

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**August 5, 2015**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, August 5, 2015 in the Board’s Hearing Room, located in Suite 280 North, One Judiciary Square, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. The Board’s Chairman, Deborah K. Nichols, was present, as was Board Member Stephen Danzansky. 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 10:47 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting on July 1, 2015 were moved for approval and adopted without objection.

**Mr. Tatum** reported that staff members Eric Olsen, Lester Bird, and Margarita Mikhaylova participated in a grant solicitation from the Knight Foundation, and they were one of 22 entities awarded a \$35,000 grant to develop a data capturing analytical tool.

**Mr. Tatum** informed the Board that staff is continuously processing over 283,000 canvass voting cards sent to voters that did not participate in the November General Election. To date, staff has received approximately 43,000 cards returned as undeliverable or as address changes within and outside of the District.

**Mr. Tatum** reported that the Board is currently reviewing voting systems for an update. The board’s current vendor, ES&S, conducted a pilot demonstration during the April Special Election. Another vendor, Hart Intercivic, demonstrated their equipment two weeks ago. Democracy Live will present a ballot delivery system on August 10, 2015. Dominion Voting Systems will demonstrate their equipment on September 3, 2015.

**Mr. Tatum** announced the Board will end the fiscal year in two months and in good standing.

**Mr. McGhie** read into the record the formulation of the short title and summary statement of the proposed initiative measure number 76: the short title is “The fair Minimum Wage Act of 2016.” The Summary Statement Reads as follows:

If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020; gradually increase the minimum wage for tipped employees, so that they can receive the same minimum wage directly from their employer as other employees by 2025.

Beginning in 2021, require the minimum wage to increase yearly in proportion to increases in the Consumer Price Index. Minimum wage increases under the initiative will

not apply to D.C. Government employees or employees of the D.C. Government contractors.

**Mr. McGhie** invited the proposer of the initiative, Mr. Matthew Hanson, and all other parties seeking to offer suggested amendments to the proposed language to testify before the Board.

**Ms. Ellen Valentino**, representing the Mid-Atlantic Petroleum Distributors, took issue with the use of the word “Fair” in the short title as not being objective. She further asserted that the term “gradual increase” could mean different things to different people and may not be clear to the voting public. Finally, Ms. Valentino suggested the term “tipped employees” needs to be clarified because it might be unclear what constituency the measure refers to.

**Mr. Matthew Hanson** responded that the Fair Minimum Wage Act of 2016 is an objective description of the initiative. The proponent believes that to signify a gradual increase informs the voting public that an increase in the minimum wage from \$10 to \$15 will not occur overnight; rather, it will be an incremental process over the course of a number of years.

**Ms. Valentino** responded that the Board’s job is putting forth objective language to summarize the measure so that voters can deliberate. Inserting “fair” into the title is very persuasive and inherently unfair. Voters should be made of aware of what the specific increases are and when they will occur.

**Chairman Nichols** asked the proposer if in his opinion there is a difference between the use of “gradual” and “graduated” in the proposed summary statement, and Mr. Hanson was not sure. Additionally, the Chairman noted for the record that the title of the initiative was provided by the proposer and not generated by the Board.

**BOARD ACTION:** The Board approved a motion to accept the summary title with the exception of the word “fair” and substituting “District of Columbia Minimum Wage Act of 2016.”

**BOARD ACTION:** The Board approved a motion to accept the summary statement in the present form read into the record.

**Mr. McGhie** read the final adopted language into the record: “Initiative Measure No. 76, short title is the District of Columbia Minimum Wage Act of 2016.” The Summary Statement reads as follows:

If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020; gradually increase the minimum wage for tipped employees, so that they can receive the same minimum wage directly from their employer as other employees by 2025.

Beginning in 2021, require the minimum wage to increase yearly in proportion to increases in the Consumer Price Index. Minimum wage increases under the initiative will not apply to D.C. Government employees or employees of the D.C. Government contractors.

**Mr. McGhie** presented adoptions of petitions to recall elected officials:

- Mr. George Jackson submitted a recall petition against Commissioner Yvonne Buggs SMD 5D06.  
**BOARD ACTION:** The Board approved the recall petition.
- Mr. Steven Motley submitted a recall petition against Commissioner Adam Roberts, SMD 5D03.  
**BOARD ACTION:** The Board approved the recall petition.
- Ms. Darlene Miles-Harrison submitted a recall petition against Commissioner Keisha Shropshire, SMD 5D02.  
**BOARD ACTION:** The Board approved the recall petition.
- Ms. Patricia Williams submitted a recall petition against Commissioner Christy Davis, SMD 5E02.  
**BOARD ACTION:** The Board approved the recall petition.

**Mr. McGhie** introduced proposed rulemaking to amend chapters 1 through 11 and chapters 14 through 17. The proposed amendments will bring the rules into conformity with the Voter Registration Access and Modernization Act of 2014.

**BOARD ACTION:** The Board adopted the proposed rules and published them in the D.C. Register for a 30-day comment period.

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

*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 Board filed a motion to dismiss on April 10<sup>th</sup>, and Mr. McMillan did not file his response by the April 23<sup>rd</sup> deadline. The Court gave Mr. McMillan until June 3<sup>rd</sup> to file a response, and he filed untimely on June 4, 2015. The matter is currently pending.

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

- July 1 filing deadline of R&E Reports by Constituent Service Programs: 11 required filers; 11 timely filers.
- July 1 filing deadline of R&E Reports by Senator/Representative Statehood Funds: 3 required filers; 3 timely filers.
- July 31 filing deadline of R&E Reports by continuing Principal Campaign Committees (PCCs) and Political Action Committees (PACs): 93 required filers (74 PCCs & 19 PACs); the number of timely filers and late filers is yet to be determined.
- Committees registered to participate in the 2015-2016 election cycle during July include the following: Jack Evans, Evans 2016 Ward 2 City Council registered on July 1, 2015; Emanci 8 PAC registered July 2, 2015; Neighbors for Adam, ANC Recall Committee registered July 29, 2015.
- OCF held three entrance conferences during July and the participants were as follows: Derrick J. Ford and Lucius Gallion on July 9, 2015; Sanque Culver, treasurer of Two Alone for Council of 2016 Exploratory Committee, and Carlton Retland, chairperson for Petula for Council 2016 Exploratory Committee on July 15, 2015; and Jack Evans, Candidate Evans 2016, and Robert Kimbel, treasurer for Evans 2016 on July 31, 2015.

- OCF Audit Branch conducted 43 in depth 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. The ongoing periodic random audits for candidate committees are: Committee to Elect Natalie Williams for Ward 8; Barry for Council; and the D.C. Proud Inaugural Committee.
- The full field audits of newly elected officials are as follows: LaRuby May 2015; and Brandon Todd for Ward 4, and both are ongoing.
- OCF issued an audit report: Friend of Leon Andrews issued July 31, 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 2 referrals from the Reports Analysis and Audit Division, and conducted three informal hearings.
- The Office issued 36 orders including the following: 10 orders for failure to timely file reports in which no fines were imposed; 3 orders for failure to timely respond to a request for additional information, in which no fines were imposed; 5 failure to timely file reports in which fines totaling \$4,900 were imposed; and 2 motions for reconsideration in which fines totaling \$800 were imposed.
- During the month of July 2015, OCF imposed fines against the following respondents: D.C. Working Families, \$100; Campaign for Working Families, \$100; Committee to Elect Rock Mountain, \$1,900; Youth Action PAC, \$1,700; Anderson Ward 4 City Council, fines in the amount of \$500 and \$300; and Abraham for Ward 8 City Council, \$1,100.
- OCF collected \$1,100 dollars in fines from Vonetta Dumas, an ANC candidate who failed to timely file her summary financial statement.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

There being no further business before the Board, the meeting adjourned at 11:32 a.m.