



DISTRICT OF COLUMBIA  
**BOARD OF ELECTIONS**  
WASHINGTON, D.C. 20003-4733



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**May 1, 2019**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday May 1, 2019 in the Board’s Hearing Room, located in Suite 750, 1015 Half Street, S.E., Washington, D.C. 20003. The Board’s Chairman Michael Bennett was present, and Board Members Dionna Lewis and Michael Gill also attended. Additionally, present on the dais were Kenneth McGhie, the Board’s General Counsel; Cecily Collier-Montgomery, Director of the Office of Campaign Finance; and Alice Miller, the Board’s Executive Director.

**Chairman Bennett** called the meeting to order at 10:51 a.m.

- **BOARD ACTION:** agenda and minutes from last meeting were adopted with a correction noted on the record that the Board took no action in the Jack Evans recall matter due to a lack of proper filing with the Office of Campaign Finance.
- We will actually hold our June meeting on May 29. We are also going to shift our July meeting to try to avoid July 4th as much as possible. That will be shifted to July 2nd. That rescheduling information will be on the website.
- The recall of Jack Evans, it will be on the website today, to make sure we have proper notice. That special meeting is scheduled for May 20<sup>th</sup> at 11:30 am, so we have a full complement of the Board and have an opportunity to give that a fair and appropriate hearing to consider that matter.

**Ms. Miller presented the Executive Director’s Report.**

- The first item on our agenda is the **RECOGNITION OF OUR POLL WORKERS** for their dedicated service to the Board.
  - We are very happy they were able to be here with us today, and we wanted to take a minute to formally recognize them, to thank them for their continued service. None of our elections would work without them.
  - Actually, the Board members wanted you all to know that. They asked that we do this and to formally recognize you.
  - MEMBER LEWIS: Yes, I just want to say that I've been doing this for about three years now, and you all really are the unsung heroes, quite frankly. I really just wanted to express my personal gratitude, and gratitude, of course, on behalf of the Board. You all are amazing. You're steadfast; you're diligent, and you're loyal.
  - MEMBER GILL: I am just amazed, walking into the different precincts, talking to the poll workers and talking to voters. This is a really complicated, but important function in our society. So, thank you very much for making the Board of Elections look good and D.C. look good.
  - CHAIR BENNETT: the way that you manage and deal with the voters of the District of Columbia in a calm and focused way, even when people get excited about things, I'm always impressed by that, because sometimes folks get really

bent out of shape when they have to stand in line or there are other issues going on. Therefore, I compliment you on that. If we don't focus on and if we don't make sure that the voting process works well for the citizens of this country, we don't have an America. And that's a big deal. That is the tip of the spear of American democracy. It just doesn't get any more basic than voting.

- MS. MILLER: One of the things that we did do during the budget process was we requested that the Council put more money in our budget to increase the poll worker payments specifically for the Captains from \$250 to \$300. It is now pending full Council approval. I don't have any reason to think that that will not happen.
- We're going to do some early training and we're going to start that this month, in fact. We're going to start the end of this month. We're going to do two trainings for our Precinct Captains and two trainings for our Special Ballot Clerks. We have training scheduled beginning May 22nd and it will go through June 26. The election is set for June 2<sup>nd</sup> 2020 for the primary.
- CHAIR BENNETT: Just on this one, I want the record to reflect that the D.C. Board of Elections is officially in great appreciation for the hard work and the activities and support that our poll workers provide to the citizens of the District of Columbia.
- The next item on the agenda is the **PROPOSED ESTABLISHMENT OF NEW PRECINCT**. It would be Precinct 144. As you know, we now have 143 precincts. We are trying to establish a precinct which would be Precinct 144.
  - We would like to amend the lines precinct-wise within the District of Columbia. We did have to send that over to the Council. And the Council approves whether or not these are the lines that are drawn, and they do it, in whole or in part, by resolution. This is just proposed. This is not final.
  - Arlin Budoo, Facility Manager for the Board of Elections: Due to the large turnout in the 2018 General Election and the fact that registered voters in Precinct No. 83 now number over 9,000, and because the facility they used was the J.O. Wilson Elementary School, located at 660 K Street, Northeast, the Board was asked to establish an additional voting place for the rest of the voters living in the area known as NoMa.
    - The number of registered voters in Precinct No. 83, as of February 28, 2019, is 9,000, with approximately half on the west side of 3rd Street, as well as half on the east side of 3rd Street.
    - I propose that we establish a new Precinct 144 where I have identified a potential voting place site at the Hilton Garden Inn, which is located at 12225 1st Street, Northeast, within the new boundaries that I have drawn for your approval, which are as follows: as you can see, the syllabus where I wrote out the creation of the new boundary for Precinct 144, and I've also attached a map where the boundaries were redrawn, identifying the large populations that you can see in the large circle of black spots on

the map, which is where the residents resided within Precinct 83 and who will reside, if the proposal is approved for the creation of Precinct 144.

- I also want to just introduce Mr. Mark Eckenwiler. He is the ANC Commissioner for 6C04. I have been transparent throughout the process with the ANCs, as well as Council Member Charles Allen, and asked for all feedback. And Mr. Eckenwiler was one of the residents who gave me feedback with regards to the redrawing of the boundaries.
- MR. ECKENWILER: Sure. I reside at 312 E, like Edward, Street, Northeast. I want to commend Mr. Budoo for the excellent work that he's done on this. As he said, he's been very open and transparent, in regular contact with me and a number of my colleagues on the ANC6C, and I'm very appreciative of that. I do want to suggest a couple of ways in which I think this proposal can be tweaked in order to make it even better. My recommendation would be to move square 752 -- that's the one outlined in pink at the very bottom of that map extract -- retain that in Precinct 83. I've actually talked to a number of residents who live on that square. The east half of that square is all rowhouses, and those folks are perfectly happy voting at J.O. Wilson Elementary. Conversely, the area at the northern portion of this map, outlined in yellow, I would recommend that the Board move into Precinct 144. I'm only giving testimony in my individual capacity today because, obviously, the ANC has not met since this proposal first came out. We will be meeting on May 8th, so a week from today, and I do intend to bring this before my colleagues to seek their concurrence.
- MR. BUDOO: That would be the new potential polling place, the Hilton Garden Inn, And the polling place for 83 will remain the same. It will be J.O. Wilson yes, sir.
- MS. MILLER: We send the recommendation over to the Council. The Council makes the final determination on what the boundaries will be. They have to adopt/approve the boundaries. This is just the very first step. I did speak with them on Monday when I was over there. And quite honestly, they admitted this is the first time they have done this as well.
- MS. BRIZILL: My name is Dorothy Brizill. I'm Executive Director at DC Watch. Our address is 1327 Girard Street, Northwest. When was the issue of creating a new precinct first given birth and who did you inform and contact for input on this issue?
- MR. BUDOO: It's been discussed with Council Member Allen and all of the affected ANCs within Precinct 83.
- MS. BRIZILL: Okay. I have no doubt that that's the policy for, you know, procedure, but I'm not saying that that is the best or the right way to go. The agenda for today's Board meeting just appears on your website usually 24 hours in advance. On this particular matter, all it says is, "Proposed Establishment of Precinct for Precinct 144". So, even if you were trying to be a concerned and informed citizen, there's no way you could have known about this proposal.

- MS. MILLER: This is just a first step on the discussion. It would, then, go in the Register for the 30-day period, review period.
- MS. BRIZILL: Okay. This is just an editorial comment from me. I'm increasingly concerned about the information that should be on the website that's not on the website. For example, you used to be able to go on the website and see past cases that had been decided by the Board of Elections or that had been litigated involving the Board of Elections.
- CHAIR BENNETT: I would like to stay focused on where we are with regard to this. I appreciate your comments regarding the information. I'm personally very comfortable that we are providing information. This is just the beginning of the process.
- MR. ECKENWILER: Thank you, Mr. Chairman. Yes, I just did want to allay if there are any concerns on the part of the Board about this. I communicated by email, not just the fact of this being under consideration, but I sent the constituents of mine who live within the southern portion of Precinct 83 the literal documents that Mr. Budoo has created.
- MR. BUDOO: I just want to put on the record that it does go in The Register today. It will be submitted for The Register today of the proposed boundaries being redrawn.
- MR. ECKENWILER: And if I can, I think it might be useful for a couple of reasons. One, the full ANC has not yet weighed-in on this. I have discussed it with our Chairman, Karen Wirt, and she concurs in my views. Right now, the ANC most affected on this new precinct has a vacant ANC Commissioner seat. So, it might be useful, being that that person is going to be a brand-new person, just to give a little more time, so that whoever does fill that seat can also offer his or her views.
- CHAIR BENNETT: Great. Thank you. So, unless other Board members have an objection, I'd recommend that you work with the ANC and make sure that they have an opportunity to give additional comments. The more data we can have relative to the impact on the voters, the better off we are.
- MEMBER GILL: I do think getting to this issue, the public comment part of this issue is probably important. I'm going to ask you to come back.
- MS. MILLER: And the other thing that we're concerned about is making the numbers as equal as possible for each precinct. And if you have information that there's going to be new construction coming up that may be residential, that would be very helpful as well.
- Ms. Miler presented testimony on April 29th before the Committee on the Judiciary and Public Safety regarding a proposal for moving the June primary to June 2nd, which is the first Tuesday in June, for presidential election years. We requested the Council consider a similar period to receive mail ballots from Election Day to seven days after the election, as long as the ballots were postmarked or otherwise indicated that it had been mailed by Election Day, so that we could have the ample time that we need for processing ballots.

**Ms. Collier-Montgomery gave the Director of Campaign Finance report:**

- Report on the activity in the Fair Elections Program (FEP) Division of the Office of Campaign Finance.
  - The first candidate registered to participate in this program on April 8, 2019, and that individual is Patrick Kennedy, who registered his committee, Patrick Kennedy for Ward 2, City Council, on April the 8th, 2019.
  - Held a Public Finance Planning Committee meeting on April 25, 2019, to discuss the status of several projects in the Fair Elections Program Division.
  - FEP conducted training for our new members of the staff in the Fair Elections Program Division on April 8, 2019.
  - On April 4, FEP met with the Mayor concerning the status of the Fair Elections Program
  - FEP conducted a seminar with the D.C. Latino Caucus on April the 18th, 2019.
  - The FEP staff visited several ANCs during the month of April. On April 8, 2019, they presented at ANC6D. On April 16, 2019, they presented at ANC7F. On April 24, 2019, at ANC5A, and on April 25, 2019, at ANC8D.
  - An Information Technology Specialist for the FEP program was selected March 28, 2019, and he started his employment with the agency on April 29, 2019. His name is Mr. Paul Anwar.
  - On April 30, FEP viewed certain modules with the Fair Elections Program efilng system, in particular, and our target date for the efilng system to be available for members of the public for the July 31, 2019 first filing date.
- The proposed rulemaking that the Board adopted on April 4: Chapter 30, which is the Campaign Finance Operations Chapter; Chapter 34, Recordkeeping and Audits Chapter; Chapter 37, which basically addresses our investigative process, and Chapter 99, Definitions; these proposed regulations were published in The D.C. Register on April 19, 2019, and there is a 30-day period when members of the public can submit comments on those regulations.
- In our Public Information and Records Management Division, there were two reporting dates during the month of April.
  - April 1st, 2019, reporting date for the filing of a Report of Receipts and Expenditures in our Constituent Service Program. There are nine required filers, and all nine filers filed their reports timely.
  - April the 1st was also the deadline for the filing of the Report of Receipts and Expenditures for our Senator/Representative Statehood Funds. We have three required filers. All timely filed.
- April 10th was the filing deadline for the filing of the Reports of Receipts and Expenditures for our Political Action Committees and our Independent Expenditure Committees. There are 57 required filers. Fifty-three of those are PACs and four are Independent Expenditure Committees. Fifty-four timely filed, and that breaks down to 51 of our PACs and three of our Independent Expenditure Committees.

- Three committees were referred to the General Counsel - two PACs and one Independent Expenditure Committee - for the initiation of the enforcement process.
- Two new candidates and committees who registered with the Office of Campaign Finance, Patrick Kennedy, Patrick Kennedy for Ward 2, City Council, registered on April 8, 2019. The Committee to Hold Jack Evans Accountable, which is a recall committee, registered on April 12, 2019.
- OCF held entrance conferences during the month of April:
  - April 9, 2019: Gregory Steward, who is the Treasurer of the Urban Red Political Action Committee.
  - April 7, 2019: Patrick Kennedy, Candidate, Patrick Kennedy for Ward 2, and Mary Steznewsky, Treasurer, Patrick Kennedy for Ward 2.
- The Audit Branch conducted 82 desk reviews of the reports filed by Political Action Committees, Constituent Service Fund, Statehood Fund, and 13 reports of Political Campaign Committees as well as Independent Expenditures Committees and Initiative and Referendum Committees.
  - The full field audit of Sheika Reed for Ward 1, which was initiated on August 29, 2018.
  - The D.C. Proud 2019 Inaugural Committee, initiated on April 22, 2019.
  - Four full field audits which we initiated of newly elected officials who were elected to the School Board during the 2018 election.
    - Frazier O'Leary, for Ward 4, initiated 3/4/19
    - The Committee to Elect Zachary Parker 2018, initiated 3/5/19
    - Emily for Education initiated 3/4/19.
  - The periodic random audits include: the Ward 4 Constituent Service Fund; the Ward 7 Constituent Service Fund; and the Do Something Constituent Service Fund from Ward 8. With respect to those three audits, the audit records were due on April 29, 2019.
  - OCF issued four audits: the Economic and Protection Party issued on April 29, 2019; the Ward 7 Democrats, issued on April 29, 2019; ABC of Metro Washington, D.C., PAC, issued on April the 2nd, 2019; and Jessica Seller for School Board, State Board of Education, issued on April 19, 2019.
- There were several legislative amendment recommendations made by the Board regarding the Fair Elections Act. It is my understanding that what will be presented before the Council at the May 7th legislative session is an emergency piece which will address several of these recommendations.

**William SanFord presented the report of the General Counsel.**

- During the month of April 2019, the Office of the General Counsel received 3 referrals.
- The Office of the General Counsel completed 26 informal hearings, and issued 20 orders, which included the following: 10 orders regarding failure to timely ANC Summary Financial Statements and which accounts for \$24,450 in fines that were imposed. 10 orders were issued for failure to timely file reports against principal campaign

committees, in which a total of \$17,750 in fines were imposed. The Office of the General Counsel imposed a total of \$42,200 in fines, and the Office imposed fines against the following respondents:

- Mary Cuthbert \$2,950. Charlene Exum \$700. Regina Pixley \$2,850. DeJuan George \$2,850. Joseph Johnson \$2,950. Alvin Judd \$2,950. Anthony Muhammad \$400. Kendall Simmons \$2,950. Jewell Stroman \$2,950. Takiya Tate \$2,950. Those individuals were all ANC candidates.
- Melik for At-Large Council \$1,750. Dustin Canter for D.C. Mayor \$1,750. Justin Green At-Large \$1,750. Holmes for DC \$1,750. Nate Brown Mr. Ward 6 \$1,750. Committee to Elect Professor Alpha Bah \$1,750. Committee to Elect Anne Wilcox \$1,800. Lannette Woodruff for School Board \$1,800. Committee to Elect Jacque Patterson 2016 \$1,800. Patterson for Ward 8 \$1,800.
- The Office of the General Counsel collected a total of \$3,500 in fines;
  - \$1,500 in fines from Jeffrey Thompson
  - \$2,000 in fines from Council Member Brandon Todd. The Council Member did attend the ethics training on April 1st. In fact, he took his entire staff through that training on that date. And as a result, he lived up to his agreement and paid the reduced fine that had been imposed.

**Mr. McGhie presented the General Counsel's report.**

- Litigation status update. We have two new cases that appeared since the last Board meeting.
  - William Hunt v. the D.C. Board of Elections. Mr. Hunt was under the impression that we were not going to count the write-in votes from the election, and he was running as a candidate for Mayor. He filed a complaint in federal court a month before the November election to require us to count the write-in votes. We did count the write-in votes, like we are required to do. We filed a Motion to Dismiss on Wednesday, and we're just waiting for the Court to respond to our Motion to Dismiss.
  - James Butler v. the D.C. Board of Elections. He filed a complaint in Superior Court for a Writ of Mandamus to compel the Board to accept the initiative, the D.C. Term Limits Initiative. That matter was filed on April 15. The Board will be entering its appearance today and file a Motion for Summary Judgment later this week. The initial scheduling conference for this matter is set for July 19.
  - Graham v. the D.C. Board of Elections. That dealt with Referendum 008. We're in the Court of Appeals on the issue of notice and standing. The Court of Appeals consolidated the appeals of the Interveners and the Board. And we're just still waiting for the Court's briefing schedule.
- CHAIR BENNETT: Okay. Just to add to what I stated earlier, the matter regarding the Jack Evans recall petition will have a separate special meeting. The date will go on the website today, and it will be on May 20th.

**Mr. Sindram presented public matters:**

- Ms. Jennings, hands-down, is ADA accommodating, compliant. She knows the nightmare of dealing with WMATA and others, and she goes above and beyond the call of duty. She just follows the law, and that's all we/I ask, and for the most part, and other entity/agencies don't.
- Jack Evans, you indicate May 20th, and I didn't mean to interrupt, because, initially, no time was listed, but now I understand it's 11:30 a.m. I'll be able to weigh-in and observe or listen minimally by phone, yes? CHAIR BENNETT: Yes, sir.
- With regard to term limits, we weighed-in on that issue, Mr. Chair, in 1992. The Butler Mandamus should not be necessary. We've already voted on it.
- The point is that outside employment should not happen for the Council. For the Chair, by law, it's intact, but for the rest of the motley crew it's not.
- So, again, the June meeting will be held May 29th, 10:30. And then, if I understand you correctly, the July meeting -- you said you wanted to distance it from July 4th -- will be July 2nd at 10:30, correct? CHAIR BENNETT: That's correct.

**Ms. Debby Hanrahan presented public matters:**

- I'm seeking clarification on the recall petition for Jack Evans. The meeting for a hearing is scheduled on the 20th of this month at 11:30 in the morning? What outcome can we expect from that meeting, if anything, other than just exchange of information?
  - CHAIR BENNETT: We hope to actually be able to come up with a decision on that day after we conclude the matter, and then, actually have the procedures to issue, to allow those to go forth at that time.
  - MR. McGHIE: The initial matter is the challenge to the proposer's residency. If that gets resolved in the favor of the proposer, then I believe it's the intention of the Board to issue the recall petition at that time.
  - CHAIR BENNETT: -- for the record. And our intent is to resolve this matter as soon as possible. We're not trying to give anybody an advantage. That is not our role.
  - MR. McGHIE: to your question about whether or not the attorney can raise new matters, no, he cannot. He filed his complaint. He only raised one issue. That one issue was to the residency. And so, he will be precluded from raising any new issues at the hearing.

**Dorothy Brizill presented public matters:**

- No. 1, first and foremost, the website and the fact that basic information that should be available to the general public is not there or, if it is there, you have to play 20 minutes of hunt and peck to find it.
- The second thing is information that used to be on the website until recently is no longer there.
  - I challenge you, Mr. Chairman, to go on the Board's website and find where you post notice of the meetings. It's under a section, "About Us," mainly about the Board. the problem there, also, is that it is impossible to plan to attend a Board meeting because, at best -- and I stress "at best" -- you posted the notice of this



meeting 24 hours in advance.

- I have had conversations with the Open Government Office of the Board of Government, BEGA, about the manner in which decisions are made and the public is excluded from knowing the deliberative process of the Board.
- In the past when past decisions by either the Board and/or Superior Court and/or the Court of Appeals on Board of Elections matters were posted on the website. Those postings are gone, and I don't know why and I don't know when they disappeared.
  - The only thing that you have on your website under the section "About Us" is you have administrative orders.
  - MS. Rachel COLL: My understanding from all of the members of the Office of General Counsel is that nothing has changed in terms of the substance of what's on the website.
  - MR. McGANN: the case in the past was that all administrative orders were listed by number as well. There was no search function with respect to looking at administrative orders in the past. with respect to the cases, litigation matters, we have had briefly cases in the past that were high-profile cases, such as the ones that you were involved in with respect to the Mayor and having the order from the Court with respect to the Mayor in that case. But, typically, we didn't have litigation on the website.
- MS. MILLER: I did want to put on the record that we, unfortunately, lost another member of our staff on Easter Sunday. Berlinda Steinbeck, who began working with us in 2008 died of cancer. She just actually recently formally retired in January of 2019. She struggled with cancer for the past five years. She worked with Procurement, a division of the agency. We were able to get her to do just about anything that we needed to do. She was a very hard worker. Her funeral services will be held on Friday, and I'm sure many members of the staff will be in attendance at her funeral.

There being no further business before the Board, the meeting adjourned at 12:52 p.m.