

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**September 7, 2016**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, September 7, 2016 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, Michael Bennett, was present, as were Board Members Dionna Lewis and Michael Gill. 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 10:50 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on August 3, 2016 were moved for approval and adopted without objection.

**Chairman Bennett** noted for the record that the standard agenda will change with respect to public matters placed at the beginning of meetings as opposed to the end to create efficiency. At the end of the agenda today, the very last item is a five-minute recess because the Board has other hearings to conduct after that, but at the end of the agenda, if anybody has any questions, really clarification questions regarding the reports, the Board certainly will make time to get those questions; but there won’t be any particular discussions on those questions during the meeting on the current reports.

**Mr. Absalom Jordan** submitted a request that the Board hold in abeyance consideration of the council resolution dealing with statehood, and that it adopt a rule that would bring it in compliance with the Administrative Procedures Act.

- The Board’s rules don’t provide for an opportunity for petitioners or for anybody to petition the Board to propose a rule, to amend a rule, or to repair the rule.
- The Board’s rule says that you must have a public meeting within 20 days of receiving this. Since the Board received this on August 9th, the Board is not in compliance with the 20-day requirement there.
- Mr. Jordan’s concern is that the language from the council is ambiguous, and it doesn’t provide accuracy, and does not in any way inform people in terms of what is really being considered by the council.
- The Council will not have a constitution that it has produced by the time of early voting or the November 8th election. So citizens would be asked to vote for something they’ve never seen before.
- Mr. McGhie replied that any citizen can propose regulations, and the Board will consider the proposed regulation. Now, whether the Board decides to adopt those regulations or

not, that's totally up to the discretion of the board, but anybody can propose regulations to the board. When Mr. Jordan requested the Board adopt new regulations applicable to the current advisory referendum, it was already approved by the City Council notwithstanding that the Board hadn't received the referendum officially from the Council. Since the council sent over a resolution and it was the council's advisory resolution, they did their own summary statement. They did their own title. So by law the Board is required to adopt what the Council sent.

**Mr. David Schwartzman**, a member of the DC statehood green party, takes D.C. statehood seriously as the founding precept of his party. The commission took upon to create a new constitution that would be applied to a bill petition for statehood in the coming Congress. The present draft that's being considered by the council lacks many provisions which the great majority of DC residents would value very much, and this was eliminated in the draft, which includes the prohibition on discrimination based on race, sex, sexual orientation, and disability.

**Mr. Michael Sindram** raised concerns regarding constituent services and asserts that he did not get resolution from the Office of Campaign Finance. Mr. Sindram also reiterated his request for a full hearing in the matter of a grant rescission that occurred a number of years ago in ANC 4A, notwithstanding two orders rendered in the case by then Chairman Togo West. Mr. Sindram also submitted news articles of interest pertaining to computer vulnerabilities in voting systems and the rare occurrences of voter fraud. Finally, Mr. Sindram took issue with what appeared to be increased security presence during Board meetings and he expressed a hope not to be harangued by armed guards in the future.

**Ms. Miller gave the Executive Director's report.**

- Mr. Arlin Budoo presented polling place relocations for final approval:
  - 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.
    - **BOARD ACTION:** The Board unanimously approved the relocations as final.
  - Precinct Number 42, which is Mt. Rona Baptist Church is not fully ADA accessible for the Board's use; accordingly, Mr. Budoo proposed relocating and

combining with Precinct Number 49, Raymond Recreation Center, located at 3725 10th Street Northwest. This is a Ward 1 location being relocated to Ward 4.

- The general update for election preparation.
  - The Board was presented with a suggestion of modifying early voting to end on Friday, November 4th, a day earlier than originally scheduled. Ms. Miller formally announced that early voting ends on Friday, November 4th. However, the period is extended for two days longer. The period was initially set for October 24th to end on November 5th, and the period will now begin on October 22.
- The challenge period for direct access for the November 8th election began on Saturday, August 12, and closed on Monday, August 22nd. 32 ANC challenges; 7 candidates withdrew; 12 challengers withdrew their challenge, and 13 requested Board hearings. There were three additional direct challenges for the State Board of Education and at large member of the Council.
- 73,562 individuals who are identified as eligible but unregistered voters will be provided with a postcard that suggests and provides them with various methods with which they can register to vote in time for the upcoming November election.
- The Board removed last month from the rolls, 254 deceased voters, and mailed 2,882 voter registration cards of individuals who were either newly registered or made changes to their voter registration information.
- Poll worker trainer began yesterday for early voting. The Board will train 400 early voting poll workers to help with the operations tied to those 9 voting locations, and the training for Election Day operations will begin the end of this month.

**Mr. McGhie** presented the General Counsel's report.

**Mr. McGhie** introduced the Fair Minimum Wage Act of 2017 for formulation of the short title and summary statement.

- The Board approved the addition as a proper subject for an initiative, and at this point in the process, the Board is now required to formulate the short title and summary statement. The proposal reads as follows:
- "Initiative Measure Number 77 Short Title, District of Columbia Minimum Wage Amendment Act of 2017 Summary Statement. 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 receive the same minimum wage directly from their employer as other employees by 2026. Beginning in 2021, require minimum wage to increase yearly in proportion to increases in the consumer price index. The minimum wage increase under the initiative will not apply to DC government employees or employees of DC government contractors."
- **BOARD ACTION:** The Board unanimously approved the proposed short title and summary statement.

**Mr. McGhie** presented the litigation status:

- *Ameer Flippin v. DCBOE*-- Mr. Flippin wanted to appear on the ballot for the Office of President of the United States. He came down here to get his petitions to appear on the ballot, but he did not have any presidential electors and did not want to name any presidential electors. So the Registrar of Voters told him that we cannot process your

paperwork because it's incomplete. You haven't given us any electors. Mr. Flippin took that as a Board refusal to allow him to be on the ballot, and he went to court. The Board filed a motion to dismiss as being premature as there was no order issued by the Board.

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

- OCF has expanded its outreach efforts to ANC candidates. OCF will be offering onsite training to highlight reporting requirements of those candidates and specifically: the contribution limits, which are \$25 for ANC candidates; campaign literature disclosures; and ANC candidates must file a summary financial statement after the Board certifies the elections of the ANC election, which is due within 60 days after the date of the certification.
- During the month of August, there were two filing deadlines in the Office of Campaign Finance.
  - July 31<sup>st</sup>, 2016, deadline for filing of the report of the receipts and expenditures by our continuing committees. The deadline fell on a weekend and the due date was August 1. There were 66 required filers (50 PCCs, 16 PACs), 51 timely filed, 2 late filers, and there were 14 failures to file.
  - August 10<sup>th</sup>, 2016 deadline 10 report of receipts and expenditures by our candidates and committees. There were 93 required filers (46 PCCs and 47 PACs) 83 timely filed; 6 late filers; 3 extensions granted; 4 failures to file.
- 3 new candidates and committees registered with OCF during the month of August:
  - Shakira Hemphill, Shakira Hemphill for Ward 8, school board Ward 8, registered on August 2, 2016; G. Lee Akin, Elect G. Lee Akin City Council at large, registered on August 4, 2016; Statehood YES, the Initiative Committee, registered on August 16, 2016.
- OCF held three entrance conferences for new registrants in August:
  - **August 10:** Carrie Backner, candidate, treasurer, Backner Committee 2016; Matthew Klokel, candidate, Klokel at large; Marcus Scribner, treasure, Klokel at large; Drew Franklin, candidate, Drew for DC; Kimberly Higginbotham, treasurer, Drew for DC; Marla Dean, candidate, treasure, Dean for School Board Ward 7; Paul Strauss, candidate, Strauss for 2014 Committee.
  - **August 18:** Lannette Woodruff, candidate, Lannette Woodruff for School Board; Lamont Herrell, treasure, Lannette Woodruff for School Board.
  - **August 24:** Shakira T. Hemphill, candidate, Shakira Hemphill for Ward 8; Timothy Lewis, treasure, Shakira Hemphill for Ward 8.
- OCF Audit Branch conducted 112 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; Brianne for D.C.
- OCF has ongoing periodic audits of the following committees: Pottillo for Council, 2016; Robert White At-Large 2016; and Re-Elect Vincent Orange 2016.
- Initiated periodic random audits of the Professional Insurance Agents Political Action Committee, and the DC Building Industry Association Political Action Committee.
- Initiated random audits of the Committee to Elect Jaclyn Smith 2016 School Board, Klokel at large, Carter for DC, and Friends of Jimmy Calomiris.

- Issued final audit reports: Trayon White for Ward 8 2016, issued on August 29, 2016; the DC Political Action Committee DOC Pact, issued on August 31, 2016; and Lawyers for Better Government Fund, issued on August 31, 2016.

**Mr. William Sanford** presented the General Counsel Report

- The Office of the General Counsel received 25 referrals from the Public Information and Records Management division.
- The Office conducted six informal hearings and issued six orders, which included the following: Three orders were issued for failure to timely file reports in which no fines were imposed. Three orders were issued for failure to timely file reports in which fines totaling \$2,975 were imposed. \$1,300 was imposed against Christopher Harthorne, candidate for Ward 8 council for failing to timely file a report. \$1,300 was imposed against the Gertrude Stein Democratic Club for failing to timely file a report, and \$375 was imposed against a candidate for Ward 8, Holmes, for failing to timely file the report.
- The Office of Campaign Finance collected \$2,400 in fines, and during the month of August 2016.
- The Office of the General Counsel maintained a total of six open investigations and no new investigations were opened.
- OCF Full Investigation 2011-103, Sulaimon Brown for Mayor has been administratively suspended because we have made numerous attempts to serve Sulaimon Brown and his treasurer through regular mail, certified mail, and through special process server, and all of our attempts have been unsuccessful.

**Mr. Michael Sindram** requested hard copies of audit reports issued by OCF. Ms. Montgomery suggested he can make the request in writing, and we will provide you with a copy. That's the normal process. You make the request in writing through the Freedom of Information Act. Or the other thing that you can do is simply come to our office, and we will provide you with a copy of any audits that we have issues or any other information that is a part of our public records. Mr. Sindram also mentioned his dismay regarding the Flippin suit where a citizen can get bogged down in technicalities and be denied ballot access.

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