

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
September 2, 2015

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, September 2, 2015 in the Board’s Hearing Room, located in Suite 280 North, One Judiciary Square, 441 4th Street, N.W., Washington, D.C. 20001. The Board’s Chairman, Deborah K. Nichols, was present. Also present on the dais were Kenneth McGhie, the Board’s General Counsel, Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (“OCF”), and Clifford Tatum, the Board’s Executive Director.

Chairman Nichols called the meeting to order at 10:33 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on August 5, 2015 will be adopted at the Board’s October 2015 regular meeting as there is no quorum of Board members at today’s regular meeting.

Mr. Tatum informed the Board that September 22, 2015 will be National Voter Registration Day. Election agencies across the nation will commemorate the day by conducting registration activities, and the Board will be participating in registration activities within the District of Columbia.

Mr. McGhie presented the litigation status of cases involving the Board:

Wingo v. D.C. Board of Elections involves a challenge to the Board’s formulation of the short title and summary statement for Initiative 76, the District of Columbia Minimum Wage Act. A complaint was filed on August 21, 2015. The Board entered its appearance and answer on August 27, 2015. The proposer filed a consent intervenor motion that was granted on August 28, 2015. The Board is currently awaiting a briefing schedule from the court.

McMillan v. D.C. Board of Elections concerns the Board disallowing the slate name “The Rent is too Damn High” from appearing on the Primary Election ballot. The matter was previously dismissed by Board motion, and Mr. McMillan has filed a motion for reconsideration.

Ms. Collier-Montgomery announced the statistics for OCF as follows:

- July 31 filing deadline of R&E Reports by continuing Principal Campaign Committees (PCCs) and Political Action Committees (PACs): 88 required filers (70 PCCs & 18 PACs); 71 timely filers; 17 late filers (16 PCCs & 1 PAC).
- August 10 filing deadline of R&E Reports by continuing Principal Campaign Committees (PCCs) and Political Action Committees (PACs): 69 required filers (25 PCCs & 44 PACs); 53 timely filers; 8 late filers; 8 failures to file; and 1 extension granted.
- Committees registered to participate in the 2015-2016 election cycle during August include the following: David Garber for D.C. City Council, At-Large registered on

August 3, 2015; The Committee for Fair Employment Laws opposing Initiative Number 76 registered August 21, 2015; Oberting 2016, At-Large City Council registered August 26, 2015.

- OCF held two entrance conferences during August and the participants were as follows: David Garber for D.C. City Council, At-Large, candidate David Garber and treasurer Robert Summersgill on August 13, 2015.
- OCF Audit Branch conducted 97 desk reviews and the full field audit of Gray for Mayor is ongoing. The ongoing periodic random audit for political committees include: Morgan for D.C. There is one ongoing periodic random audit for a candidate committee: Barry for Council.
- The full field audit of the D.C. Proud Inaugural Committee is ongoing.
- The Periodic random audit of the continuing committee Morgan for D.C. is ongoing.
- The ongoing full field audit of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.; and Charles Allen for Ward 6.
- Periodic ongoing random audits of PACs include the following: Holness for D.C.; Eric Jones 2014; Fresh PAC; and the Libertarian Party of D.C.
- OCF issued an audit report: Committee to Elect Natalie Williams issued August 5, 2015. This audit report is available at OCF's website for review by members of the public.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 33 referrals (17 failures to file timely July 31 R&E reports; and 16 failures to file timely August 10 R&E reports) from the Public Information and Records Management Division.
- The Office issued 7 orders including the following: 5 orders for failure to timely file reports in which fines totaling \$9,500 were imposed; 1 order for failure to timely respond to a request for additional information, in which no fines were imposed; and one order affirming a previous decision from a motion for reconsideration in which fines totaling \$100 were imposed.
- During the month of August 2015, OCF imposed fines against the following respondents: Youth Action PAC, \$1,900; Gertrude Stein Democratic Club, \$600; Bell for Ward 8 Council, \$2,500; Whitaker for Ward 4, \$2,500; and Flenning 2015, \$2,000..
- OCF collected \$100 dollars in fines from Vonetta Dumas, an ANC candidate who failed to timely file her summary financial statement.
- The OGC made a referral of 10 petitions for enforcement to the General Counsel of the Board.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

Mr. Benjamin Thomas spoke during public matters concerning the procedures for filling Advisory Neighborhood Commission 7E01. Mr. Thomas claims the laws were violated in filling the vacancy. He has attempted to get answers to no avail from the Office of the Mayor, the Council, and the Board of Elections. Chairman Nichols apologized if he did not receive a timely response and promised to look into his issues and give a response to ensure that the office was filled according to the law. She also explained that Mr. Thomas never has to wait for an invitation to bring matters before the Board during the period in the meeting called public matters.

There being no further business before the Board, the meeting adjourned at 10:57 a.m.