



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS
WASHINGTON, D.C. 20001-2745



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
May 3, 2017

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, May 3, 2017 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 absent and Board Member Dionna Lewis served as Acting Chair. Board Member Michael Gill 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 Alice Miller, the Board’s Executive Director.

Chairman Lewis called the meeting to order at 10:52 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on April 5, 2017 were moved for approval and adopted without objection.

Ms. Dorothy Brizill raised public matters: Her first concern was regarding the proposed relocation of the agencies; while her second matter dealt with the manner in which petitions for Initiative Measure No. 77 were circulated; and her final concern dealt with OCF’s presentation of reports during Board meetings with respect to lack of specificity with particular emphasis on the audit of the Todd 2015 campaign.

- Ms. Brizill was taken aback upon realizing an audit report had been released regarding the 2015 Todd Campaign. The minutes did not reflect the specific findings of the audit, and Ms. Brizill asserts that such information would indeed be helpful.
- Chair Lewis deferred to the Executive Director to address the concerns Ms. Brizill had with the agency-wide relocation. Ms. Brizill stressed the importance that any new location in the vicinity of the Nationals’ ballpark will lead to difficulty to park on game days. Moreover, she stressed the new facility must be accessible with access to public transportation and street parking.
- Ms. Brizill personally observed irregularities in the circulation of petitions for the initiative measure.

Mr. Michael Sindram suggested relocating within Judiciary Square onto the 8th floor in the Office of Veterans’ Affairs. He expressed concerns regarding Brandon Todd that he wished to raise at the appropriate time. Finally, Mr. Sindram expressed concern that Board members did not attend the Board’s most recent budget hearing before the Council. Mr. Sindram is seeking a response to his concerns raised with OCF in writing on July 9, 2016. The letter complained of various Council members owing him money from their constituency funds for various sundry items that he allegedly supplied.

Acting Chairman Lewis noted for the record that Chairman Bennett was actually in attendance at the most recent April 26th hearing, which was the Primary Alteration Amendment Act.

Ms. Miller gave the Executive Director's report.

- Initiative measure number 77, District of Columbia Minimum Wage Amendment Act of 2017.
 - The petition for initiative measure number 77, District of Columbia Minimum Wage Amendment Act of 2017 was filed on April 3rd, 2017. That is 180 days after which the petition was issued, which was timely filed.
 - The petition contained 2,332 pages and had 40,679 signatures.
 - The petition is required to have 5 percent of the registered voters sitting wide, as well as 5 percent of the registered voters from 5 of the 8 wards. The petition contained 40,679 signatures. On the review, it was found to have 24,906 verified signatures, which was above by 436 the minimum number required citywide of 5 percent, which was 24,470.
 - However, it failed to meet the 5 percent requirement for five of the eight wards.
 - The ward breakdown that was required in ward 1 was 3,095. We verified 4,180. For ward 2, the 5 percent requirement was 2,479. We verified 2,375. For ward 3, 2,917. Verified 1,970. Ward 4, 3,133. We verified 3,720. Ward 5, 3,273. We verified 2,946. Ward 6, the minimum requirement was 3,861. We verified 4,248. Ward 7, the 5 percent requirement was 2,906. We verified 2,887. In ward 8, the requirement was 2,806. We verified 2,580
 - Based on this review, the Executive Director recommended that the Board move to reject the petition as numerically insufficient by not reaching the five of the eight ward minimum signature requirement.
 - **BOARD ACTION: REJECTED THE PETITION FOR NUMERICAL INSUFFICIENCY WITH RESPECT TO WARD DISTRIBUTION.**
 - **Board Member Gill:** Noted for the record that powers greater than us make the rules tough to get people to all eight wards. And it falls short there. So it's with great regret, but I'm afraid that we have no other choice but to accept the recommendation from the Executive Director.
 - **Acting Chair Lewis** took the opportunity to echo Commissioner Gill's sentiment.
 - **Mr. McGhie** explained: the proposer of the initiative would have 10 days (Monday, May 15th) to file in Superior Court for a writ of mandamus to have the Board accept the initiative petition.
- Board representatives attended 3 scheduled hearings before the Committee on the Judiciary and Public Safety last month:
 - On Thursday, April 6th, Ms. Miller presented testimony on the General Election after action report and commented on the bill 22-0087, which is the Elections Modernization Amendment Act of 2017. That bill would like to increase the frequency with which the Board of Elections determines the appropriately sized voting precincts and also commits duly registered voters to elect to receive a voter guide by electronic means.
 - On Wednesday, April 26th, we presented testimony on bill 22-0197, the Primary Day Alteration Amendment Act. That bill would amend the current election date -

- primary date from September to permanently changing it to the 3rd Tuesday in June, and that would be June 19th for purposes of next year's election.
- o Last Thursday, we presented testimony on the board's proposed FY-2018 budget.

Mr. McGhie presented the General Counsel's report.

Mr. McGhie gave a litigation status report: We have three matters pending in court, all of them dealing with petitions for enforcement of Office of Campaign Finance fines. At the last board meeting, the board approved an order for us to proceed to court to enforce those fines. Carter versus one is a filing for 1,800. Carter versus two is a fine for 1,750, and Worthy is a fine for \$2,000. When we went to court initially, the Court decided that our record was not complete, and so they dismissed our matter without prejudice, and they're requiring that we come back with a more complete record -- underlying record from the Campaign Finance. So it's our intention to file the matter again tomorrow with a more complete record.

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

- On April 27, 2017, Ms. Montgomery and Mr. SanFord appeared before the Committee on the Judiciary and Public Safety to present the fiscal year '18 proposed budget request of the Office of Campaign Finance.
- April 1st filing deadline for the filing of the reports of receipts and expenditures for Constituent Service Programs with 10 required filers, and all 10 filed timely.
- April 1st filing deadline for the filing of the reports of receipts and expenditures for Senator and Representative statehood fund program with 3 required filers, and all 3 filed timely.
- April 10th filing deadline for the filing of the reports of receipts and expenditures for the independent expenditure committees as well as our political action committees with 56 required filers (50 PACs, 6 Independent Expenditure Committees (IECs)) 54 timely filed (48 PACs, 6 IECs); 2 failures to file (both PACs) which were referred to the General Counsel. Referrals to the Office of the General Counsel, with respect to the delinquent filing, the following campaign committees were referred: Ward Two Democrats, Derek Ford treasurer; Gertrude Stein Democratic Club Policy Act, Jessica Pierce treasurer.
- New committees that registered with OCF in April include the following: The D.C. Recovery Act for Living Descendants of American Slaves Initiative registered on April the 4th, 2017. Save our Tip System Initiative 77 which is an opposing committee, registered on April the 27th, 2017.
- One entry conference during April, on the 19th. The participants were Brianne K. Nadeau, candidate, Brianne for D.C. 2018, and Justin Alexander Green, Senior, candidate/treasurer for Justin Green At-Large.
- OCF Audit Branch conducted 56 desk reviews of PACs, 8 desk reviews of Constituent Service Fund programs, and 75 desk reviews of trends for campaign committees. Audit branch also sent out as a result of those desk reviews, 10 requests for additional information.
- The Audit Branch resolved three cases which have been referred to the Office of the General Counsel. They attended two hearings, and they also participated in two entrance conferences.

- OCF has ongoing periodic audits of the following committee: re-elect Vincent Orange 2016 of the January 31st, 2016 and March 10, 2016 R&E reports; of Political Action Committees of the January 31st, 2017 report.
- Constituent Service Programs, had two periodic random audits, which have been initiated on the April 1st, 2017 report. Those are Mayor Bowser's Constituent service Fund and the Citizen's Outreach Fund.
- OCF issued two audits during April: The SEIU Local 500 Political Action Committee -- issued on April 13, 2017; and the D.C. Dental PAC issued on April the 28, 2017.

Mr. William SanFord presented the General Counsel Report

- The Office of the General Counsel received 3 referrals.
 - Ward Seven Democrats for whom Derek Ford is the treasurer, Gertrude Stein Political Action Committee and the Brandon Todd for Ward Four Principle Campaign Committee based upon a non-compliance audit.
 - 3 orders for failure to timely file reports were issued in which no fines were imposed; 4 orders for failure to timely file reports were issued in which fines totaling \$5,650 were imposed and one order was issued denying a motion for reconsideration.
 - Fines were imposed against the following respondents: \$1,600 was imposed against the Committee to Elect Natalie Williams; \$1,600 was imposed against the Committee to Elect Kelly Pitts. \$1,600 was imposed against the Carter At-Large 2014 campaign, and a fine of \$850 was imposed against Patterson for Ward Eight.
- The Office of the General Counsel maintained a total of 3 open investigations and no new investigations were opened.
 - OCF FY2013 was internally generated, and the respondent was Lee Calhoun, and the infraction was excessive campaign contributions.
 - OCF FY2013-014, also internally generated. And the respondent was Stanley Strawter, and the infraction was excessive campaign contributions.
 - OCF FY2013-015, also internally generated. The respondent in this matter is Jeffrey Thompson, and the infraction was excessive campaign contributions.
- The Office of the General Counsel conducted one show cause proceeding, and that show cause was in the matter of Brandon Todd for Ward Four. The docket number is LCF-2017-R003. And the infraction is based upon a non-compliance audit. That matter was originated on the 6th of April of 2017.
- Mr. SanFord, in response to an earlier statement by Ms. Brizil, noted all of OCF reports are posted at the OCF web site. They include all the detailed information regarding the open investigations, and the respondents in all of our investigations regarding all of our fines.
- Ms. Collier-Montgomery reiterated that the Brandon Todd audit had been referred to the Office of the General Counsel with further action as deemed appropriate, because it was a non-compliance audit.

Ms. Brizill raised her public matters

- Ms. Brizill inquired whether staff encountered any irregularities with respect to the signatures gathered for Initiative Measure No. 77. She related to the Board an incident

she witnessed during the petition circulation. She was asked to sign the back page of a petition sheet without the attendant front page. She also encountered people who had clipboards and would not let you read the text. They would only let you see the page 2. Ms. Miller confirmed that no petitions were submitted without a front and back page and copied as such. Ms. Brizill questioned circulator training in light of this incident.

- Ms. Brizill next addressed her concerns with OCF and commended the Director for her elucidation on the subject. However, she was concerned that OCF completed an audit finding irregularities with the Brandon Todd campaign and did not properly notice the public with respect to OCF's findings in the matter. Because Brandon Todd has two committees that are called Brandon Todd for Ward Four, if you're talking about Brandon Todd 2015 Campaign, you need to say that. If you're talking about Brandon Todd 2016 Campaign, you need to say that. If there are committees that use same name repeatedly over successive campaigns, that they at least indicate what campaign they're talking about. Ms. Collier-Montgomery responded that the report which was issued to the committee in March of 2016 was a preliminary audit report. It is issued solely to the committee. It is not made public, because it is not complete. Ms. Collier-Montgomery also offered the following: if there is an issue as to when a particular campaign committee may have been initiated, then I will make sure that my audit branch puts the year of initiation, if that will help the public to distinguish between inactive and active principal campaign committees.

Mr. Sindram raised his public matters:

- The Executive Director explained to him that the Office of providing a random sample of signatures for the Board of Elections to review. That is the statutory provision in the law that follows the initiative and referendum process.
- Mr. Sindram thinks it's imperative, to have minimally a commissioner there that can be addressed by Judiciary Chairman Allen and questions to be fielded in kind.
- An audit that showed widespread problems with the campaign of a D.C. Council Member (Brandon Todd), but that was withheld from public view until after he won re-election has galvanized support among lawmakers for election reform. Many Council Members say that in Todd's case, the office went too far, letting the candidate delay responses to important questions for almost a year. If we had all the facts, I think the Ward Four race definitely would have turned out different.
- There was an ANC, Advisory Neighborhood Commission 4b meeting that convened at the fourth district community room. And during that meeting, there was a special member district SMB election for which Brandon Todd's campaigners brought in yard signs. And they were left unattended, essentially campaigning while the election was going on. Mr. Sindram would like a response from the Office of General Counsel regarding this breach of protocol.

There being no further business before the Board, the meeting adjourned at 12:07 p.m.