

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
August 3, 2016

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, August 3, 2016 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, Michael Bennett, was present, as was Board Member Dionna Lewis. 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 Alice Miller, the Board’s Executive Director.

Chairman Bennett called the meeting to order at 10:40 a.m. and noted for the record the absence of Board member Michael Gill. The Chairman also noted that the agenda was edited to place public matters earlier in the proceedings to promote efficiency.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on July 7, 2016 were moved for approval and adopted without objection.

Ms. Dorothy Brizill raised several matters for the Board’s consideration:

- She enquired whether a formal response had been prepared to the D.C. auditors’ audit of the Board of Elections that was issued some time ago. Chairman Bennett explained the response was prepared and submitted 23rd of July and is available on the Board’s website. Ms. Brizill took issue with the response placed in the FOIA section of the website because it would be difficult to ascertain that location and suggested such announcements be placed in the announcement section or on the front page of the website.
- Ms. Brizill took issue with the proposed rulemaking to amend chapters 102 and 406 of the Board’s regulations because those chapters don’t exist. General Counsel McGhie explained that the agenda section is wrong, and that the designations relate to sections of chapter 3 of the regulations as opposed to different chapters.

Ms. Miller gave the Executive Director’s report.

- Poll worker pay issues resulted from a mix-up in the Office of the Chief Financial Officer. The amounts were shuffled and it resulted in poll workers being paid more or less in some instances, than they were entitled to receive. As of July 29th, the corrected-amount checks had been issued by the office of the Chief Financial Officer.
- The board is a member of ERIC, which is the Electronic Registration Information Center. ERIC verifies voter registration information through the National Change of Address system, Social Security and the death records. The board sent confirmation letters to the addresses that ERIC had on their list to send a confirmation notice asking voters to update their information with the board. We also received a list of vital records from the

State and Territorial Exchange of Vital Events, and that's the STEVE, and we've processed and removed 2,100 records from that database, and those are individuals that are deceased.

- Mr. Arlin Budoo presented polling place relocations.
 - Pct. 22 Garnet Patterson relocated to Ellington at Myer School, located at 2501 11th Street, Northwest.
 - Pct. 24 Marie Reed Elementary School relocated to Murray's Center located at 2355 Ontario Road, Northwest.
 - Pct. 33 Murch Elementary relocated to Saint Paul's Lutheran Church located at 4900 Connecticut Avenue, Northwest.
 - Pct. 40 Bancroft Elementary relocated to Mount Pleasant Neighborhood Library located at 3160 16th Street, Northwest.
 - Pct. 51 Lafayette Elementary relocated back to this location at 5701 Bowler (phonetic) Branch Road, Northwest.
 - Pct. 85 Bridge Point Hospital relocated to the Northeast Neighborhood Library, located at 330 7th Street, Northeast.
 - Pct. 91 Watkins Elementary School relocated to Friendship Public Charter School, the Chamberlain campus located at 1345 Potomac Avenue, Southeast.
 - Pct. 106 Davis Elementary School relocated to the new Ridge Road Recreation Center located at 800 Ridge Road Southeast.
 - Ms. Terika Jennings, the Board's ADA coordinator reviewed all of the proposed relocations for accessibility issues and concurred with Mr. Budoo's assessment that each site is accessible.
 - Board Member Lewis inquired about Stuart Hopkins Middle School where voting took place in the library as opposed to the customary location in the auditorium, and Mr. Budoo assured her that was a onetime relocation within the polling site due to graduation activity.
- The Board publishes election calendars, and there are a couple of events that need to be included. September 16 should be put on the calendar as the last day the board can give notice on its web site for pre-election logic and accuracy testing (LNA). September 24th will be the day that we begin LNA testing. November 10th, last day for voters to cast special ballots to be present to verification of eligibility to vote in the election. November 15th, the final count of the special ballots. Ms. Miller would like to look into and consider is to have early voting end on Friday, November 4th.

Mr. McGhie presented the General Counsel's report.

Mr. McGhie introduced the Fair Minimum Wage Act of 2017 for proper subject matter determination.

- The initiative proponent did make all of the proper filings at the Office of Campaign Finance with respect to their statement of organization.
- The opinion of the Office of the Attorney General, which was submitted to the Office of the General Counsel on July 26th, indicates their opinion that is a proper subject.
- The Chairman explained that the board will meet in executive session to deliberate whether or not the Fair Minimum Wage Act of 2017 is a proper subject for initiative, and we'll inform the proposer of its decision in writing as soon as possible.

Mr. McGhie presented proposed rulemaking.

- He corrected the agenda to strike the section which refers to chapters, and it should refer to sections.
- The proposed rulemaking, is simply to allow for a board member who is not physically present in the board meeting to be deemed present, if they can be here telephonically.
- **BOARD ACTION** the Board moved to adopt proposed rulemaking to amend Section 102, Organization of Board of Elections and Section 406, Meetings and Hearings.

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

- During the month of July, there were three filing deadlines in the Office of Campaign Finance.
 - July 1st, 2016, deadline for filing of the report of the constituent service fund programs; their activity reports. There were 12 required filers, 11 timely filed, and there was one failure to file.
 - July 1st, 2016 deadline for the activity reports by the senators and representative constituent service funds. There were three required filers and all three timely filed.
 - July the 31st, 2016, deadline for the filing of the reports of receipts and expenditures by our continuing principal campaign committees as well as political action committees. The numbers of timely filers as well as the numbers of failures to file will be determined and reported during the September meeting.
 - One referral to the Office of the General Counsel, and that was the Constituent Service program, Friends of Jim Graham, Constituent Services Fund, Jackie Reyes, Treasurer.
- On June 22nd, 2016, OCF published an interactive training tutorial at its web site.
- June 10th report of receipts and expenditures by our principle campaign committee and our Political Action Committee who were active in the 2016 election cycle.
 - 81 required filers: (35 PCCs and 46 PACs); 75 timely filers, (32 PCCs and 43 PACs; 3 extensions granted to PCCs; 1 late filer (PAC); and 4 failures to file, (2 PCCs and 2 PACs); resulting in 5 referrals to the General Counsel.
- 8 new candidates and committees registered with OCF during the month of July:
 - Bruce Majors, City Council, Ward-4 registered on June the 30th of 2016. Marla Dean, School Board, Ward 7 registered on July the 1st. Christian Carter/Vote Carter 2016 to the City Council, Ward 7, registered on July the 11th. Wallace Short/Committee to Elect Randy Short 2016, City Council At-Large, registered on July the 14th. George Jackson, City Council, At-Large registered on July the 15th. Matthew Klokel/Klokel At-Large, City Council, At-Large registered on July the 18th. Carrie Bachner/Carrie L. Bachner Committee, City Council, Ward 2 registered on July the 22nd. John Cheeks/Cheeks for Council 2016, City Council, At-Large registered on July the 22nd. Lannette Woodruff/Lannette Woodruff for School Board, School Board, Ward 4 registered on July the 25th, 2016.
- OCF held two entrance conferences for new registrants in June:
 - **July 13:** Jaclyn Smith, candidate, Committee to Elect Jaclyn Smith 2016, Charlotte Elizabeth Nugent, treasurer, Committee to Elect Jaclyn Smith, 2016. Ashley Blair Carter, Candidate for Carter for D.C., Darlene Glymph, Treasurer, Carter for D.C.

- **July 27:** James Calomiris, Candidate, Treasurer, Friends of Jimmy Calomiris; Wallace V. Short, Candidate, Committee to Elect Randy Short 2016; Sakhele Seshibe, Treasurer of the Committee to Elect Randy Short 2016; John Cheeks, Candidate, Treasurer, Cheeks for Council 2016, Christian Carter who is the Candidate for Vote Carter, 2016.
- OCF Audit Branch conducted 34 desk reviews of financial reports that have been filed.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brienne for D.C.
- OCF has ongoing periodic audits of the following committees: Potillo for Council, 2016; Trayon White for Ward 8 2016; Robert White At-Large 2016; and Re-Elect Vincent Orange 2016.

Mr. William Sanford presented the General Counsel Report

- The Office of the General Counsel received six referrals, which include one referral from the Public Information and Records Management division and five referrals from the Reports Analysis and Audit division.
- The Office of the General Counsel referred 16 petitions for enforcement to the Office of the General Counsel for the Board of Elections.
- The Office of the General Counsel maintained a total of six open investigations and no new investigations were opened.

Mr. Michael Sindram raised several matters for the Board's consideration:

- Mr. Sindram took issue with the agenda change placing public matters first noting: "When you put it now in a -- more towards the beginning that negates that spirited intent. And I would request, respectfully, that the public matters again be placed where they were previously."
- Mr. Sindram complained about a lack of response on what he feels he is owed by the constituent services of council member Mendelson for purchasing shoes for a constituent. The OCF General Counsel explained that OCF has no jurisdiction over such matters, and they will provide a formal letter explaining this.
- Mr. Sindram demanded a hearing in full in a matter regarding a grant rescission
- Mr. Sindram noted Leon Andrews was seeking a recount. He explained that he has it on good authority that a number of voters were turned away -- that would alter the election results, and that needs to be taken under advisement, irrespective if Mr. Andrews, you know, desires or goes through with his recount.
- Ms. Brizill substantiated Mr. Sindram concern regarding shifting public comments to the beginning of meetings because often times constituents hear things during the meeting that they would like to respond to, and that option is lost if the time to speak occurs prior to the meeting reports.

There being no further business before the Board, the meeting adjourned at 11:36 a.m.