GOVERNMENT OF THE DISTRICT OF COLUMBIA

Board of Elections

Regular Board Meeting

10:30 a.m. to 11:09 a.m.

Wednesday, March 1st, 2017

DC Board of Elections

Office of the General Counsel

One Judiciary Square

441 Fourth Street NW. Suite 280N

Washington, D.C. 20001
PROCEDINGS
CHAIRMAN BENNETT: Good morning. We are
eleven minutes late.

The meeting is called to order.

To my far right, Cecily Montgomery, Director of Campaign Finance. To her left Michael Gill board member, to his immediate left and to my right, Mr. Ken McGhie, general counsel for the election. To my immediate left is board member Dionna Lewis and to her left is Executive Director for the board of elections Alice Miller.

Meeting is called to order.

First order of business is the adoption of the minutes from the previous meeting, which was held on February 1st, 2017. Do I have a motion?

MEMBER LEWIS: I'd like to make a motion to adopt the meeting minutes from February 1st, 2017.

COUNSEL MCGHIE: Second.

CHAIRMAN BENNETT: All in favor.

(Chorus of ayes.)

CHAIRMAN BENNETT: It's unanimous. The minutes are adopted.

Any board matter from Mr. Gill?
1 MEMBER GILL: No.

2 CHAIRMAN BENNETT: Ms. Lewis?

3 MEMBER LEWIS: No.

4 CHAIRMAN BENNETT: Unanimous. The minutes are adopted.

5

6 Any Board matters?

7 (Unanimous no.)

8 CHAIRMAN BENNETT: Second order, second item would be the adoption of the agenda for today.

9 Can I get a motion to adopt the agenda?

10 MEMBER LEWIS: I'd like to make a -- move to adopt today's agenda.

11 MEMBER GILL: Move to second.

12 CHAIRMAN BENNETT: Do I have a vote?

13 (Chorus of ayes.)

14 CHAIRMAN BENNETT: All in favor. The ayes have it. It's unanimous.

15 Item No. 3, Board matters. Do you have any matters for us?

16 MEMBER LEWIS: No.

17 CHAIRMAN BENNETT: Public matters? None
being heard, so we'll move to Item No. 5,
Executive Director's Report, Ms. Miller.

DIRECTOR MILLER:  This is Alice Miller.  Good
morning.  Happy March, everybody.  The first thing
I want to talk about is the status of our canvas.

Just by way of a short update, as you know,
we began to canvas in late January.  Canvas voters
who did not update their registration at the
November general election. We canvassed a total
of 154,000 voters. As I indicated before, a
canvas takes about six months to complete which is
where we are now.

We've had 14,101 undeliverable canvas cards,
211 belong to individuals who have moved within
the District of Columbia, 1004 outside the
District of Columbia, 309 deceased, 35 name
changes and 6400 individuals have confirmed their
addresses.

So -- we also received about 278 cards,
individuals did not respond at all, did not check
any boxes. We will send those individuals another
mail notice when we do our second mailing.

So, again, it takes about six months. That is where we are in terms of numbers now, and we'll continue to do this.

And I do want to thank all the staff who've been working hard to get this completed.

Last month, in February, February 17, there was the National Association of Election Directors meeting. It's an annual conference that is held usually during January or February.

I want to put on the record that the board did receive an award for -- during that meeting. It was for outstanding state practice award, which is an award that is selected by a panel of three state election directors reviewing submissions that other states or jurisdictions will submit to the election panel for best practice.

This year, the District of Columbia was selected for that award, and the award was for Plan B. It's called a -- a position was made called Plan B predicting election worker no shows.
This is a certificate, but we have an actual award as well.

And what the -- what the staff did, and I want to give credit to the staff for doing this, they came up with a topic and they did research and went through looking at what is it that prevents the poll workers who are selected and trained and sent to a place where they do not show up. They reviewed it, and they came up with, it's not the money, it's not the location. If someone lives in far Northeast and far Northwest, that is eliminated as an indicator as to why they don't show up.

But in those instances, they have found that poll workers who are no shows are 'younger' workers. So we still have reliance on the senior, more veteran poll workers. They're more likely to show up. The drop-off comes with the younger poll workers.

So, for that submission, we did receive an award. I think we should be proud of that and we
And, let me see, what else do I have?

I do want to say that for this election, for the November election, we did have an average age -- younger age of individuals, 49.8 years, which is down from 61 years old from our 2012 election, the last presidential election.

Our average poll workers nationwide is over 70 years old, so we're happy with the workforce that we have. We're very grateful with our younger senior workers, because we can rely on them. They do come.

That said, our equipment has become more and more technically advanced. Senior workers tend to be a little bit more leery of working on the technology, a lot more disenchanted to do it. It's where we're going. We continue to recruit our younger workers and work with our senior workers, you know, during the election.

We did have our performance oversight hearing last week before the committee on the Judiciary of
Public Safety. As you know, Council Member Allen is the chair of the committee. He presided over the hearing. Hearings are basically a review of the agency's performance over the last fiscal year to current, to date. This year we were requested to submit responses to the budget questions and a bond copy, which I will show you. This is what it ended up looking like.

Anybody want to take a read of this and be tested, we'll be happy to do that.

Anyway, we did submit six copies of this book to the council. And if you all want one, we have one for you as well. Which is just responses to our questions. Obviously, again, this kind of work requires a lot of time and attention and dedication from the staff.

Obviously I could not do this by myself. I just want to again recognize the staff, working hard, to pull all of this together to get this to the council. We had about ten days or so to respond and pull this together to get it to them.
This staff should be commended on that.

CHAIRMAN BENNETT: Were there major concerns?

DIRECTOR MILLER: Yeah, we had two witnesses. One was Michael Benjil (sp), and the other was University Legal Services. They frequently provide testimony in our hearings and their concern is about accessibility at the precinct on election day. So we knew that was coming. I wasn't surprised.

We have made significant improvements as it relates to the locations. One of the big factors is the way the schools are open, and we can't gain the kind of accessibility to the schools that we would like for some of the areas where we use the school, because the kids are in multipurpose rooms or in the cafeteria at lunchtime. So, oftentimes we may be in the auditorium or something like that.

But, you know, we put that on the record and Council Member Allen has indicated that he, too, wants to meet with and talk with the current
chancellor to see what we can do about getting the school closed. That is a big, big challenge, and, it needs to be addressed.

I will say this, at the national conference that we had, the National Association of State Election Directors conference that we had in February, there was a presentation by Michelle Bishop, who is with the National Disability Rights Network, and she provided information of where we are nationally with accessibility, and her presentation indicated that in 2000, the national accessibility rate was less -- it was at 84 precincts nationally were not accessible.

CHAIRMAN BENNETT: Wow.

DIRECTOR MILLER: That was in 2000. In 2008, after the passage -- which dealt a lot with accessibility, now 73 percent of the precincts are not accessible, so it is a nationwide problem. And I did indicate that on the record as well.

It's not something that is just unique to the
District of Columbia. Certainly we are far from that. We have about 21 precincts that we think need to be adjusted for full accessibility but certainly that 73 percent percentage is much higher than where we are, that does not make it right. You know, I just want to make sure that you know we understand where we, in terms of accessibility, where we have to go, and the fact that the schools should be something that we look at to help with election day activities.

MEMBER LEWIS: Was there never any consideration of our accessibility contingency plan that we executed this past voting cycle?

DIRECTOR MILLER: Yes, we talked about that. Everyone agreed that the coordinators did a really good job and we need to continue with that program. I think there needs to be appropriation put to that because we did pay them and they worked out well. I mean, they coordinated well. We did mention all of that as a response to the budget questions. So again that is where we are
Just one other thing. We have two pieces of legislation that we're being asked to provide comment on, later this month, I believe. One of them has to do with providing electronic copies of any voter guide that we produced to do an e-mail to registered voters of the guide. We can do that, we just have to figure out how in the world do we do that because we don't have e-mail addresses for everyone. And even if we did e-mail to households, so I don't know who lives in everybody's household. So if I e-mail you and you have three other people in your household, you'd have to provide the actual hardcopy voter guide to everyone. That's a piece of legislation that is pending.

And the other piece has to do with the confidentiality of voters in maintaining their ability not to be on voters rolls. If they are victim of sexual abuse, domestic violence or something of that nature, a couple of categories,
so we'd keep their addresses private --

CHAIRMAN BENNETT: Okay. Any questions?

Mr. Gill?

MEMBER GILL: No.

CHAIRMAN BENNETT: Member Lewis?

MEMBER LEWIS: Who proposed that last legislation?

MEMBER MILLER: Oh, by Council Member Allen.

CHAIRMAN BENNETT: Okay. One note, that in the last couple of weeks, at least once -- at least twice, while at a restaurant meeting people I didn't even know, came up. I was chair of the Board of Elections and I got two incredibly great compliments of how smoothly the elections ran in the last time. So just random people saying great stuff about us. So...good. Thank you.

The other thing is I think we need to have Council Member Allen flesh out this whole matter around e-mailing the guides because it's -- at the end of the day, we have to send out to every household anyway. It will create more work,
potentially. But I think also too, the
opportunity for them to download information is
already there and it may be the answer.

MEMBER MILLER: It's on the website.

CHAIRMAN BENNETT: That's it for me,
Mr. McGhie.

COUNSEL MCGHIE: The only thing I have on the
agenda is final rulemaking to amend Chapter 5 of
the voter registration, and those regulations can
be broken down into two parts.

The first part is, deals with the Section
500, which is a proposed amendment to codify the
board's current interpretations of existing law
concerning the qualification of electors who are
no longer incarcerated.

This was a regulation that we proposed to
address the issue of people that were in a halfway
house, halfway house as being incarcerated. We
have people incarcerated in the penitentiary or
something of that nature.

The second part is Section 515, which is the
codified board practice, same registrars to
provide resident document and paper or electronic
form, so that everybody that has an iPhone or iPad
or something like that, they can pull up their
utility bill, we'd accept that as well.

Both the proposed rule making were published
in the D.C. Register on January 20th. The 30-day
comment period expired without us getting any
comment. So now I'm requesting that the board set
down a motion to adopt this as a final ruling.

CHAIRMAN BENNETT: Okay. Can I get a motion
to adopt the -- amend Chapter 5 of the --

MEMBER LEWIS: Sure. I'd like to make a
motion to adopt the final rulemaking of Chapter 5
of the voter registration as final.

MEMBER GILL: Second.

CHAIRMAN BENNETT: All in favor.

(Chorus of ayes.)

CHAIRMAN BENNETT: It's unanimous.

COUNSEL MCGHIE: That would preclude my
report.
CHAIRMAN BENNETT: Thank you.

Ms. Montgomery, Office of Finance.

DIRECTOR COLLIER-MONTGOMERY: First I would like to report is that also on February 23rd, 2017, Will Sanford and I appeared before the Committee on the Judiciary and Public Safety on behalf of the Council to provide testimony on the report of the office of campaign finance performance for the fiscal year '16 and on our plan for fiscal year '17.

During the month of February, we did have two filing deadlines. The first was -- well, I guess I need to report on January 31st filing deadline, because during the month of February board meeting, I did not have the status for that report. So January 31st, was the deadline for the report of expenditures for our political campaign committee and our political action committee. We had 131 required filers, 116 timely. We had two who requested extensions and were granted. We had 14 committee which failed to file and those 14
committees were referred to the Office of General Counsel for the initiation of the enforcement process. 116 of the committee who timely, and that's 100 percent electronically file.

With our ANC summary financial report, the report was actually due on January the 17th on 2017. And a delinquency letter was sent to the filers who failed to file, giving them an additional period of time, until February 7th, 2017 was the new date for the filing of the delinquent report.

We had a total number of required filers of 469, 347 timely file. We had 122 who late filed. The number to be referred to the General Counsel's office to be determined. We had 345 who electronically file their reports.

With the referrals to the Office of the General Counsel, with respect to the delinquent file in January 31st report, the following campaign committees were referred: Oliver from Ward 4, Emily Gumford Treasurer, Lubiberg (sp) for
attorney general; Annette Ramsey Treasurer;
Patterson from Ward 8, Jack Patterson Treasurer,
committee to elect Natalie Williams, Natalie
Williams Treasurer.

  Committee to Elect Colleen Pitt, 2014,
Colleen Pitt candidate; Rhea Brandon for Ward 4,
Treasurer; Friends of Dion Bionce (sp) Junior,
Ernest Williams Treasurer, Home for Ward 8, Steven
Sike, Treasurer; Carter At Large, 2014, Bishop
Carter Chamber, Brandon Todd for Ward 4, Ben Soda
Treasurer.

  The PAC which were referred to the general
counsel's office are District of Columbia Andrew
Kline Treasurer, Gertrude Kline democratic
political accounts, Jessica Pierce treasurer,
Better Leadership Richard Taphon (sp), Treasurer,
Statehood Yes, Judith Beth Treasurer.

  We also had new candidates and committees
which registered during February 2017, Ward 1 city
council registered on February the 2nd, 2017.

Laurie Parker Committee to Elect Laurie Parker for
DC Council, Ward 1 City Council, February the 7th, 2017. Dustin Canner, Dustin DC Canner for DC Mayor, registered on February the 22nd, 2017; Alpha Ba, Alpha Ba Esquire for Mayor, registered on February the 23rd, 2017.

We have held one entry conference during February, and that was on February 16th.

The participants were Dustin Carter, candidate, Dustin DC, candidate for mayor.

Leah Duggin Treasurer, Alpha Ba, Esquire, for mayor.

In our audit branch during the month of February, the audit branch conducted 202 death review of financial reports, which had been with the agency. Audit branch also sent out as a result of those death reviews, 31 requests for additional information.

In the audit branch, the ongoing audit consisted of the following. With full field audits of newly elected official, Brandon Cahn, for ward 4 is ongoing.
We also initiated a new audit, full field --
full field audit of newly a elected official,
Vince Grey, 2016. The audit letter was issued on
March 1st, 2017.

With periodic random audits of candidates in
the 2016 election, the re-elect Vincent Orange
2016, of the January 31st, 2016 and March 10th,
2016, report of receipts and expenditures is
ongoing.

We initiate four random periodic audits of
the January 31st, 2017 filing of the report of the
receipt and expenditures, of the following
political action committee: DC Dental Political
Action Committee, DC Dental Tag State Committee,
ward 3, Democrat and SEIU Local 500.

And I would now ask the general counsel to
give the report for the general counsel's office.

MR. SANFORD: Good morning, Mr. Chairman and
distinguished members. My name is William SanFord
general counsel for the office of company finance.

During the month of February 2017, the office
of the general counsel received 14 referrals from
the public information, the records management
division. And we conducted 13 informal hearings
and issued 13 orders, which included the
following.

Eight orders were issued for failure to
timely file, in which no fines were imposed. One
order was issued for a request for additional
information, in which no fine was imposed.

Three orders were issued for failure to
timely file reports, and which fines totaling
$2,700 were imposed. And one order arising from
investigation was issued in which a fine of
$10,000 was imposed.

During the month of February, the office of
general counsel imposed fines against the
following respondents.

A total of $12,700 fines were imposed,
including the following: Fine of $2250 was
imposed against the DC Chamber of Commerce.

A fine of $250 was imposed against Home For
Ward 8, Quantum, fine of $200 was imposed against the committee to re-elect Ruby May, and a fine of $10,000 was imposed Calvin J. Roberts.

During the month of February, the office of general counsel collected a total of $700 in fines. And that fine was paid by the SEIU PAC.

During the month of February, the office of general counsel maintained a total of four open investigations. And the only change in those investigations, was the investigation involving Calvin J. Robinson, was concluded.

The order in that investigation was issued on the 28th of February. And it included a fine of $10,000.

And finally during the month of February, there were no requests for interpretive opinions and no show cause proceedings were conducted. And that should conclude my report.

CHAIRMAN BENNETT: Thank you, Mr. SanFord.

Any question? No?

COUNSEL MCGHIE: No.
MEMBER GILL: Great.

CHAIRMAN BENNETT: Does that conclude your report?

DIRECTOR COLLIER-MONTGOMERY yes.

CHAIRMAN BENNETT: Great. Any public question in regards to the reports?

Seeing none, the meeting is adjourned.

(Meeting adjourned at 11:09 a.m.)

* * *

CERTIFICATE OF SHORTHAND REPORTER

NOTARY PUBLIC
I, CHRISTINE FOX, Certified Court Reporter, the officer before whom the foregoing deposition was taken, do hereby certify that the foregoing transcript is a true and correct record of the testimony given; that said testimony was taken by me stenographically and thereafter reduced to typewriting under my supervision; and that I am neither counsel for, related to, nor employed by any of the parties to this case and have no interest, financial or otherwise, in its outcome.

____________________________
CHRISTINE FOX
Notary Public in and for the District of Columbia

My commission expires:
March 31, 2018