

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

THURSDAY

DECEMBER 5, 2019

+ + + + +

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

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD, ESQ., General Counsel
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
WILLIAM SANFORD, ESQ., General Counsel,
Office of Campaign Finance
ARLIN BUDOO, Facility Operations Manager
MILLICENT GREEN WRIGHT, Election Services
Specialist
TERRICA JENNINGS, ESQ., Attorney Advisor

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

2 (10:53 a.m.)

3 MR. BENNETT: Good morning. Apologies
4 for being late. I had a wonderful drive here, it
5 took an hour and a half since I put the wrong
6 address in my nav system trying to avoid traffic,
7 but thank you for your patience. This is our
8 December meeting, and I want to start out by
9 calling the meeting to order, and then asserting
10 our ascertainment that we have a quorum.

11 As many of you know, we are one person
12 short of board members, so there is a requirement
13 that we have at least two here, and I think there
14 are two here. So Mr. Gill and myself. So we
15 have a quorum, and I'd like to get an adoption of
16 the agenda for the day and also the minutes from
17 the last meeting. Mr. Gill, can I get a motion?

18 MR. GILL: I make a motion to adopt
19 today's agenda as well as the minutes from the
20 Thursday, November 14th meeting.

21 MR. BENNETT: Thank you. The motion
22 has been properly provided and I receive it, and

1 I second, and the motion carries with unanimous.
2 Third item on the agenda is our board matters --
3 I'm sorry, fourth item on the agenda are board
4 matters, and Mr. Gill, do you have any matters
5 for the day?

6 MR. GILL: No, I do not.

7 MR. BENNETT: Okay, and I don't have
8 any board matters. As I announced in the last
9 meeting, just at this point, we have tried having
10 public matters that we would hear and hopefully
11 be able to get answers to at a later point in the
12 meeting. However, that just didn't seem to work
13 out very well.

14 So we're going to have public matters
15 at the end of the agenda, as we had done so
16 previously, for efficiency. Next on the agenda
17 is the campaign finance report. Ms. Cecily
18 Montgomery?

19 MS. COLLIER-MONTGOMERY: Yes, good
20 morning. In the Office of Campaign Finance
21 during the month of November, our first report
22 about the Fair Elections Programs Division, and

1 in the Fair Elections Program Division, we had
2 three new candidates who registered to
3 participate in the Fair Elections Program.

4 And on November the 7th, 2019, the
5 Committee to Elect Renee Bowser, Ward 4
6 registered. On November the 8th, 2019, Friends
7 of Christina Henderson, Council Member at Large
8 registered. On November the 14th, 2019 Lance
9 Reid 2020, Ward 8, State Board of Education
10 registered.

11 So we currently have a total of 22
12 candidates who have registered to participate in
13 the Fair Elections Program, and we have a total
14 of nine candidates who have registered to
15 participate in the traditional program. During
16 the month of November, we authorized the
17 following managing and bank payments. First with
18 the John Fanning for Ward 2 Committee, we
19 authorized the disbursement of matching funds
20 based on the October 10th report. The approval
21 date was November 5th, 2019, the amount was
22 \$4,200.

1 For John Grossman for Ward 2 matching
2 funds were authorized with respect to the amended
3 October the 10th report on November 5th, 2019 in
4 the amount of \$572.55. With Patrick Kennedy for
5 Ward 2, matching funds were authorized based on
6 the amended October the 10th report November the
7 15th, 2019 in the amount of \$2,505.

8 Green for Ward 7 is a candidate who
9 was actually certified in the Fair Elections
10 Program during the month of November. Matching
11 funds were authorized based on the amended July
12 31st report, the amended October the 10th report,
13 and the October 31st report on November the 22nd,
14 2019 in the amount of \$25,065.

15 Also, the base payment amount was
16 authorized for the candidate on November the
17 22nd, 2019 and that was in the amount of \$20,000.
18 Again, we certified the sixth candidate into the
19 Fair Elections Program, and that occurred on
20 November the 22nd, 2019, the Green for Ward 7
21 Principal Campaign Committee.

22 The Fair Election Division also issued

1 four status reports, and basically, those are
2 issued for candidates who have indicated an
3 attempt to seek certification in the program.
4 But as of this date, the threshold requirements
5 have not been met. In outreach of the program on
6 November the 20th, 2019, the Fair Elections staff
7 appeared at a meeting of the D.C. Federation of
8 Civic Associations.

9 Just for your information, during
10 Fiscal Year 2019, again, there were five
11 candidates certified into the program, and also,
12 we -- with respect to those candidates issued or
13 authorized the issuance of matching payments, as
14 well as the payment of one-half of the base
15 amount for a total sum of \$368,615. To date in
16 Fiscal Year '20, again, there are six candidates
17 who are certified in the program, and we have
18 issued a total of \$73,901.55.

19 Lastly, in the Fair Elections
20 Division, on November the 21st, 2019, BOC and
21 General Counsel issued an interpretive opinion to
22 the Division, and that is dated 2019-02, and

1 basically, the opinion concerned the eligibility
2 of candidates for the program who have unresolved
3 fines and penalties in the Office of Campaign
4 Finance.

5 In our Public Information and Records
6 Management Division, there was one filing date
7 during the month of November, and that was with
8 respect to the Legal Defense Committee that has
9 registered in the office. The first report was
10 due on November the 1st, 2019. And that report
11 was timely filed, and it was electronically
12 filed.

13 There was one referral by the Public
14 Information and Records Management Division into
15 the Office of the General Counsel during the
16 month, as well. We have six new candidates who
17 registered in the Office of Campaign Finance.
18 Dr. Pauline Reid, Let's Reid 2020, Ward 8 State
19 Board of Education registered on November the
20 5th.

21 Again, Renee Bowser Committee to elect
22 Renee Bowser, Ward 4 City Council registered on

1 November the 6th. Christina Henderson, Friends
2 of Christina Henderson At Large City Council
3 registered on November the 8th. Eric Rogers,
4 Committee to Elect Eric Rogers to Council At
5 Large registered on November the 14th. Vincent
6 Gray, Vincent Gray 2020, Ward 7 City Council
7 registered on November 14th. And Paul Strauss,
8 Paul Strauss Committee for the Petition for U.S.
9 Shadow Senator registered on November the 26th.

10 We held two interest conferences
11 during the month of November, on November the
12 7th, 2019 and November the 20th with a total of
13 11 participants, and their names will be posted
14 on our website at the end of the day. In our
15 Audit Division, the Audit Division conducted 11
16 desk reviews. It also referred one matter to the
17 Office of the General Counsel.

18 With respect to ongoing audits in the
19 division, we had two full field audits and newly
20 elected officials to the State Board of Education
21 as a result of the 2018 General Election. The
22 first is the Committee to Elect Zachary Parker

1 2018. That audit was initiated on March the 5th,
2 2019. Emily for Education, that audit was
3 initiated on March the 4th, 2019.

4 We have two outstanding periodic
5 regular audits. The first is Reelect Brandon
6 Todd 2020. That was initiated on September 4th,
7 2019. And that is of an active candidate in the
8 2020 election cycle, and the audit is of his July
9 31st, 2019 filing.

10 The second one is Phil's Fund
11 Constituent Service Fund that was initiated on
12 November the 11th, 2019 of the October the 1st,
13 2019 filing, and that is the Constituent Service
14 Program. We issued three audits during the month
15 of November. The first was D.C. Democratic State
16 Committee, which was issued on November the 15th,
17 2019. That is from a political action committee,
18 and that was with respect to their July 31st,
19 2019 filing.

20 The second is Ward 3 Constituent
21 Service Fund. That was issued on November the
22 22nd, 2019 and that was with respect to the

1 October 21st, 2019 filing. And the last was of
2 the Evans Constituent Service Fund, and that was
3 issued on November the 22nd, 2019 and that was
4 with respect to the October the 1st, 2019 filing.

5 For the record, the audits are
6 available at our website for review by members of
7 the public. And also, the images of all reports
8 that are filed with the Agency are available for
9 review at our website by members of the public.

10 I would ask the General Counsel, including Mr.
11 Sanford to give the report on the Office of the
12 General Counsel Office for the of Campaign
13 Finance.

14 MR. SANFORD: Good morning Mr. Chair
15 and distinguished Board Member, Gill. My name is
16 William Sanford, General Counsel for the Office
17 of Campaign Finance. During the month of
18 November 2019, the Office of the General Counsel
19 received two referrals, completed eight informal
20 hearings, and issued eight orders which included
21 the following.

22 Six orders were issued for failure to

1 timely file reports of receipts and expenditures,
2 in which no fines were imposed. Two orders were
3 issued of which notices of hearings, statements
4 of violations were vacated. During the month of
5 November 2019, the Office of the General Counsel
6 collected a total of \$7,450 in fines.

7 The fines were paid by the following
8 Respondents. A fine of \$7,150 was paid by the
9 McDuffie 2018 Principal Campaign Committee. A
10 fine of \$200 was paid by the Renee Bowser for
11 Ward 4 Council Committee. A fine of \$100 was
12 paid by the Gayle Carley for Ward 5 Principal
13 Campaign Committee.

14 During the month of November 2019, the
15 Office of the General Counsel carried one open
16 investigation. The Complainant was Advisory
17 Neighborhood Commissioner, Edward Hanlon. His
18 complaint was filed on September 5th. The
19 complaint identified fellow Advisory Neighborhood
20 Commissioners, Daniel Warwick, Aaron Landry,
21 Randy Downs, Matthew Sampson, Mike Silverstein,
22 and Kari Cunningham as commissioners who had

1 inappropriately used government resources. That
2 investigation has been completed and will be
3 included in our December report.

4 During the month of November 2019, the
5 Office of the General Counsel issued two
6 interpretive opinions. The first interpretive
7 opinion, which the Director has referred to
8 previously, was Opinion Number 2019-02. That
9 opinion was requested by Erick Jackson, the
10 program manager of the Fair Elections Program in
11 the Office of Campaign Finance.

12 It was submitted on the 5th of
13 November, 2019, and the issue was whether or not
14 applicants for the Fair Election Program with
15 unresolved fines were eligible for certification.
16 The determination based upon the law was that
17 those applicants who had unresolved fines and
18 penalties could not achieve certification until
19 those fines and penalties are resolved. That
20 opinion was issued on November the 21st and is
21 available for review at the Office of Campaign
22 Finance website.

1 The second opinion, and please excuse
2 the typo, it's 2019-03, and the requestor was
3 Mark Rodeffer, Chair of the Sierra Club. That
4 request was submitted on the 4th of November,
5 2019, and the issue was whether or not the Sierra
6 Club could sponsor one or more firms with
7 candidates for public office in the District of
8 Columbia.

9 Mr. Rodeffer indicated that the Sierra
10 Club would not hold the forum if they had already
11 made an endorsement in a specific election. And
12 they indicated that they would invite all
13 candidates who were listed or running for any
14 particular office to participate.

15 The opinion included a determination that based
16 upon the information provided, they were free to
17 host those forums in view -- especially in view
18 of the fact that they are not registered as a
19 political action committee with the Office of
20 Campaign Finance. During the month of November
21 2019, there were no show cause proceedings
22 conducted, and that should conclude my report.

1 MR. BENNETT: Great, thanks. I don't
2 have any questions. Mr. Gill, do you have any
3 questions?

4 MR. GILL: No, no questions, thank
5 you.

6 MR. BENNETT: Great. Next on the
7 agenda, Executive Director, Ms. Miller.

8 MS. MILLER: Thank you, Mr. Chairman.
9 The first matter on my agenda is final approval
10 of polling place relocations for Precinct Number
11 14 and Number 54, followed by proposed polling
12 place relocation for Precinct Number 105. And
13 for that I will ask Mr. Arlin Budoo, the Facility
14 Operation Manager, to come forward to present
15 this to the Board.

16 MR. BUDOO: Good morning.

17 MR. BENNETT: Good morning.

18 MR. BUDOO: My name is Arlin Budoo,
19 I'm the Facilities Operation Manager for the
20 Board of Elections. I would like to start with
21 Precinct 105, which currently is Benning Park
22 Recreation Center, which served as the polling

1 place for the 2018 general election, will not be
2 available for the upcoming 2020 presidential
3 primary election.

4 The Board was informed that the
5 facility is scheduled to undergo extensive
6 renovations which are scheduled to be completed
7 around September of 2021. This will once again
8 be a temporary move until the renovations are
9 completed at their previous site, which was
10 Harris Elementary School.

11 Therefore, I'm proposing that BOE
12 relocate to St. John Baptist Church located at
13 5228 Call Place Southeast. The registration is
14 \$3,125. Their site is accessible. We will be
15 using a loading area. They have a street
16 parking, no parking lot, and it is approximately
17 six blocks from the Benning Park Recreation
18 Center.

19 And with regards to the Precincts that
20 I submitted for relocation at the last Board
21 hearing, I also ask that we approve Precinct
22 Number 14, which is relocating from the MAA

1 Carriage House meeting space located at 1781
2 Church Street Northwest to St. Thomas Episcopal
3 Church parish located at 1517 18th Street
4 Northwest. We'll be using a multi-purpose room.

5 And I also ask that you approve the
6 Precinct Number 54. We're currently at West
7 Education Campus, 1338 Farragut Street Northwest.
8 That site is now under construction and I ask
9 that we relocate to St. Luke Baptist Church, 1415
10 Gallatin Street Northwest. We'll be using a
11 fellowship hall there, as well.

12 MS. MILLER: So we need a motion for
13 those approvals.

14 MR. BENNETT: Any motion, Mr. Gill?

15 MR. GILL: Motion to approve the
16 relocations as described.

17 MR. BENNETT: Motion seconded,
18 unanimous, they are approved, Mr. Budoo.

19 MR. BUDOO: All right, thank you.

20 MR. BENNETT: Thank you.

21 MS. MILLER: Okay, the second matter
22 on my agenda is certification of the petition

1 verification results for the recall measure of
2 Jack Evans, Ward 2 Member of the Council District
3 of Columbia. Just by way of background, on April
4 12th, Adam Eidingger filed a Notice of Intent to
5 recall Jack Evans, Council member, Ward 2. The
6 petition for recall was adopted and issued to the
7 recumbent on May 20th. At that time, Mr.
8 Eidingger had 180 days to circulate and collect
9 signatures from 10 percent of the registered
10 voters in Ward 2 based on the registration stats
11 30 days before the deadline.

12 The petition was filed on November
13 19th, within the 180 day time period allowed.
14 Challenge period for the petition began on
15 Wednesday the 20th of November through Friday the
16 29th of November, and verification process was
17 actually completed on the 29th of November.

18 The verification process involves
19 standard procedure for verifying registered
20 voters -- the registered voters' signatures
21 contained in the recall petition. Based on what
22 the staff has determined and based on their

1 review, the staff has determined that the
2 petition does not meet the statutory requirement
3 for certification to the ballot in accordance
4 with D.C. Code Section 1-1001.17K1.

5 It will therefore be my recommendation
6 that the Board reject the petition, as the merits
7 are insufficient in accordance with the law
8 because it does not contain the signatures for
9 required minimum number of registered voters. I
10 would just go through an overview of the petition
11 process, verification process.

12 The verification process is conducted
13 to determine whether petition to present a recall
14 measure to the electorate contains a minimum
15 number of registered voters' signatures. As I
16 indicated earlier, the minimum number is 10
17 percent of the duly registered voters of the ward
18 from which the elected official was sought to be
19 recalled. What the staff first does is review
20 the circulator affidavit. Review to make certain
21 the circulator is a resident of the District of
22 Columbia or a resident of another jurisdiction

1 who's registered as a petition circulator with
2 the Board prior to the circulation of the
3 petition.

4 Second, the name and address of each
5 petition signer is checked against the voter
6 registration system file to determine if the
7 petitioner was registered to vote at the
8 residence address listed on the petition at the
9 time the petition was signed, as is required by
10 law. Only those petition signers whose name and
11 addresses are found to match the Board's
12 registered voter file are entered into the
13 checking program as verified registrants.

14 Third step is for the total of the
15 verified registrants compiled by the system to
16 determine whether the petition contains
17 sufficient number of registered voters to proceed
18 to the verification stage, in which the actual
19 names on the petition are examined against the
20 names on the Board record.

21 We did not reach the fourth step,
22 which would've been to do a random sample of the

1 signatures and to actually compare signatures,
2 because there were insufficient numbers to go to
3 the fourth step. So our summary of the findings
4 is simply that petition contained 628 pages, it
5 was filed on November 18th, the petition
6 contained 5,627 signatures.

7 After we completed the first three
8 steps, as I just indicated, in the process, the
9 total number of signers listed in the petition
10 was found to be 3,385, a total of 1,064 below the
11 minimum required 4,949 from the Board. The
12 determination that the petition did not meet the
13 required minimum number of duly registered voters
14 meant that the verification process stopped at
15 that stage, and this is a required outcome,
16 because we don't have the numbers to do the
17 random sample draw.

18 Just by way of what we found in the
19 petition, just generally, we found that there
20 were a number that were not eligible, and not
21 eligible in the subcategory meaning not a Ward 2
22 resident, not registered at the address, not

1 registered at the address at the time they signed
2 the petition, and not a registered voter. Those
3 total numbers add up to 1,323. We had a number
4 of duplicate signatures, which amounted to 211,
5 and in terms of electrical numbers, we could not
6 identify 128 of the names on this petition. So
7 that's my overall report and overall review.
8 That is my recommendation as stated, so I would
9 ask that the Board consider that recommendation.

10 MR. BENNETT: Let me tell you how
11 we're going to proceed from this point on, here.
12 You are here because of that petition, and what
13 I'd like to do before we -- I'll ask Mr. Gill to
14 make a nomination, or to make a motion -- well,
15 maybe a review of accepting your recommendation
16 or not.

17 And once that happens, then what I
18 will do is I will give one person, I assume it's
19 Mr. Eidinger, who submitted the petition, three
20 minutes to give some comments, and not wait until
21 the public comment period since we're trying to
22 make this as contemporary as possible.

1 And then if there's anybody here that
2 represents Councilman Evans, I'll give them the
3 same three minutes to give comments. And then
4 we'll do a public vote with Mr. Gill and I. So
5 with that, Mr. Gill, if I can get a motion.

6 MR. GILL: So the motion is to allow
7 for -- to accept or not?

8 MR. BENNETT: Yes, the motion is to
9 accept the recommendation.

10 MR. GILL: Oh, sorry about that. So
11 I make a motion to accept the recommendation.

12 MR. BENNETT: Okay, thank you for
13 that. And prior to my responding to the motion,
14 I'd like to give -- I assume the one person from
15 the Petitioner's side will be Mr. Eidinger, okay?
16 So if you can come to the table and give your
17 name and address, I think you know the drill, and
18 then you get three minutes to make comments, Mr.
19 Eidinger.

20 MR. EIDINGER: Good morning, my name
21 is Adam Eidinger.

22 MR. BENNETT: Eidinger, I'm sorry.

1 MR. EIDINGER: It's okay, everybody
2 mispronounces it. I live at 2448 Massachusetts
3 Avenue Northwest in Washington, D.C. Thank you
4 for giving me some time to speak about what I
5 think is an historic effort to recall a corrupt
6 politician that seems at this point to finally be
7 getting the message from his colleagues that it's
8 time for him to go.

9 I believe the recall has played an
10 instrumental role in creating the political
11 pressure to get the council members to do the
12 right thing. Now, I don't agree with your final
13 tally, and I have tremendous respect for the
14 Board of Elections. I think it's well within our
15 rights to make an alternative case, though.

16 So along those lines, I just want you
17 to realize that the number one problem I see with
18 this process is the number of registered voters
19 who are being asked to collect from were being
20 told that there's -- we need to have 4,949, 10
21 percent of 49,000 and change. And from our door
22 to door canvassing, we found over 7,000 people

1 that are truly not in the ward right now and are
2 still on the voter rolls. So maybe later, during
3 the public comment period, Nikolas Schiller will
4 present this evidence.

5 We think the numbers we're being asked
6 to bring in is much higher, well over 1,000
7 higher than what we should be bringing in. Now,
8 our own internal audit from -- I'm sorry if I'm
9 speaking too close -- our own internal audit of
10 the petitions found that we are short by about
11 50. Even 150, there's a dispute within our own
12 community, and I'm the first to admit that. But
13 that's only if you don't count the people that
14 live in the ward, signed with a ward address, but
15 are registered in another ward. Now, we're told
16 that under current regs here, since this is not a
17 candidate's nominating petition, we can't correct
18 those signatures.

19 I just was told this today by folks in
20 the -- lawyers for the Board of Elections,
21 although this has been in the regs, apparently.
22 But this doesn't seem fair that we don't have any

1 time to go back to that person and say, you know,
2 you live in Ward 2, you're a registered D.C.
3 voter, but you're not registered in Ward 2.
4 Let's get that fixed, and let's let that count.
5 And there's a lot of those people, there's
6 hundreds, maybe 300 of those people that we
7 identified.

8 So with our numbers and with that, we
9 think we actually have it if we had an
10 opportunity to go, and we have demonstrated at
11 least 10 percent at the number you guys gave us,
12 4,949. But if you take into account that there's
13 so many petitions that, you know, have missing
14 the year, for instance, we're not clear whether
15 or not the Board counted those or not. We're not
16 clear about apartment numbers -- Karen Brooks,
17 the registrar, has informed me that they did not
18 disqualify those, but I do not understand how you
19 can have such a lower number than us if you
20 didn't disqualify those. And those were also
21 subject to Jack Evans's challenge. Much of his
22 challenges are simply, it's missing the year.

1 MR. BENNETT: You have 30 seconds.

2 MR. EIDINGER: Okay. I want to ask
3 the Board this. What year did you issue this
4 petition, and what year is it now? It's the same
5 year. So if it's missing a year, that is a bogus
6 challenge. It defies logic to say the person
7 didn't sign it this year, because this entire
8 process took place this year.

9 Secondly, if a person's missing an
10 apartment number, and you have their address, you
11 can demonstrate voter intent with a signature and
12 everything else. So I think we have demonstrated
13 that we have 10 percent of the registered voters
14 wanting a recall election. And I urge this Board
15 to schedule the election, because we don't
16 deserve not having a council member if he's
17 expelled for the rest of the year.

18 We need an election to fill the seat,
19 so the recall gives us a process to fill the
20 seat. Remove him, and then fill the seat. So
21 you can make a decision today to reject this
22 report and say, we want to look at it further,

1 and let us go until the next meeting. Because we
2 would like to present more evidence that the
3 number you're requiring is way too high, and that
4 we actually have enough signatures of Ward 2
5 voters to --

6 MR. BENNETT: That's time.

7 MR. EIDINGER: -- meet that lower
8 number.

9 MR. BENNETT: I'm sorry, but I'm going
10 to have to cut you off.

11 MR. EIDINGER: Okay, thank you for
12 your time. And --

13 MR. BENNETT: Sorry about that.

14 MR. EIDINGER: -- do you have any
15 questions for me?

16 MR. GILL: No, I think we're going to
17 have a discussion on some of those points, but do
18 you want to see if there's a --

19 MR. BENNETT: Yes, yes, yes is there
20 someone from Mr. Evans that would like to make a
21 comment? Seeing none, okay, if you'd like to --

22 MR. BUDOO: Well, I just --

1 (Simultaneous speaking.)

2 MR. BUDOO: So, I appreciate that
3 you've been very diligent in this process, and
4 one of the things that I was curious about -- so
5 I've said many times, in this process, in the
6 referendum process, in the process that we
7 currently have, you know, in terms of gathering
8 signatures for the public financing, the public
9 financing is going to people who are not
10 canvassing. It's going to people who are trying
11 to collect signatures to become candidates. And
12 I'm curious, and I don't know so I can't say this
13 for sure, but I think a lot of the money that
14 we're giving to public financing is not going to
15 disseminate policy plans, it's going to collect
16 signatures.

17 This process of collecting signatures
18 is very antiquated for where we are in terms of
19 technology with voters such that we don't have
20 town halls where we're all gathering or such.
21 We're very dispersed communities, especially in
22 cities such as this.

1 So I think in general, there's issues
2 with -- there's a very high bar for everything,
3 for getting on the ballot, for getting these
4 recalls. And it has to do with this idea that if
5 you are truly committed to the city, you should
6 be able to demonstrate that through support.

7 And yet, we have a cottage industry of
8 signature gathering that basically is a business
9 where people pay others to go out and kind of,
10 you know, pseudo, virtually, demonstrates and so
11 forth. So that, I think, is something that needs
12 to be looked at. That, unfortunately, is not for
13 us. That is for the Council to look at and then
14 come back and give us, if they so choose, a
15 different metric.

16 So I have never liked this process of
17 signatures, and I've been approached about
18 signatures on various things and such. And it
19 just always seems that there's a large gap
20 between the commitment of the people that have
21 taken the time to get a recall referendum or a --
22 I mean, a recall petition or a referendum on the

1 ballot, and the average amount of time that a
2 voter, a registered voter, has to even think
3 about what they're signing to.

4 I mean, I was talking in chambers
5 before this. We should ask GW or AU or one of
6 the colleges here that has a political science
7 program to do a study. We have wonderful
8 laboratory here in D.C. because we have lots of
9 recall petitions, and referendums, and such like,
10 but how much are voters really aware of what
11 their signature is and, you know, the pros and
12 cons of this in terms of -- because we have an
13 election process, and that is a standard process
14 that happens every few years.

15 And I feel like in some ways, we're
16 getting away from that, because once we have this
17 process, then we -- well, they're not doing what
18 we want, so we add a referendum and such. And I
19 just --

20 MR. GILL: That's democracy.

21 MR. EIDINGER: Yes, but if it's not --
22 but if we have antiquated rules, then I wonder if

1 it's -- because we have the facade of democracy,
2 but it's not really doing what people think it's
3 doing.

4 MR. GILL: Can I just respond to one
5 point?

6 MR. EIDINGER: Sure.

7 MR. GILL: When you say the industry,
8 this petition, I understand, was --

9 MR. EIDINGER: Yes, I --

10 MR. GILL: -- ninety-five percent
11 volunteers.

12 MR. EIDINGER: -- no, and I didn't
13 want to --

14 MR. GILL: So every time you hired
15 someone, it was not good for the campaign. It
16 hurt our efforts, and there is one Petitioner
17 that I believe you disqualified, you know, and
18 it's just -- it's usually the people that are
19 hired when there's less ethics. In this case,
20 you're looking at this packed room here, many of
21 the collectors are in the room right now, and I
22 just want to recognize them all for a second,

1 because they worked really hard to force this
2 election.

3 And I'm just begging you, don't
4 certify this today. Wait until the next meeting.
5 Give us some time. We want to present more
6 evidence to this Board that you're requiring a
7 much higher number than you should be. And we
8 were never really -- We didn't know this until we
9 completed the signature gathering, how bad the
10 problem was. And when we reviewed our watch
11 sheets, we realized this is just ridiculous how
12 many people really have moved. Because we really
13 canvassed the ward. And so I'll end it with
14 that. And I hope you will delay the decision
15 today.

16 MR. BUDOO: So continuing my thoughts,
17 I want to let you know my thought process for how
18 I viewed what I received and my prejudices on
19 some aspects of this. The amount of -- So the
20 total, you know your gross number that you have
21 to like work from, we do go through the rules.
22 That process is ongoing. That process has

1 become, I think, a lot more -- you know, now we
2 match with the national database. It's not that
3 these are sitting forever and ever and ever the
4 way they may have in the past. Whether we're
5 perfect on it yet, that is -- you know, I don't
6 want to make the definitive announcements there.
7 But there is a process to look at the rules.

8 What I was curious about was the --
9 what I've always felt is disturbing is when
10 people are challenged because the name is not
11 written correctly or it didn't have a zip code or
12 something like that. And that's always bothered
13 me that, that's really substance over what's the
14 true intent here. In looking at the data, and
15 you'll have all this data, it's really that
16 people were not registered in Ward 2. They were
17 in other wards or they were registered in
18 different addresses from what they wrote on the
19 petition. That's the majority. And you know, I
20 think there's a temptation that when you look at
21 all the work that goes into something like this,
22 you want a reward that effort. And say well how

1 -- you know, if it's one way or the other, let's
2 push the way to the right or push it to the left.

3 But at the same time, if you are on
4 the opposition and you had met the requirements -
5 - or you know, let's say in the same situation,
6 you had met the requirement. It would not be
7 fair for the candidate to come and say our voter
8 numbers are wrong, they're much higher than what
9 you think they are. And therefore throw out the
10 -- you know, or allow us to come and prove that
11 the voter numbers are actually higher than you
12 say they are. The process is you've got to deal
13 with the facts as they are. Then deal with the
14 rules as they are. The number we came up with,
15 you were aware of at the beginning. The number
16 that was required everyone was aware.

17 Just as I wouldn't feel comfortable
18 postponing it to allow them to raise the number,
19 I'm not comfortable postponing it to allow you to
20 prove that it's a lower number. I think this
21 effort does tremendous good in the fact that
22 you're identifying lots of folks who may not be

1 registered in the district anymore. And that's
2 helpful for democracy in general. But it's still
3 anecdotal and it's still -- you know, we have to
4 work with -- we have to be able to go because
5 your option is -- the due process for you is to
6 challenge the support is to say to the Judge, we
7 didn't guess. We went by what the statistics
8 are. And we're constantly working to make sure
9 those are correct. But we're not guessing.
10 Someone says they're higher. Someone says
11 they're lower. So that's sort of my bias on
12 that.

13 If there were a large number of these
14 that were -- And I think the date issue was
15 minimal, one or two, and I think -- And I don't
16 think we knocked for apartment numbers and things
17 like that. And so the big bulk of these were
18 folks weren't, according to our records, and you
19 know it is the statute, dually registered,
20 meaning that address in the ward. That's what
21 we've got to go by.

22 You talked about intent, but just as

1 easily from the other side, they could say you
2 can't envision -- you can't make up intent. You
3 don't know. And so you have to go by what we
4 have in the stash. So the fact that, that was
5 the bulk of them and that was the determinant
6 one, to me said all right, well I don't -- at
7 some point we're going to get to a really
8 uncomfortable situation if we're looking at
9 signatures. And I'm going to be frustrated when
10 we get there. But in this one, I don't think we
11 got there. I think the way the addresses and the
12 registrations lined up, sort of didn't allow us
13 to have to get to that.

14 So I'm sort of foreshadowing where I
15 view on this. But we've had disagreements over
16 language and such throughout this process. And
17 at one point, you said I sort of observed if
18 you've got another group that's ready to go
19 that's registered in the right address so we
20 didn't have that confusion, why not just go with
21 it? And you said, I have a right to run this
22 process. And I have a right as anyone else. And

1 I thought about that. And I think that's -- I
2 think that's true. I think that, you know,
3 someone who's committed and really hard charging
4 is probably who you want running it. And so we
5 shouldn't just go for what's convenient for us.
6 We should work through the process and we did.
7 So you know, I don't -- I'm not sorry or you
8 know, we have to rule how we have to rule. And
9 you can see where I'm falling down on this.

10 I do want to just finally end up with,
11 you mentioned about the election. Maybe Alice,
12 at some point you can go through what an
13 expulsion means in terms of an election. It may
14 not -- There may be another bite of the apple on
15 this.

16 MR. BENNETT: Okay. But we'll deal
17 with a motion. Before I accept the motion, thank
18 you, Mr. Eidinger for one, your comments are
19 going to limit our Board members to three
20 minutes. I'll give you four. And also too, I
21 also want to make sure that it's clear that in
22 this process, there is an opportunity and a right

1 of the Petitioner to view our counting of the
2 signatures as well. And that's a part of the
3 regs and the law as well. So I would encourage
4 in the future if some of these things do pop up,
5 that you avail yourself of the opportunity to
6 walk through the count.

7 So with that, I'll accept the
8 nomination. And for the record, take an official
9 vote. So your vote to accept the recommendation,
10 Mr. Gill?

11 MR. GILL: Aye.

12 MR. BENNETT: And I accept it as well,
13 so it's unanimous. So thank you. Next item, Ms.
14 Miller.

15 MS. MILLER: Thank you. Yes, just
16 before we get off of this particular subject
17 issue, rather I would just want to recognize and
18 thank the staff who worked through the holiday
19 period as they had to because what was required
20 to be open with the restaurant owner. Also and
21 their staff worked tirelessly and continuously
22 for the ten day challenge period that the office

1 was required to be open, which included two
2 holidays within that period of time. So I'm very
3 grateful to them and I thank them for doing that
4 in order to get this process done.

5 MR. BENNETT: Great, thanks. Next
6 item?

7 MS. MILLER: Yeah. The next thing on
8 my agenda, we have participated in ten community
9 outreach events during the month of November
10 including naturalization ceremonies and various
11 local activities and association with a few of
12 the sororities; the DC Jail, Mikva, which is a
13 student-focused organization, and the Department
14 of Human Services Fall Festival. The Division
15 also participated in the Young Adult Weekend on
16 Saturday on November 16th.

17 With respect to list maintenance, we
18 had 7,297 updates and new registrations processed
19 during the month of November. The majority of
20 these updates were processed through the DMV,
21 through our automatic voter registration process
22 and sent to the Board.

1 We've also continued to confirm
2 information from 1,800 birthdate list. We
3 received 64 confirmation letters that were mailed
4 -- from the letters that were mailed in October.
5 Of those 64, 52 have confirmed and updated their
6 information with the appropriate birthdate. And
7 12 were returned informing us that the voter is
8 deceased.

9 With respect to the VRS, the user
10 acceptance testing is still underway for the new
11 VRS system. Both the vendor and the staff are
12 working together to resolve some of the
13 challenges that have occurred during the first
14 round of testing. And this will continue through
15 the end of the month. And that concludes my
16 report.

17 MR. BENNETT: Okay, great. Thank you,
18 Ms. Miller. I need to take a two minute break
19 here to make sure I followed the process
20 correctly on the -- Okay, all right. Then I
21 don't need to take a break. Okay, thank you. Do
22 you have any questions for Ms. Miller, Mr. Gill?

1 MR. GILL: No questions.

2 MR. BENNETT: Okay. Next on the
3 agenda is the General Counsel Report, Ms. Stroud.

4 MS. STROUD: Good morning, everyone.
5 The first item on my agenda is litigation status.
6 The first matter under litigation status is
7 William Hunt versus the Board. This matter was
8 filed in the U.S. District Court for D.C. on
9 October 18th. And it's a complaint that Mr. Hunt
10 filed requesting that the Board count write-in
11 votes cast in the mayoral contest in November of
12 2018.

13 Because the write-in votes cast in
14 that contest were not sufficient to elect a
15 write-in candidate, the Board was not required to
16 provide an itemized counting. But that's what
17 the Plaintiff wanted. Briefing in that case is
18 complete. And we're awaiting the Court's order
19 on the Board's motion to dismiss.

20 The second case is James Butler versus
21 the Board. This was a case in which the
22 Plaintiff asked for a writ in the nature of

1 mandamus to compel the Board to accept the term
2 limits initiative -- campaign initiative as a
3 proper subject. The Board filed a cross motion
4 for summary judgement on November 21st at which
5 time the Plaintiff was also to have filed a cross
6 motion for summary judgement, but he did not.

7 The third case is Graham versus the
8 Board of Elections. It involves the Board's
9 appeal of a permanent injunction that was entered
10 by the D.C. Superior Court on December 12th,
11 2018, which prohibited the Board from taking any
12 action on Referendum 008. The briefing on this
13 case is complete. And the D.C. Court of Appeals
14 has ordered that the case be scheduled to oral
15 argument and we're awaiting that date.

16 The fourth and fifth cases are Phillip
17 B. Hammond versus the D.C. Board of Elections and
18 Robin Marlin versus the D.C. Board of Elections.
19 These are consolidated cases with D.C. Court of
20 Appeals. In both instances, the Plaintiff's
21 filed appeals of board orders upholding the
22 resolutions of ANC 7B, which found no vacancies

1 in SMB 7B04 and 7B05 respectively. Both
2 individuals that filed the appeals claimed that
3 the ANC Commissioners in those single member
4 districts did not meet the residency
5 qualifications to hold the office.

6 The Court of Appeals issued a briefing
7 order on October 9th pursuant to which the
8 Appellants were to have filed their brief and
9 appendix on November 18th. And the Board was to
10 file its brief 30 days after that. The
11 Appellants have not filed their brief and have
12 been ordered by the Court to do so by no later
13 than December 16th. And those are the active
14 cases on the Office of General Counsel's roster.

15 And the second item on my agenda is
16 the review of a Notice of Intention to Recall
17 Advisory Neighborhood Commission, Villareal
18 Johnson, ANC Commissioner in single member
19 districts, 7B05, which was filed by Donna M.
20 Robinson. And Mr. Chair, if you could.

21 MR. BENNETT: Would the registrar
22 please and the parties come forward? Ms.

1 Robinson, are you here?

2 MS. STROUD: And if Mr. Johnson is
3 here as well.

4 MR. BENNETT: Who?

5 MS. STROUD: And if Mr. Johnson is
6 here as well.

7 MR. BENNETT: Is Mr. Johnson here?

8 MS. STROUD: Yes, Ms. Brooks or
9 whoever you -- Okay.

10 MR. BENNETT: Okay. Thank you. Would
11 everybody state your name for the record? And if
12 I could start on the left that would be great.

13 MS. STROUD: And address.

14 MR. BENNETT: And address, I'm sorry.

15 MS. LINDSEY: Malinda Lindsey, 2825
16 Ranch Avenue Southeast.

17 MR. BENNETT: Thank you.

18 MS. ROBINSON: Donna Robinson, 3308
19 Gainesville Street, Southeast.

20 MR. JOHNSON: Good afternoon, folks.
21 Villareal "VJ" Johnson, 2411 33rd Street.

22 MR. BENNETT: Okay. And if we could

1 have the registered representative.

2 MS. GREEN WRIGHT: Yes. Millicent
3 Green Wright on behalf of Karen Brooks, the
4 registrar.

5 MR. BENNETT: Great, thank you. Let's
6 see. Originally I prepared a memorandum, then
7 I'll going to proceed to background and next
8 steps of this process. And we'll provide that
9 memo for the record and save it for the parties.

10 MS. GREEN WRIGHT: Good morning.

11 MR. BENNETT: Good morning.

12 MS. GREEN WRIGHT: On November 13th,
13 2019, Donna M. Robinson, a dually registered
14 voter in single member district 7B05 timely filed
15 a Notice of Intention to Recall Villareal "VJ"
16 Johnson, Advisory Neighborhood Commissioner for
17 single member district 7B05. The notice
18 specified Commissioner Johnson as the elected
19 officer whose recall is sought. Contained a
20 statement in support of the recall that did not
21 exceed the 200-word count limit. And included
22 the proposer's name, telephone number, email

1 address, residence address, and an affidavit that
2 the proposer is a registered qualified elector
3 ascending as the elected officer whose recall is
4 sought.

5 Commission Johnson timely filed a
6 response to Ms. Robinson's statement of recent,
7 recall with the Board on Thursday, November 21st,
8 2019. The response did not exceed the 200-word
9 count limit. Pursuant to D.C. Official Code
10 Section 1-1001.17, 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 recall
14 formally adopts the original petition form as his
15 or her own. Accordingly in the event, the Board
16 issues a petition today, Ms. Robinson must file
17 the recall petition with the Board no later than
18 5:00 p.m. on Monday, February 3rd, 2020.

19 Pursuant to D.C. Official Code Section
20 1-10012017, Page 3, Petition for the recall of an
21 ANC shall include the valid signature of 10
22 percent of the registered qualified electors of

1 the effected single member district. Fifteen
2 percent must be computed from the total number of
3 registered voters in the single member district
4 according to the latest official count of
5 registered voters made by the Board 30 or more
6 days prior to the submission of the signatures
7 for the recall petition.

8 While the signature requirements may
9 not be determined -- cannot yet be determined, if
10 the most recent registration figures published by
11 the Board were used, the petition filed in
12 support of the Notice of Intent to Recall
13 Commissioner Johnson will be required to include
14 the signatures of 161 dually registered voters in
15 Advisory Neighborhood Commission single member
16 district 7B05.

17 Both the proposer of the recall
18 measure and the elected official who is the
19 subject of the recall are advised to check with
20 the Board's Voter Services Office on a monthly
21 basis as new statistical reports are published.
22 Thank you.

1 MR. BENNETT: Thank you. Based upon
2 the registered memo, it appears that the Notice
3 of Intention to Recall was filed in accordance
4 with the Board's rules and regulations, as well
5 as the statement in opposition.

6 The registrar has prepared for your
7 review and adoption, a petition form to be used
8 to collect signatures in support of the recall
9 effort. I will give you a moment if you could
10 provide that. And I'll give you a moment to
11 review it.

12 MS. STROUD: Do you have petitions for
13 both Mr. Johnson and Ms. Robinson so they can
14 read their statements to determine whether or not
15 they reflect what they provided to us?

16 MR. BENNETT: Once you do, you can let
17 me know if you're okay with that.

18 MS. ROBINSON: Yes, it's correct.

19 MR. BENNETT: Okay. Having reviewed
20 the recall petition, do you formally adopt this
21 recall petition as your own?

22 MS. ROBINSON: Yes.

1 MR. BENNETT: Okay, great.

2 MS. STROUD: Okay, so in light of the
3 fact that you've adopted the form as your own, we
4 will provide you a copy of the form to collect
5 signatures. And I ask that the Board approve a
6 motion to accept the petition. And that's what
7 will be used in support of the recall effort.

8 MR. GILL: All right. I move that the
9 Board accepts the recall petition as its written.

10 MR. BENNETT: And it's been properly
11 moved, I second. And vote aye.

12 MR. GILL: Aye. So it's unanimous.
13 Mr. Johnson, would you like to comment, sir?

14 MR. JOHNSON: It's really just a
15 technical change; the time of the meeting says
16 6:30.

17 MR. BENNETT: On the petition?

18 MR. JOHNSON: Yeah.

19 MS. STROUD: So that was what was
20 submitted and we do not edit -- I mean it was
21 what was provided. And so the Board does not
22 make edits to the statement as provided to us.

1 And the time, if you wanted to change it, the
2 time to do so was within the period that you had
3 to provide the statement.

4 MR. BENNETT: Is that material to your
5 issue?

6 MR. JOHNSON: Well I think upon the
7 answering, I didn't see an opportunity. Because
8 the timeliness of this process changed the
9 original date of the meeting that I offered. So
10 at this time, this morning, I just ask for the
11 consideration to go from December 4th to December
12 19th at 6:30. So it has been changed to December
13 19th, but the meeting time is not listed as 6:30.
14 So there was a change that I offered this morning
15 reflected here, but it's not fully a accurate
16 change.

17 (Simultaneous speaking.)

18 MR. BENNETT: So you're, Ms. Robinson,
19 where are we?

20 MR. JOHNSON: It's a small detail. I
21 don't want to --

22 MR. BENNETT: No, here it is. I just

1 want to make sure I'm asking this. So this is
2 where? Are we talking about --

3 MR. JOHNSON: It's on the right side.

4 MR. BENNETT: No, I just want to make
5 sure I'm clear.

6 MR. GILL: You mentioned the change
7 this morning, but we didn't agree to that this
8 morning.

9 MR. JOHNSON: Well if I could just
10 highlight my difference. The original that I
11 submitted was December 4. I do see the reflected
12 change I asked for this morning here as December
13 19th. So if one aspect of the change was
14 accepted, I'm just asking for the courtesy of the
15 whole of the request to change to be accepted.

16 MR. GILL: So it does.

17 MR. JOHNSON: Okay.

18 MR. GILL: And I think people are just
19 confused on did we decide to accept it this
20 morning to change it to the 19th. And Mr.
21 Chairman, I do not believe we accepted the
22 change. But we can put the 6:30 in there.

1 MR. BENNETT: Yeah, I agree. Ms.
2 Robinson, is that an issue for you?

3 MS. ROBINSON: No.

4 MR. BENNETT: Would you mind showing
5 me here?

6 MS. LINDSEY: He's asking is it an
7 issue for you that the December 4th date that he
8 initially put on his response to the recall is
9 now being requested to be changed to December
10 19th. So he's asking for another opportunity and
11 another date to have the constituents come out
12 and I guess express their disdain for him being
13 commissioner despite the fact that we've already
14 filed a petition and are ready to move forward.
15 So do you want to give him a chance to add
16 another meeting?

17 MS. ROBINSON: No, if it was filed --

18 MR. BENNETT: We've already done the
19 approval, but I want to hear this out. I don't
20 understand the issue.

21 MS. ROBINSON: As it was filed at that
22 time, then it should have been on there, that's

1 December the 4th at 6:30 so that the constituents
2 would have known about it and had time to respond
3 to it. It wasn't done accurately and timely, so
4 I would decline to have it changed.

5 MR. JOHNSON: If I can offer a
6 rebuttal.

7 MR. BENNETT: Yeah.

8 MR. JOHNSON: The "accuracy" or
9 "timeliness" wasn't a fault of mine, but the
10 process in which -- the way we got here and the
11 timeliness of how we got here from you all's point
12 of view, at the time that I did submit this, they
13 said it was the 4th, not knowing that this
14 process would be extended beyond the 4th. So I
15 want you all to consider my intent was to make
16 sure that in my response as the Petitioners are
17 going out collecting petitions, that those who
18 they talk to have an opportunity to have the true
19 intent, which I want them to have two weeks to
20 deal with this. And my intent is valid for the
21 technical piece of the data is what I'm asking
22 you all to consider.

1 MR. BENNETT: Well did a meeting occur
2 on the December the 5th?

3 MR. JOHNSON: Right, so this process
4 is happening December 5th. So my intent in my
5 response was to have a date in which the
6 community came and engaged with me. So I'm
7 asking you all to accept my intent.

8 MR. BENNETT: I hear your point. It's
9 almost a -- this date is moved. In fact, it's
10 already past. Can we just hold for one second?
11 I want to talk through this with my other Board
12 that is here. Hold on one second please. I'm
13 sorry, I want to make sure I get all the facts
14 straight before we move forward.

15 MR. GILL: We're saving everybody time
16 by not going into a different room to do this.
17 So excuse us for that.

18 MR. BENNETT: It appears that we have
19 -- I looked at the conflict. One, we've already
20 approved the petition for December 4th as we have
21 it here. I understand that -- and we've already
22 approved it. And I understand there was some

1 discussions this morning about a new date. And
2 my question before going any further, because
3 it's actually a fault of you, and I think if we
4 did anything other than approve what is already
5 here, we would prejudice Ms. Robinson.

6 So my question to Ms. Robinson is
7 would you like for us to reconsider the date that
8 Mr. Johnson has to put on the petition to have a
9 meeting to express to the constituents?

10 MS. ROBINSON: No, I would ask the
11 Board to accept it the way it was written in my
12 file.

13 (Simultaneous speaking.)

14 MS. ROBINSON: -- it was talking about
15 after the filing. I mean if he'd have put the
16 accurate date and time --

17 MR. BENNETT: Yeah. Well
18 unfortunately the date of this meeting ends up
19 being after this December 4th date that -- I'm
20 not sure what the thought process was at the
21 time. And I think this morning, whatever
22 conversations occurred with the registrar was an

1 effort to have some -- you know, to add what they
2 considered -- I assumed the parties -- Were you a
3 part of that conversation this morning, Ms.
4 Robinson?

5 MS. ROBINSON: No, I was not.

6 MR. BENNETT: Okay. My assumption is
7 it was an effort to address the issue associated
8 with the timing of the meeting and the timing of
9 the petition. We have already ruled on it. And
10 I'm hesitant to do anything different than what
11 we've already ruled on because of the concern
12 that it may prejudice the Petitioner. However,
13 that said, just the circumstances seem that would
14 be fair to Mr. Johnson to allow the change. But
15 that's -- I would like for you to consider that
16 if you don't mind. And I'll move the meeting
17 forward. I'll table where we are right now on
18 your matter. Move the meeting forward and then
19 come back to this if you are okay with that. And
20 I see some head nodding no to your right. You
21 know, so that's my --

22 MS. LINDSEY: Mr. Chairman, if you

1 would allow me to please make one comment --

2 MR. BENNETT: Can you hold on one
3 second? I will. I will. I will.

4 MS. LINDSEY: I just want to bring to
5 the attention of the Board that we have since had
6 an ANC meeting with our 7B Board since this
7 petition has been filed. So if it was Mr.
8 Johnson's intent for the constituents to come to
9 him on December 4th or whatever date to express
10 their concerns, he would have stood up at that
11 ANC meeting and stated that he had an intent for
12 all of us to be present. He did not. So we have
13 been reaching out to him on multiple -- since
14 July actually to voice our concerns. And I
15 actually have documentation that shows that he
16 has ignored us.

17 MR. JOHNSON: Mr. Chairman --

18 MR. BENNETT: Hold, Mr. Johnson.
19 Please don't interrupt. If you could finish?

20 MS. LINDSEY: Yeah. So you know,
21 while I understand he wants to maintain his
22 position as Commissioner, he only now is fighting

1 for it because we had filed for recall. We did
2 not have to get to this point. We do not want to
3 be here, but this is our last resort.

4 MR. BENNETT: Okay. I'm just trying
5 to deal with the facts here. Okay? I appreciate
6 your rationale for the position you're taking.
7 But I'm just really trying to deal with the facts
8 here and trying to make sure that we have a fair
9 process. I'm a little -- And Ms. Robinson, let me
10 just make sure I'm -- You were not a part of the
11 conversation earlier today --

12 MS. ROBINSON: No, I was not.

13 MR. BENNETT: -- that addressed the
14 change in this date?

15 MS. ROBINSON: No.

16 MR. BENNETT: Okay. Mr. Johnson?

17 MR. JOHNSON: Two things. One, I
18 think I can probably communicate my intent. And
19 two, the matter was brought to me when I arrived.
20 If it was an issue, then it should have been an
21 issue from the get-go. But since the opportunity
22 was presented and I did express what my intent

1 was for that specific date, I'm asking that it be
2 honored. And I'm also -- I'm asking that it be
3 honored because I did my part. And I can go so
4 far as to possibly accept failure for not timing
5 the process out to have the proper date. Because
6 my true intent was to have the Petitioners take
7 my response to the constituency to give them also
8 an additional opportunity to hear from me on the
9 subject of this matter. And I think I should be
10 greatly considered.

11 My point of view is it should be
12 greatly considered. As well, I do recognize that
13 there is attention and consideration given to the
14 Petitioner. However, equal consideration needs
15 to be given to both parties. As well as the most
16 important impacted, affected group of people, the
17 residents involved in ANC 7B05.

18 MR. GILL: Look, I don't think we need
19 to go into chambers on this. It's relatively
20 simple in the way I'm looking at this. The
21 conversation you had earlier with staff was not
22 made to us. And the changes that staff agreed to

1 were not part of my record or conveyed to the
2 other party or to us. And the statute doesn't
3 allow for a change today. What I thought I was
4 hearing was that there was an agreement to change
5 it -- that somehow had worked out between
6 parties. And I'd be willing to vote to accept
7 that. But the agreement that was worked out with
8 staff, that is actually beyond what the statute
9 would allow is -- I don't know that we can go
10 back and unring that bell.

11 MR. JOHNSON: I am not aware of what
12 agreement had been worked out. I'm only aware of
13 what I was engaged in. And now I do recognize
14 that it is written as the 19th.

15 MR. GILL: But it's not what you have.
16 And this is where I apologize because that
17 shouldn't have happened. What you have is not
18 what the official order is.

19 MR. JOHNSON: Okay.

20 MR. GILL: The official order is the
21 4th. That's what the Petitioners have. That's
22 what we have. And the time to change it has

1 passed. And so there's nothing we can do to
2 change -- There's wide latitude for what you
3 write. We can't object to what you write. You
4 can write nursery rhymes. They can't object to
5 that. But I do think that whatever is there,
6 there is a process for it. It's done. It's
7 solid. It can't change after that point. And
8 we're past that point to change it unfortunately
9 for you.

10 MR. BENNETT: I think we're going to
11 -- Since it was approved, we're going to have to
12 stick with what we approved. And I'm sorry there
13 was the understanding that there was. But we're
14 going to stick with what we approved. If for
15 some reason or another, Ms. Robinson wanted to
16 change and come back -- withdraw that petition
17 and come back with a new date, then you know,
18 we'd have to consider that. But I think at this
19 point, we have what we have.

20 MR. JOHNSON: I'm sorry. Just for my
21 clarity, when was this approved? I was under the
22 impression that this was actually --

1 (Simultaneous speaking.)

2 MR. GILL: We just did it today.

3 MS. STROUD: And the process, Mr.

4 Johnson, is that this is the Proposer's form to
5 adopt. This is the forum in which the Proposer
6 of the recall adopts the petition as her own to
7 circulate the process. So this is when she
8 adopts the form. And the purpose for reviewing
9 the petition is to ensure that the statements
10 that you both provided within the timeframe that
11 you were to have provided it, accurately reflects
12 what you provided to us within the timeframe.

13 And she has indicated that the
14 statement that she provided is what she wrote.
15 And the statement that you provided to us within
16 that 10-day timeframe after the Notice of Intent
17 to Recall was filed is what you provided. And we
18 have, you know, the Board has that. And your
19 statement reflects what you provided to us via
20 email to, I think, Mr. McGann.

21 MR. JOHNSON: I'm okay with the
22 technicality. I just want -- so I'd lose the

1 intent of what I wrote, that's what I'm --

2 MS. STROUD: And you will have the
3 opportunity while the petition is circulating to
4 discuss with people who are able to sign the
5 petition what your intent was.

6 MR. JOHNSON: But once we leave here,
7 I won't have that opportunity because I'm not
8 collecting signatures, they are.

9 MS. STROUD: Well you will have the
10 opportunity to interact with your constituents.

11 MR. JOHNSON: Well not until I
12 understand -- not until I'm made aware of who
13 signs. And I won't be made aware of who signed
14 until the next stage in this process. So my
15 intent was to have the residents have an
16 opportunity if this matter was concerning to
17 them, to see me prior to or within the process.
18 And my intent is -- what I'm hearing is not being
19 recognized because of a technicality. And I'm
20 okay with that. I just want to be clear.

21 MR. BENNETT: I'm not sure I agree
22 with that statement, but I understand your point.

1 And I think we've kind of -- we are where we are.

2 MR. JOHNSON: Okay.

3 MR. BENNETT: And I don't -- I don't
4 want to begin to tell you how to address this
5 issue with your constituents. But there would
6 probably be a lot of ways to, you know, obviously
7 connect with your constituents to get your
8 message there during the time that this petition
9 has the opportunity to circulate. So thank you
10 for that. And I'd like to go forth. So is there
11 anything else needed on this?

12 MS. STROUD: No, that's it. Thank
13 you. And that concludes my report.

14 MR. BENNETT: Thank you. Any
15 questions of Ms. Stroud's report?

16 MR. GILL: I no longer have any
17 questions.

18 MR. BENNETT: Okay. I didn't mean to
19 stifle your -- Next item on the agenda.

20 MR. JOHNSON: All right, thank you.

21 MR. BENNETT: All right, thank you.

22 MS. STROUD: Thank you, ladies and

1 gentleman.

2 MR. BENNETT: Thank you. Okay, I
3 think we're at public matter now. Do we have any
4 public matters -- First of all, is there anyone
5 on the line today? Mr. Sindram, is anyone on the
6 phone today?

7 MR. SINDRAM: Is this the chair?

8 MR. BENNETT: Yes. I will recognize
9 persons on the line. And I believe the only
10 person we have is -- other than Mr. Sindram is
11 Ms. Jenkins. Is Ms. Jenkins here? Is there
12 anybody I'm missing?

13 Okay. Is there anyone on the line
14 other than Mr. Sindram? Okay, Mr. Sindram, I'm
15 going to -- We've had a very interesting meeting
16 today. And so I'm going to limit the public
17 comments to three minutes. And if indeed there
18 are additional ones, I'm going to ask those to be
19 put in writing. Okay? So Mr. Sindram?

20 MR. SINDRAM: Mr. Chair?

21 MR. BENNETT: Yes, sir.

22 MR. SINDRAM: Michael Sindram,

1 disabled veteran served our country --

2 MR. BENNETT: And it's 12:10 now, Mr.
3 Sindram on my clock. And I'll end your comments
4 at 12:13, sir.

5 MR. SINDRAM: We're belaboring and too
6 overworked with Jack Evans. I recall a --

7 MR. BENNETT: Mr. Sindram, did you
8 properly identify yourself and your address, sir?

9 MR. SINDRAM: I'll do it again.
10 Michael Sindram, disabled veteran, served our
11 country more than most, 6645 Georgia Avenue
12 Northwest, Washington D.C., Ward 4.

13 MR. BENNETT: Thank you.

14 MR. SINDRAM: Hopefully that won't eat
15 into my time.

16 MR. BENNETT: No it will not, sir.

17 MR. SINDRAM: We are belaboring and
18 too overworked with Jack Evans camp. That rotten
19 fruit needs to go with the quickness. And as I
20 recall, a meeting there at the Board, a lady came
21 forward saying why is it that this thing has
22 dragged on? Jack Evans with his lawyers,

1 dilatory pact and on and on and on. When was
2 that meeting? How many months ago or years ago -
3 - well months certainly. And we're still talking
4 about this foolishness. When will this clown go?

5 Everybody has said he's dirty as sin.
6 I think there's eight and counting violations of
7 law. And yet he's still walking around here.
8 He's not in counsel. Come on. This is a slap in
9 the face to me, to you, to other people to have
10 this corrupt individual remain intact. When a
11 police officer does wrong, he's put on admin
12 leave. Well same difference then with this
13 councilman. If down the road something changes,
14 he's reinstated, fine. But as it appears right
15 now, he's dirty as sin. And there is nothing
16 nobody has done to get him gone. It's like
17 Scripture says. Why do people commit crimes so
18 readily? Because crime is not punished quickly
19 enough. Ecclesiastes Chapter 8, Verse 11.

20 And I want to share with you with
21 regard to that recall petition, some case law.
22 The Fourth Circuit has recognized an

1 "indisputable desire and those litigants with
2 their notorious claims should not be tripped up
3 in court on technical niceties." Beaudett v.
4 City of Hampton 775 F.2d citing Gordon v. Leeke
5 574 F.2d 1147, the Fourth Circuit, 1978.

6 The deal is, the Fourth Circuit, one
7 of the, if not the most conservative thing we did
8 on such a topic. And so why are we getting
9 caught up as the Fourth Circuit points out hyper-
10 technicalities? It was brought, you know,
11 signatures, it doesn't have the apartment or the
12 "T" wasn't crossed or the I dotted. That's
13 foolishness. Stop it. Enough already. There is
14 enough there to go on for the recall to move
15 forward and let's get it done.

16 You know, this puts a very chilling
17 effect when you want, Mr. Chair, people to be
18 part of the process. And yet when we are, we get
19 shut down. It's like at the council, they said,
20 you know, we want people to come forward. Well
21 great. Which I said, why come forward if it
22 falls on deaf ears --

1 (Simultaneous speaking.)

2 MR. BENNETT: You've got 30 seconds,
3 Mr. Sindram. I'm sorry, sir.

4 MR. SINDRAM: -- so on and so forth.
5 Okay? And nothing happens. So the deal is, Mr.
6 Chair, on your end, you've expressed that you
7 hold the democratic process near and dear to your
8 heart. And we know in the room. We definitely
9 do. So the deal is, results come. As the Word
10 says again, faith without works is dead. Show
11 your faith by works. The bottom line is, let's
12 get this recall on track. Let's get that jackass
13 out and recalled and get it over with.

14 MR. BENNETT: Thank you, Mr. Sindram.
15 Thank you. That's your three minutes, sir. I
16 appreciate it.

17 MR. BENNETT: Oh you've very curt
18 today, Mr. Chair.

19 MR. BENNETT: No, I'm just trying to
20 make sure we stay on business. Thank you, Mr.
21 Sindram. And since there's nobody else on the
22 phone --

1 PARTICIPANT: There was an Alan Roth
2 that asked to talk on the phone.

3 MR. BENNETT: Is Mr. Roth on the
4 phone? Okay, we tried to do that. Is there
5 anyone else with public matters? I will start
6 with Ms. Brizill and then go down. Okay. And
7 add 30 seconds, it will be 12:15. So the time
8 ends at 12:18. Would you identify yourself
9 please?

10 MS. BRIZILL: My name is Dorothy
11 Brizill. I'm Executive Director of D.C. Watch.
12 Our address is 1327 Girard Street, Northwest. I
13 would like to raise an issue or question and get
14 a clarification.

15 Earlier today in response to the
16 Board's decision regarding recall of Jack Evans,
17 Mr. Gill made several comments in which he
18 criticized the petition and petition gathering
19 process. According to my notes, he says "The
20 process of collecting signatures is antiquated.
21 Signature gathering needs to be looked at." He
22 believes that in addition to the law being

1 antiquated, he went on to indicate that it was
2 his belief that funds from the Fair Election
3 Program were being used to pay individuals to
4 gather signatures.

5 Now first and foremost, the petitions
6 are not on the street until some time mid
7 January. So I don't know what he's talking
8 about. And maybe he can give a clarification.
9 But from a personal note, I would say that as a
10 board member, your job is to implement and uphold
11 existing election law -- campaign finance law.
12 The Board does not make election law and policy.

13 I take it that you were expressing
14 your personal opinions, but this was not the
15 time, nor the place. And quite frankly, I really
16 don't care what your opinion is about petitions
17 and petition gathering in the District of
18 Columbia. You were simply asked to comment upon
19 whether or not the recall of Jack Evans has the
20 necessary signatures. And instead you went on to
21 comment about the petition process.

22 Moreover, I would ask that Mr. Gill

1 and the other board member educate yourself on
2 the history of petitions in the District of
3 Columbia. Moreover, if not petitions, how then
4 do you anticipate individuals qualifying to get
5 on the ballot? But if Mr. Gill would like to
6 offer a clarification of his remarks, I am open.
7 Because a number of people in the audience came
8 to me in the intervening time. And they are
9 frankly confused as regards to what exactly did
10 you mean.

11 MR. BENNETT: Mr. Gill -- Is that the
12 end of your comments? I'll let Mr. Gill --

13 (Simultaneous speaking.)

14 MR. GILL: Thanks for your comments.
15 I think I need to be clear that, that's what we
16 do is implement the statute and we can't go
17 beyond it. And I think that the signature
18 gathering process is very, very difficult and
19 that was my only personal viewpoint. But thank
20 you for your comments.

21 MS. BRIZILL: Your words was not that
22 it was difficult, but that it was antiquated --

1 that the process was antiquated.

2 MR. GILL: Thank you.

3 MR. BENNETT: Thank you. We have --
4 Well how many other people do we have? One, two,
5 three, four, five -- Okay, I will start and will
6 go to the next chair. Your name, sir?

7 (Off mic comment.)

8 MR. BENNETT: Okay, that's fine if
9 you'd like. And I apologize for the timing. But
10 I will start you at 12:18 and that puts you at
11 12:21.

12 MR. SCHILLER: Thank you very much.
13 My name is Nikolas Schiller. I'm a resident of
14 Ward 1, 942 Westminster Street Northwest,
15 Washington D.C. I serve as the Director for the
16 Committee to hold Jack Evans Accountable. I'm
17 testifying about three main issue today. One of
18 them is very simple. The Board of Elections,
19 it's open to lawsuits for the disabled.
20 Currently like I said, there are no forms for an
21 affidavit of attestation for a petition signer.
22 There is one third registered to vote. But any

1 person who is unable to sign a petition to recall
2 or to nominate or to have a validation process,
3 there is no form available. And that denies
4 thousands of D.C. residents who are unable to
5 sign a petition themselves. So that's an
6 important distinction.

7 Another one is the fact that the voter
8 rolls for George Washington University and
9 Georgetown University are woefully inadequate.
10 Right now there's 1,122 voters right here in the
11 file that I have that cannot be found by any
12 campaign. They are called "ghost voters." They
13 do not exist. Every person who is registered to
14 vote in these addresses, moved. I found ten that
15 registered to vote in 2019. That's 2 percent of
16 the voters can't be obtained.

17 Georgetown University, also over 700
18 registered voters now. And Georgetown for
19 example, the addresses are woefully inadequate.
20 You have 37 O Street. You had different
21 addresses. You had different dorms. None of
22 these people can be reached.

1 MR. BENNETT: So just for
2 clarification -- and thank you for trying to get
3 through these quickly. Are those students
4 primarily? And I'll give you a little more time.

5 MR. SCHILLER: Former students.

6 MR. BENNETT: Former students.

7 MR. SCHILLER: I mean I found -- I
8 wrote a letter to a friend of mine who registered
9 to vote at George Washington University in 1998
10 in the freshman dorm, still on the voter rolls.
11 Still considered active. The letter came back to
12 us. There's 240 registered voters at 19 F Street
13 Northwest. Not one of them can be reached by any
14 campaign. They need to be struck from the voters
15 roles or found that they're actually existing as
16 active voters. He hasn't voted once in 21 years.
17 He's still considered an active voter. I called
18 the Board of Elections in the state of Colorado.
19 He's a registered voter in Broomfield County,
20 Colorado. But here he is, still on the voter
21 rolls. A person that we have to get a signature
22 for and he doesn't exist.

1 There are now over 6,500 registered
2 voters that haven't cast a ballot in Ward 2 since
3 2012, since Obama was on the ballot, 6000. I
4 mean that alone is enough for whatever sensors we
5 counted, we're actually being required basically
6 to commit 24 percent of the registered voters
7 because we're dealing with so many ghost voters.

8 Mr. Allen Roth who called in, he is
9 one of the people that walk the streets in Ward
10 2. We can submit for further evidence, his walk
11 sheets of how many people have moved in Ward 2,
12 going down the list. He wrote the city's notes
13 of how many people just don't exist in Ward 2
14 anymore.

15 And this is an important thing,
16 because if we are required to get 10 percent of
17 the registered voters in Ward 2, they need to
18 live in Ward 2. They need to be qualified
19 electors in Ward 2. And what we found in this
20 campaign over the last 180 days is that we
21 believe the actual number of registered voters in
22 Ward 2 is much lower than that, below 40,000.

1 And it's important for the parts going forward
2 when the redraw the maps in the wards in the
3 District of Columbia, that Ward 2 is given more
4 power than it should be.

5 Also, we found that because of the
6 change in the boundaries for Ward 2, many
7 African-American voters were moved from Ward 2 to
8 Ward 6 that used to be in Ward 2. And that's
9 because they changed the consolidated power in a
10 way that disenfranchised many voters and allowed
11 a council member to be accountable to only one
12 demographic. And that's very disconcerting. We
13 need to fix that. And that's all I have for
14 today.

15 MR. BENNETT: Okay, thank you.

16 MR. SCHILLER: And I'd like to submit
17 these for the record as well.

18 MR. BENNETT: That would be great.
19 Thank you. Two things. One is if you could
20 submit your concern about the ADA issues around
21 the website to Ms. Jenkins, that would be great.
22 And we appreciate hearing that. And also the

1 other items that you have, if you could provide
2 those to the registrar, that would be great.

3 MR. SCHILLER: Thank you.

4 MR. BENNETT: Okay, thank you very
5 much. Do we have another person who'd like to --
6 Okay. Yes, sir. And if you could state your
7 name and address. And I'll start the clock for
8 you at 12:23, so I'll give you to 12:26, sir.

9 MR. CAPOZZI: My name is John Capozzi
10 and I live at 3612 Austin Street Southeast in
11 Ward 7 here in DC. And I'm one of the people
12 that collected signatures for the recall.

13 So the reason that I wanted to come
14 today is that personally I have a lot of respect
15 for the Board, as well as the people that work in
16 the Board of Elections. They have a difficult
17 job. It's not easy to track thousands and
18 thousands of voters. But I can tell you from the
19 door-to-door effort that I did take, that I
20 actually was able to go to the largest building
21 in Ward 2, which is 450 Mass Avenue Northwest and
22 document the number of people that don't live

1 there anymore that are listed at that address.
2 So in essence, when we talk about the 3,885
3 voters that were certified by the Board on this
4 recall petition, I can say that, that is safely
5 10 percent of the people that live in Ward 2 that
6 are registered voters.

7 And Mr. Gill, I'd like -- Mr. Brizill,
8 I do appreciate the fact that you took a lot of
9 time with your comments because it did give some
10 insight as to how the Board was ruling. But the
11 fact is that when you say dually registered, the
12 fact is that these people are not dually
13 registered in the Ward because they no longer
14 live there. So the fact is that when we get
15 3,885, that is 10 percent. And so seeing that,
16 the fact is that how are we going to be able to
17 determine that correct number?

18 Now I do appreciate your comments in
19 terms of you know, lowering or raising the bar
20 during the process. But the fact is, there is no
21 disenfranchisement here in the city if we take
22 someone and put them on an inactive status from

1 the voters rolls. Because we do have same-day
2 registration here in the District. So anyone who
3 shows up, if they are not on that voter roll, you
4 know, what they're going to get to do, they're
5 going to get to vote that day. And that is
6 important. Because in essence, when we lower the
7 number of people to who actually live there --
8 who actually still reside in Ward 2 and we get to
9 whatever that real number is, even if someone
10 shows up and they're inactive status, they can
11 vote that day at the election.

12 So we are not doing any disrespect to
13 any voters, no disenfranchisement whatsoever. So
14 that's why when Nick presents evidence at
15 Georgetown University at a GW and we go through
16 the entire ward, though the entire list. That
17 when we take those people off the rolls, we are
18 not actually disenfranchising them.

19 So let's start with that, so we have
20 achieved the 10 percent. I guess that's what I
21 would ask the Board to look at in terms of the
22 people that we were able to get to summon. And I

1 don't think there's any question that the process
2 is antiquated. But unfortunately the process has
3 to do with the implementation of -- in order to
4 take someone off of the rolls according to when I
5 spoke to Ms. Miller, they have to return a
6 postcard that says they no longer live there or
7 someone has to return that postcard.

8 Well the fact is, I don't think there
9 are, you know, people over at GW, Georgetown
10 marking postcards for students who don't live
11 there anymore for those hundreds or thousands of
12 people that are on the rolls. And it's the same
13 thing at 450 Mass Ave and all the other apartment
14 buildings and places where people live in the
15 ward. So by using that antiquated process,
16 you've in essence raised the bar so high that we
17 cannot achieve it. Because when going door to
18 door and when asking people to sign this
19 petition, the fact is that people are like
20 already signed it, already signed it, already
21 signed it. And so you saw like there were some
22 duplicates. Right? Well the fact is that

1 there's only so many people that can sign in Ward
2 2 that we reached.

3 And when you're talking about voter
4 confusion, I mean I talked to people who said no
5 idea. What are you talking about? Who is our
6 council member in Ward 2? Because maybe they've
7 registered recently. So the point is, we have
8 achieved the 10 percent. The idea that somehow
9 we haven't is very discouraging to me because you
10 know, there's no point of having a recall process
11 if it can never be implemented when there is a
12 good faith effort to do that.

13 And I appreciate your comments that we
14 did make a good faith effort because I believe
15 that's actually the case. But the fact is by not
16 certifying the petition, you're disenfranchising
17 the 3,885 people that took the time to sign it.
18 That took the time to either recognize why they
19 should sign it or took the time to say oh, this
20 is just to put the recall on the ballot so we can
21 make a decision via voters intelligently --

22 MR. BENNETT: You can wrap up, your

1 time has run.

2 MR. CAPOZZI: So Chairman Bennett, you
3 didn't make any comments on why you were voting
4 that way. I would have been really interested to
5 hear your opinion as well. Thank you.

6 MR. BENNETT: Okay, thank you. I said
7 thank you. I'd be happy to tell you, but my
8 opinion is that we don't have a choice. We have
9 to follow the statute and the regs as they exist.
10 And that's kind of how I feel. I am concerned as
11 you noted about the voter rolls, but that's a
12 general concern. In general, to make sure that
13 we have accurate voter rolls. But we had to
14 follow the statute.

15 MR. CAPOZZI: Well I appreciate you
16 working on it. Thank you.

17 MR. BENNETT: Thank you.

18 MR. GILL: And Ms. Brizill we be angry
19 at me, but your comments on the universities, you
20 know that flies both ways. But I think it's --
21 you've got a lot data now. And I think that's
22 worth bringing to the council because, you know,

1 this massive registration that goes on, we all
2 pat ourselves on the back that we're registering
3 all these young voters. But this is what we end
4 up with at the end is that they move on very
5 quickly for efforts like this. So there's
6 nothing we can do per se except keep looking at
7 those rolls and updating as much as we can. But
8 the issue you've raised is probably something to
9 bring to the council, just as one of their
10 hearings that oversees the Board of Elections.
11 Because I think it's a really interesting one.

12 MR. CAPOZZI: Well I appreciate you
13 guys bringing it there as well. Because as a
14 citizen, I can bring those concerns. But you
15 guys are the professionals. And I'm sure they'd
16 listen to your opinion a little bit --

17 MR. GILL: And I do in my testimony --
18 being renominated, I did raise the fact that it's
19 not the referendums themselves that I have a
20 problem with. I'm not opposed to referendums.
21 The process to get on the ballot is just -- we've
22 created a bar, so we pat ourselves on the back

1 that we have this process. But we've created a
2 bar that is difficult to meet and satisfy.

3 MR. CAPOZZI: And just in response,
4 the bar for like a council candidate in a ward is
5 250 signatures. I mean we're not talking for a
6 party. That's one point. And secondly, when you
7 talked about the general election and how do you
8 get 3,000 signatures or 2,000 signatures for the
9 shadow positions, et cetera, that's when you're
10 raising the bar to such a level that this is
11 where you're going to get into these issues,
12 whether it's fraud or paying people, et cetera.

13 MR. GILL: And pardon me for cutting
14 you off, but we're going to try to make --

15 (Simultaneous speaking.)

16 MR. CAPOZZI: It's my fault.

17 MR. GILL: No, it's okay. But I would
18 encourage you quite honestly not to let this drop
19 and we meet every month. And I also encourage
20 you to, if this is any indication by you, to
21 submit some of these things in writing that we
22 haven't opted to really respond to and focus on.

1 Because the more we have that we can take to the
2 council that says you know, these are things that
3 we need to do and the more support we have or the
4 more, you know, things that we get from citizens,
5 then the more likely that they are listening to
6 us. Because since all this stuff -- to do some
7 of this, it takes money for us to figure out ways
8 to eliminate some of these problems. So I thank
9 you for your comment.

10 Next person. Yes, ma'am.

11 MS. FURNISH: Hello. My name is
12 Kristin Furnish. I reside at 2448 Massachusetts
13 Avenue Northwest.

14 MR. BENNETT: Okay. And I will give
15 you until 12:36.

16 MS. FURNISH: I will not need to take
17 up that much time. I'm very brief. I was one of
18 the volunteer collectors.

19 MR. BENNETT: Could you back up a
20 little bit, so we can hear you?

21 MS. FURNISH: I was one of the
22 volunteers who was out collecting signatures.

1 And just a quick comment that I want to make
2 about my experience collecting signatures in Ward
3 2. I knocked on numerous, numerous houses that
4 were on the voter rolls with voters registered to
5 vote for many, many years. And the person who
6 came to answer the door was someone -- either a
7 diplomat from another country -- it doesn't
8 matter who they were. They would say to me, this
9 is an Airbnb. I don't live here. And I'm pretty
10 sure Airbnbs are not even legal in the District
11 of Columbia. So tons of Airbnbs are happening in
12 D.C., which makes it impossible for us to get to
13 the person who actually is registered to vote
14 there. Because they're just renting their house
15 out for someone else to, you know, live, like a
16 hotel.

17 So it's impossible to get to those
18 people. Not to mention the fact that every odd
19 year, the Board of Elections is required to scrub
20 the voter rolls. Between October 2018 and
21 October 2019, only 513 voters were removed from
22 Ward 2. And I just want to stress -- you know, I

1 can't stress enough how unfair this process was
2 with the voter number being so inflated because
3 the rolls have now been scrubbed. So that's all
4 I wanted to say.

5 MR. BENNETT: Thank you. Is there
6 someone else? Yes, ma'am.

7 MS. DIENER: Hello, good afternoon.

8 MR. BENNETT: Hi.

9 MS. DIENER: My name is Robin Diener.
10 I am the Treasurer of the John Fanning for Ward 2
11 Campaign. I've been the President at the DuPont
12 Circle Citizens Association for more than a
13 decade. And I'm also President of the Friends of
14 the Martin Luther King Library. I've been
15 extremely involved in the community since I went
16 to Georgetown University many decades ago. I've
17 lived in Ward 2 all of my time here.

18 MR. BENNETT: Can you provide the
19 address for the record?

20 MS. DIENER: 1612 Corcoran Street
21 Northwest.

22 MR. BENNETT: Thank you.

1 MS. DIENER: Yes, thank you. So I
2 just had a question for Mr. Gill. And I'm
3 referring to what I thought I heard, which was
4 that money from the Fair Elections Campaign
5 Finance Program was going to circulators of the
6 recall petitions. Now you didn't say recall, but
7 I wondered what you meant.

8 MR. GILL: I was not talking about the
9 recall petition. And I don't know, that's why --
10 I said we don't have the data. And so I want to
11 see how this process plays out. But I think the
12 intent of the public funding was to seminate
13 various policy views. But because we have these
14 signature requirements, I'm curious. I have no
15 idea, but --

16 MS. DIENER: Well I believe -- Sorry
17 to correct you --

18 (Simultaneous speaking.)

19 MS. DIENER: -- about it should be
20 about quality discussion and ideas and new
21 solutions. And that's one of the reasons I
22 worked so hard for it for many years. And was so

1 thrilled to have the council eventually pass
2 that. And the program has distributed a lot of
3 money. And the campaign that I'm the Treasurer
4 for has received a significant amount of money.
5 But I can assure not one penny has gone to any
6 signature collector. The signatures for our
7 actual candidate, those cannot be collected yet
8 because as Ms. Brizill said. So it really did
9 feel like you said "for the recall."

10 MR. BENNETT: And I'm trying to -- I'm
11 adamant that I wanted --

12 (Simultaneous speaking.)

13 MR. BENNETT: -- I wanted to jump in
14 there that I was not referring to that recall.

15 MS. DIENER: Okay. Thank you for
16 clarifying that.

17 MR. GILL: Just in general, it's a
18 private concern of mine.

19 MS. DIENER: Further --

20 MR. GILL: We'll see how the public
21 monies situation -- We'll have some data now at
22 the end of the cycle to see where those funds --

1 MS. DIENER: Okay. And just further,
2 I want to say that the staff has been exquisite.
3 I cannot believe the generosity they have
4 extended us. It's been complicated to do
5 everything exactly right. It's been very hard.
6 The online donations have been tricky, bank
7 accounts, and so forth. And so I'm a volunteer
8 in that capacity as well. And I just cannot say
9 enough how great the staff of Office of Campaign
10 Finance has been on that. Thank you very much
11 you guys.

12 MR. GILL: Thank you for putting that
13 in the record.

14 MR. BENNETT: Yeah, thank you. Is
15 there anybody else today? Yes, sir. Would you
16 like to -- You know what? This young lady in
17 back, I had recognized earlier if you don't mind.
18 If you could identify yourself, your address.
19 And you will have three minutes set to 12:38.

20 MS. ORY: Hi. My name is Eleanor Ory.
21 And I live at 1825 P Street Northwest. I am the
22 Treasurer of the Recall Campaign. And I have two

1 -- one concern and one recommendation.

2 We've talked a lot about the inflation
3 of the voter rolls. But I am also concerned
4 about the accuracy of the voter rolls. For one,
5 I'm particularly curious of whether my own
6 signature was one of the ones challenged. I was
7 the first person to sign the petition. And
8 looking at evidence challenged, I was the first
9 one who would be challenged under the claim that
10 I am not a registered voter.

11 I have run for office. I have my
12 voter ID -- my voter card here. I have the deed
13 of my property here. I have lived here for over
14 ten years. And I don't know if that was just
15 trolling me to claim that I'm not a registered
16 voter or if that's actually a mistake. Because I
17 also looked at my ID for the first time in ten
18 years. And see that the FP70C form has the wrong
19 zip code on it.

20 And as someone who also petitions, I
21 came across mistakes like this all over this
22 place. I would knock on someone's door and

1 they'd be like oh no, that person lives next
2 door. And I'm looking at the number printed on
3 the house and the one on the registered roll that
4 we downloaded in May. And I'm thinking, am I
5 supposed to put the number on the house in front
6 of me that's the registered voter or the one
7 that's like actually on the voter roll?

8 So I'm extremely concerned that there
9 is a mismatch in some of the numbers on the voter
10 roll, which is what is actually physically their
11 address. And so it would be nice to have a
12 chance to review some of that. And see how many
13 discrepancies there are. So that is one point
14 that I wanted to make.

15 The other is a recommendation for your
16 voting outreach. That you include the
17 petitioning process. In addition, people seem
18 fairly familiar with how to register to vote,
19 where they vote, et cetera. They don't know how
20 a petition process works. When you explain to
21 them, this is not just a move on petition of how
22 I feel about a certain issue and putting my name

1 on it. It is a legal document that goes to the
2 D.C. Board of Elections and puts something on a
3 ballot.

4 MR. BENNETT: How long?

5 MS. ORY: Ten seconds? They don't
6 understand that and there needs to be more
7 education about how the petitioning process works
8 for voters.

9 MR. BENNETT: Okay, thanks. Thank
10 you. I think there was something in your comment
11 that deserves a response. I can't remember what
12 it was now.

13 MR. GILL: Well no, I think just your
14 comment on yours was challenged. You know, I
15 think to, you never, it never got challenged
16 because it didn't get to that point. But I
17 imagine Karen Brooks can fairly quickly, you
18 know, ascertain if there's a problem with the
19 records on you personally.

20 (Simultaneous speaking.)

21 MR. BENNETT: I'm not sure exactly
22 what your comment was that sparked a response.

1 But one of the things that I do want to make
2 people aware of -- and we talk about it every
3 month -- is that we are in the process of
4 building a new voter registration system and
5 updating this. And my hope and desire was that
6 the new system will allow us to make everything
7 easier for everybody. It would allow us to purge
8 easier. And also make it more intuitive for us
9 to update. I think that was my response to the
10 comment that you had made earlier. So thank you.
11 Thank you very much. I think there's one other
12 person.

13 MALE PARTICIPANT: There's one here.

14 MR. BENNETT: Two other persons.

15 Okay, sir. Yes.

16 MR. SALSGIVER: Thanks very much for
17 letting me say something. My name is Adrian
18 Salsgiver. I live at North 31 and I'm a student
19 at Northwest and that's in Ward 3. But I was one
20 of the first people to get signatures -- to
21 gather signatures. And was doing the whole
22 campaign on the list. I would like to say that I

1 know I have a Bible, but I have Bible.com on my
2 phone. And I would like to testify that we have
3 about 30 to 40 percent of Ward 2 voters. Swear
4 to God. And you can find out very easily that
5 this true. Just go out in the street and meet
6 ten people. And at least four of them have
7 already signed the petition.

8 So if you want 10 percent of Ward 2
9 voters, you've already got that. You've got like
10 30 to 40 percent. What numbers you have -- the
11 numbers that you have are based on things that
12 aren't true like people that aren't -- people
13 that are established are still registered. I
14 mean they probably voted for Hilary Clinton. I
15 know. But that's really all I have to say.

16 Thank you.

17 MR. GILL: Thank you.

18 MR. BENNETT: Thank you. Is there one
19 other? Yes, sir. It was you, sir.

20 MR. OTTEN: All right. Okay, hello.
21 My name is Chris Otten. I'm one of the signature
22 gatherers.

1 MR. BENNETT: Can you just give your
2 address also for the transcript?

3 MR. OTTEN: 2203 Champaign Street
4 Northwest, Unit 303, although I am currently
5 homeless, but that is my address.

6 So I haven't had a chance to read your
7 report yet. It sounds like you're saying thanks
8 to our efforts, you have some data to look at.
9 So I'm looking forward to seeing the report
10 because what's been unclear in this process, even
11 as a circulator, are the standards of your view.
12 For example, did you count the signatories
13 perhaps for the year, even though clearly it's
14 2019 and there's just a month to go. That was a
15 situation I think we ran into.

16 And on the cold nights -- especially
17 the cold nights for example, when I wrote in the
18 name and address for the signatory and they
19 signed it. How are those compared to the
20 signature archives or databases that make your
21 liberations? Because this all protects to the
22 dually registered issue that we've been hearing a

1 lot about today. And let's not forget, you know,
2 Jack Evans, what about overturning an initiative,
3 right, on term limits. And so this is what
4 pushed us to be out here.

5 Mr. Gill, you mentioned today you
6 created a bar that has been too difficult to
7 reach. As a circulator, I'd like to know what
8 you consider that bar is besides the fundamental
9 numbers. It is about how you're reading the
10 signatures as well, I presume. And we really
11 need to know that.

12 And I want to, you know, keep us
13 responsive and focused on the ultimate goal here,
14 which is the services of D.C. And many of them
15 signed my signature form -- my petition. And yet
16 a lawyer and officer of the law claimed they were
17 forgers. So this, you know, brings personal
18 peoples levels of respect into question. And I
19 think it's a real issue for signatories and
20 signature gatherers to understand this bar. And
21 be very clear from this point forward. And also
22 to, yeah let's get that fact focusing on the

1 voter roll.

2 I went to many homes that were clearly
3 under full renovation. Nobody was living there
4 even though I had four names listed in the voter
5 roll that I was trying to get signatures from. I
6 went to homes where the wife signed the
7 petitioner, but her husband had been deceased
8 sometimes for a decade. But yet her husband was
9 still on the roll.

10 So these are real issues. And yeah,
11 I think we have an opportunity to respond to your
12 report because it would be -- I would certainly
13 want to see the report to contest if possible.

14 MR. GILL: Well so what we did today
15 was we approved the recommendation that there
16 weren't enough signatures. There's no -- that is
17 the report. What Adam will get is the signatures
18 that were viewed because they were duplicates or
19 they were not in Ward 2 or they're the wrong
20 address in Ward 2. so that's what he'll have,
21 which he can take to court.

22 I mean, you know, I think it would be

1 helpful for this process to us come back on and
2 look at -- you know, it's too much to ask
3 petition gatherers to also keep track of who's
4 deceased. But boy, if we had tablets to do this
5 rather than these hand signatures, that would be
6 a wonderful thing. And you know, we have to
7 verify all of that. So it makes it difficult to
8 go with these rolls. Just as many people are
9 going to come back and say I was unfairly taken
10 off of the roll. And I've been discriminated
11 against and disenfranchised if we're too cavalier
12 on the process. But everything you're raising,
13 you know, we're taking to heart.

14 MR. BENNETT: The other thing I think
15 just for clarity and I didn't say it earlier --
16 and this probably more for you, Mr. Eidinger.
17 Today you can consider a verbal order that was
18 issued by the Board. The written order with the
19 memorandum supporting the decision and the order
20 will be issued not later than December 18th.
21 Okay?

22 MR. OTTEN: Thank you.

1 MR. BENNETT: My apologies for not
2 mentioning that earlier. Thank you so much, sir.
3 Were there any other comments? I believe there
4 may be one other person that just did join on the
5 phone. I think there's somebody on the phone.

6 FEMALE PARTICIPANT: Allen Roth.

7 MR. BENNETT: What's his name?

8 FEMALE PARTICIPANT: Allen Roth.

9 MR. BENNETT: Mr. Roth, are you on the
10 phone?

11 MR. ROTH: I am. Can you hear me?

12 MR. BENNETT: Yes, we can. Can you
13 state your name and address for the record, sir?

14 MR. ROTH: Yes, sir. My name is Allen
15 Roth. I'm at 1845 Arlington Northwest.

16 MR. BENNETT: Okay. And I'm giving
17 everybody three minutes. I think we have tried
18 to stay pretty close. So my clock now says --
19 I'll start it at 12:47 for you and it will end at
20 12:50, sir. So I'll give you a 30 second notice
21 if you don't mind.

22 MR. ROTH: Okay, thank you. I

1 apologize if I repeat anything that anybody has
2 already said. I dropped off the call earlier
3 after you had ruled on the petition. And I had
4 to leave and I just got back about two callers
5 ago. So my apologies if I'm being repetitive.

6 But I was also wondering because I did
7 listen to Mr. Gill's comments on what he was
8 speaking to Adam earlier. It appears to me that
9 in some respects, you can't have it both ways.
10 You can't on one hand say we've got to stick to
11 the letter of the law. But on the other hand,
12 ignore the fact that the laws define what is a
13 registered voter as somebody who actually
14 resides, present tense, at the address in which
15 they're registered.

16 I gathered that Ms. Schiller was going
17 to come up and describe all of the people who had
18 moved or were deceased and so forth at the
19 addresses that I visited when I was going door to
20 door. Those people do not reside at the address
21 in which they're located.

22 (Telephonic interference)

1 MR. ROTH: -- both Mr. Evans and the
2 Board are trying to have it both ways by saying
3 those people are registered voters. And
4 therefore they count toward the 49,000 plus
5 people who are in the ward. When I look at the
6 regulations for how people are supposed to be
7 disenrolled, it's not how it is with those voters
8 that are supposed to be taken off of the rolls.
9 In Ward 2 specifically, there's lots and lots of
10 not just apartment buildings, but English
11 basements where when I was visiting those row
12 houses, some of those apartments have turned over
13 three or four times. When I was looking at
14 addresses, there have been multiple tenants who
15 have moved in or out of those spaces over that
16 period of time. I'm sensitive to the idea that
17 you can't just willy-nilly take people off. And
18 you know, then have them complain that they were
19 taken off improperly. But you've got another
20 tenant change their registration. So it's not
21 really that big of a problem. But you know, to
22 Adam's point, just ask this group of people who

1 collect way more signatures than really is
2 appropriate. There are not that many people who
3 actually "reside" at the address that they were
4 listed on the rolls for. There are not that
5 number of dually registered voters that we were
6 required to collect signatures from. That's all.

7 MR. GILL: Thank you, Mr. Roth.

8 MR. BENNETT: Thank you. I think we

9 --

10 MS. HANRAHAN: I'll be very brief. My
11 name is Debby Hanrahan. I live at 1605 Q Street
12 Northwest. And I also want to say I'm a
13 signature gatherer for the recall of Jack Evans.
14 I do think the basic problem is our inflated,
15 bloated voter rolls. As long as we have this
16 far, which is very unrelated to reality, you are
17 going to bottle up all kinds of initiatives and
18 efforts by a large city, which has a very small
19 City Council. And issues that would normally be
20 made into initiatives or other forms of citizen
21 activism will be discouraged from even getting
22 off the ground because the bar is too high. And

1 that is very important.

2 I'm not for voter suppression. That's
3 the last thing that I want to do. But I think
4 updating the voting rolls is a very important
5 basic -- has now become a basic job of this Board
6 of Elections to attend to very quickly. Because
7 we have -- I think we have demonstrated that the
8 rolls are just too big for the number of people
9 that we're finding. And we were pretty good. So
10 I hope you will consider that very seriously. I
11 doubt politically speaking, a lot of people who
12 probably appoint you to your offices like the
13 inflated voter rolls because, you know, it keeps
14 them in office longer. It keeps people inactive
15 politically when they could be coming forward and
16 challenging the elected officials, you know, with
17 a recall or with an initiative. So from a
18 Democratic point of view, it is very important to
19 get this straight. Thank you.

20 MR. BENNETT: Thank you. Is there
21 anybody else that wanted to say a comment? Okay.
22 Seeing none --

1 (Telephonic interference)

2 MR. BENNETT: Okay. Since we have no
3 additional comments -- I did want to acknowledge
4 the fact that all the various comments with
5 regard to the voter rolls and trying to get those
6 cleaned up, this is something that is on the
7 minds and is a very front burner issue for the
8 Board and the administrative part of the Agency
9 and the organization. That said, your comments
10 and concerns are heard. And we agree that it is
11 something that is very important. And that we
12 will continue to look at ways in which we can
13 address that issue.

14 But let me just say this on a personal
15 basis. While I think that issue is incredibly
16 important, do you know what the reality is? We
17 could have 100 percent clean voter registration
18 rolls, everybody be in place, the whole bit. If
19 people don't show up, none of that matters. And
20 so one of the things that's important is -- And I
21 encourage all of you -- yes, we're going to
22 really work hard at doing better. I mean I heard

1 you and it's important. But it's also important
2 for people to get out and vote. It's important
3 for people to want to participate in the process
4 -- participate in the petition process.

5 Participate in all these things. One of the
6 things that's a major challenge or a major
7 concern of mine on a personal basis -- and it's
8 not the mission of the Board of Election, it's
9 just voter turnout. It's just incredibly low.
10 And not just in the District of Columbia. It's
11 that way all around the country.

12 So we hear you. We appreciate the
13 concerns. Our new system, I think will give us
14 additional opportunity to do a better job at
15 cleaning up the voter rolls. And thank you very
16 much for your participation today.

17 MR. SINDRAM: Mr. Chair, one --

18 MR. BENNETT: Mr. Sindram, I'm very
19 sorry. But Ms. Jenkins, I want to recognize Ms.
20 Jenkins to address one issue with regard to --
21 Jennings, I'm sorry. Well I was close, but no
22 cigar. If you could -- Ms. Jennings, if you

1 could come up and acknowledge the issue around
2 the ADA and website -- ADA matter.

3 MS. JENNINGS: Good morning, Mr.
4 Bennett. I'm sorry, I forgot your name, sir.

5 MR. BENNETT: Could you speak towards
6 the mic? Is it on?

7 MS. JENNINGS: I'm sorry, I thought it
8 was on. So there is an affidavit of assistant
9 form on the website, that may be a little
10 confusing because of the business day attestation
11 specifically. However, we are in the process of
12 reviewing all our forms on the website to make it
13 more accessible. And we do have a form
14 specifically for petitions now in place. And
15 we'll have a generic one as well for other
16 documents. But previously, there was a form on
17 the site now that can be used by everyone. And
18 it will be one -- It's available now for
19 petitions specifically. So that is a big concern
20 and we do have these measures in place to ensure
21 that everyone can participate in the process.

22 MR. BENNETT: Okay. Thank you for

1 that. With that, I am -- With that I'm going to
2 vote to close the meeting. Mr. Sindram, you have
3 a two second item to share.

4 MR. SINDRAM: Thank you. I wanted to
5 piggy back where you were saying voter turnout is
6 critical and crucial. Keep this in mind. We the
7 people weighed in at 1992 on term limits. Jack
8 Evans and Company overturned it thereafter. The
9 bottom line is, if we come out and we speak. And
10 yet our voices really are not heard in terms of
11 results. Why bother?

12 MR. BENNETT: Thank you, Mr. Sindram.
13 Thank you, Mr. Sindram. Thank you, Mr. Sindram.
14 I'm going to adjourn the meeting. Everybody's
15 been here a long time. Thank you so much. The
16 meeting is adjourned. Thank you, sir.

17 (Whereupon, the meeting in the above-
18 entitled matter was concluded at 12:55 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DCBOE

Date: 12-05-19

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

Neal R Gross

Court Reporter

NEAL R. GROSS

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