Abriham, Treasurer,
5 D.C. for Democracy; Ryan Washington, Candidate,
6 Washington for D.C; Frank Barr, Treasurer,
7 Franklin for D.C. 2018; Marily Tyler Brown,
8 Treasurer, Democrats Moving Forward #RESIST.

9 In our Audit Branch during the month
10 of March the Audit Branch conducted 46 desk
11 reviews of political action committees, 49 desk
12 reviews of principle campaign committees, and
13 also issued 36 requests for additional
14 information concerning the audit reports or the
15 desk reviews which were conducted.

16 Also, during the month of March with
17 our ongoing audits we have four periodic random
18 audits which are ongoing, other reports filed on
19 January 31, 2018 of the candidates in the 2018
20 election. Those include Re-Elect Muriel Bowser,
21 our Mayor; Karl Racine 2018; Tenny McDuffie 2018;
22 and Deon for D.C.

1 With the periodic random audits of the
2 political action committees for the reports which
3 were filed on January 31, 2018 we have two
4 ongoing audits; Verizon Communications, Inc.,
5 Good Government Club, Washington, D.C. and Food
6 Service Pack.

7 We issued two audits during the month
8 of March and those will be posted at our website
9 for review by the public. The first is the
10 Greater Washington, D.C. Insurance and Financial
11 Advisers Act which was issued on March 6, 2018,
12 and Brianne for D.C. 2018 which was issued on
13 March 29, 2018.

14 I would ask the General Counsel
15 William Sanford for the Office of Campaign
16 Finance to provide the legal report for the
17 agency.

18 CHAIRMAN BENNETT: Thank you.

19 Mr. Sanford.

20 MR. SANFORD: Mr. Chairman and
21 distinguished board members, my name is William
22 Sanford, General Counsel for the Office of

1 Campaign Finance. During the month of March 2018
2 the Office of General Counsel received 13 items
3 which included eight principal campaign
4 committees and five political action committees.

5 The Office of the General Counsel
6 completed five informal hearings and issued five
7 audits which included the following:

8 Two orders were issued for failure to
9 timely file reports in which no fines were
10 imposed. Three orders were issued for failure to
11 timely file reports in which fines totally \$3,850
12 were imposed.

13 The Office of the General Counsel
14 imposed fines against the following respondents
15 during the month of March: a fine of \$1,400 was
16 imposed against Dustin Canner for Mayor,
17 principal campaign committee; a fine of \$1,400
18 was imposed against Justin Green At Large
19 Committee; and a fine of \$1,050 was imposed
20 against the MMC Foundation Committee.

21 During the month of March 2018 the
22 Office of the General Counsel collected \$1,500 in

1 fines and that fine was transmitted to the Office
2 of the General Counsel by Jeffrey Thompson in
3 accordance with an installment agreement between
4 the Office of Campaign Finance and Mr. Thompson.

5 During the month of March there were
6 no open investigations in the Office of the
7 General Counsel. During the month of March 2018
8 there was one request for an interpretive opinion
9 that was received and one interpretive opinion
10 was issued.

11 On the 12th of March the Office of the
12 General Counsel issued Opinion No. 018-01. The
13 requester was Donald R. Dinan. His request was
14 submitted on the 22nd of February and the request
15 involved contributions to slate.

16 On the 9th of March the Office of the
17 General Counsel received a request for an
18 interpretative opinion which is currently pending
19 and the requester was Clinton Lassure. That
20 request involved registration requirements.

21 During the month of March 2018 there
22 were no show cause proceedings conducted by the

1 Office of the General Counsel. That should
2 conclude my report.

3 CHAIRMAN BENNETT: Thank you.

4 Any questions?

5 MR. GILL: No questions.

6 CHAIRMAN BENNETT: Ms. Montgomery.

7 MS. COLLIER-MONTGOMERY: I have no
8 further matters.

9 CHAIRMAN BENNETT: Great. That
10 concludes our Campaign Finance Report. Are there
11 any public matters for the Board? Hearing none,
12 the meeting is adjourned. Thank you very much.

13 (Whereupon, the above-entitled matter
14 went off the record at 12:26 p.m.)

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C E R T I F I C A T E

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