

DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

WASHINGTON D.C. 20001-2745

Wednesday, June 1, 2016
One Judiciary Square, #280N
Washington, D.C. 20001

10:25 - 10:43 o'clock. a.m.

PROCEEDINGS

MR. BENNETT: Good morning.

My name is Michael Bennett and I'm the chair of the D.C. Board of Elections.

And this is the June first monthly meeting and we would -- and the meeting is now open and commencing.

So, first thing on the agenda is to adopt the agenda for the day. Both Board Member Gill and Board Member Lewis have a copy.

Can I get a motion?

MS. LEWIS: Motion to adopt the (unintelligible) of the agenda.

MR. GILL: Second.

MR. BENNETT: All right.

All in favor?

(Whereupon the vote was taken)

MR. BENNETT: Ayes have it.

Next on the agenda is the adopt of the minutes from the meeting from Wednesday, May 4th.

I think both of you had an opportunity to review those.

Can I get a motion to adopt those minutes?

MS. LEWIS: Motion to adopt the meeting minutes from the previous meeting on May 4, 2016.

MR. GILL: Second.

MR. BENNETT: Okay. All in favor?

(Whereupon a vote was taken.)

MR. BENNETT: Ayes have it.

All righty.

We arrive on the agenda of Board Matters and the first is the Executive Director -- the Acting Executive Director's report, Terri Stroud.

S: Good morning.

First on my agenda is election preparations and I would like to state for the record that as of Tuesday, May 31, the Vote of Registry stands at 441,163 registered voters. 367,018 of these voters will be eligible to vote in the June 14 primary election because they are registered with one of the parties that are eligible to conduct a primary in the District of Columbia.

Early voting began yesterday here at One Judiciary Square, downstairs in the old counsel chambers. This coming Saturday, June 4, early voting will begin at the satellite (unintelligible) based early voting centers and it will take place every day, including Sunday, June 5, and it will end on Saturday, June 11.

Monday, May 16 was the deadline for mail

voter registration applications to be postmarked. It was also the deadline for receiving military overseas voter registration applications, as well as the last date that a voter could change his or her party affiliation status in advance of the June election.

On Thursday, May 19, we mailed a bilingual Spanish/English voting informational mailer to each voter registered in one of the District's three major parties. That mailer contained information on when, where and how voters can vote during the primary and it contains the voter's registration number and bar code form. And they can be used to scan in to check in to the voting process when they bring it to vote. We noticed yesterday that a great many voters are using the mailers, so we're happy about that.

On Thursday, and according to the District law, we -- Thursday, May 26, we published sample copies of the official ballot in the Washington Post and in El Tiempo magazine. We've completed logic and accuracy testing on all of our voting equipment. Poll warner [sic] -- poll worker training continues and will take place through Friday, June 10.

We are continuing to process requests for

absentee ballots. The deadline for request for absentee ballots to be received for regular voters is June 7 and June 11 for our military and overseas voters.

To date, we have processed a total of six -- 6,589 absentee ballot requests and a little under 2500 have been returned -- voted absentee ballots have been returned.

Between Tuesday, June 7 and Thursday June 9, we will post in our office and on our website a list of all prospected voters who submitted requests for absentee ballots, for a three-day challenge period during which any registered voter can challenge the qualifications of these voters to participate in the primary.

As you know, June 14 is Election Day and our tentative vote tabulation schedule is as follows:

- Early Voting results will be tabulated at noon on Election Day. And, of course, we won't publish results until the pose [sic] -- polls have closed.
- Election Day voting results will be tabulated and published on

Election Night as you all were --
have heard. We will be
(unintelligible) results then.

- Absentee ballots will be tabulated and published on -- and results published on Thursday, June 16.
- Accepted special ballots will be tabulated and results published on Friday, June 17.
- Regarding special ballots, the time frame for their adjudication is as follows and this time frame has been changed pursuant to legislation passed by the Council. It's a shortened time frame for the process of the special ballots. So, voters who vote special ballots will be able to learn whether or not their ballots have been counted or rejected by contacting the Board using our toll free number 1-866-DCVOTES, 1-866-328-6837, or by accessing our website beginning on Wednesday, June 15.

- Voters whose special ballots have been preliminarily rejected will have the opportunity to contest -- to contest this rejection in a hearing before the Board that will take place on Thursday, June 16. And accepted special ballots will be tabulated and results published on Friday, June 17.
- And right now we are tentatively scheduled to certify the results of the election on June 23.

And that concludes my --

MR. BENNETT: Thank you.

Next on the affect -- Ms. Lewis of Mr. Gill, you have any questions?

MR. GILL: Nope.

MS. LEWIS: No questions.

MR. BENNETT: All right.

Great.

General Counsel's Report. Mr. McGhie?

MR. MCGHIE: Okay. The only thing I have on my agenda is a litigation status update and we only have matter that's pending in court. That's Wingo vs. DC Board of Elections (unintelligible). That's

a matter that's pending in the Court of Appeals. The DC Superior Court filed in favor of the Board on April 4. The Plaintiff in that case, Mr. Wingo, filed a Notice of Appeal on April 22. They recently contacted us about substituting him as (unintelligible) and the -- the Board and the (unintelligible) and the Office of Attorney General did not agree to the substitution, so they'll be filing some type of motion in the Court of Appeals to allow for the substitution.

In any case, we're still just waiting on a briefing schedule from the Court of Appeals and, I guess, to have the Court of Appeals address their issue on the substitution of Mr. Wingo.

And that would conclude my litigation status update.

MR. BENNETT: Great.

Mr. Gill? Ms. Lewis?

MS. LEWIS: No questions.

MR. BENNETT: For purposes of the record, I think I failed to introduce the persons that are here, but you'll get it as we go through. But to the far left is Acting Director, Executive Director Terri Stroud. To the far right is the Executive Director of Office Campaign Finance, Ms. Cecily Montgomery. And I

think I -- to my right is Ken McGhie, the General Counsel of the Board of Elections.

So, otherwise I think you have -- I think I announced everybody else. Is that correct?

Thank you.

Next on the agenda is the report from the Office of Campaign Finance.

Ms. Montgomery?

MS. MONTGOMERY: Yes, during the month of May there were no filing deadlines in the Office of Campaign Finance. However, there were new candidates and committees who registered with the Office. There were six.

- Unite Here, Local 23 DC, Independent Expenditure Committee, registered on April 28, 2016.
- Jacques Patterson/Committee to Elect Jacques Patterson, School Board at Large, registered on May 6, 2016.
- Committee to Preserve Ward Five, Recall Committee/Kenyan McDuffie, registered on May 10, 2016.
- Mary Lord/Mary Lord 2016, School Board at Large, registered on May

17, 2016.

- Ward Eight Matters, Political Action Committee, registered on May 17, 2016.
- W. Randy Short, Committee to elect W. Randy Short, City Council at Large, registered on May 20, 2016.

We conducted two entrance conferences during the month of May. The first was on May 5, 2016. The participants were:

- George Iverson who is the Treasurer for Carolina 2016.
- Jill Homan who is the candidate for Jill Homan for the Republican National Committee Woman.

On May 18, 2016, the participants were:

- Adam Yalowitz, Treasurer, Unite Here, Local 23 DC Independent Expenditure Committee.
- William Hunt, Treasurer, Committee to Preserve Ward Five.
- Robert Richards, Candidate Ward Seven, DC Republican Committee.

During the month of May, in our Audit Division, the Audit Division completed seven desk

reviews of reports of receipts and expenditures that had been filed.

In terms of our ongoing audits, we have three fulfilled audits:

- LaRuby May 2015
- Brandon Todd for Ward Four
- Brianne for DC

We also had ongoing periodic random audits of the candidates in the 2016 election cycle:

- Portillo for Council 2016, the December 10, 2016, Reports of Receipts and Expenditures.
- Trayon White for Ward Eight, 2016, The March 10, 2016, Report of Receipts and Expenditures.
- Robert White at Large, 2016. The January 31, 2016 and the March 10, 2016, Reports of Receipts and Expenditures.
- Re-elect Vincent Orange 2016. The January 31, 2016 and the March 10, 2016, Reports of Receipts and Expenditures.
- Grosso at Large 2016. The January 31, 2016 and the March 10, 2016,

Reports of Receipts and
Expenditures.

We issued two audits during the month of May.

The first was Office of Ward Eight, Council Member LaRuby May, Constituent Service Fund. And that audit was of the April 1, 2016 report. The report was issued on May 3, 2016.

The second is Ward Four, Constituent Services Fund. That was of the April 1, 2016 report and the audit was issued on May 13, 2016. The reports are available at our website for review by members of the public.

And at this time, I would ask the general counsel for the Office of Campaign Finance, William Sanford to give the legal report.

MR. BENNETT: Thank you.

MR. SANFORD: Good morning, Mr. Chairman and distinguished board members. My name is William Sanford, General Counsel for Campaign Finance.

During the month of May 2016, the Office of the General Counsel received two referrals from Reports, Analysis and Audit Division. There were no recorded filing dates as a the Director has indicated.

The Office of the General Counsel, Issue 18

Orders, which included the following:

- Eight orders were issued for Failure to Timely File Reports, in which no fines were imposed.
- Nine orders were issued for Failure to Timely File Reports, in which fines totaling \$17,100 were imposed.
- And one order for Failure to Timely Respond to a Request for Additional Information was issued in which no fine was imposed.

The Office of the General Counsel imposed fines against the following Respondents:

- \$1,700 -- a fine of \$1,750 was imposed against the Carter at Large Committee.
- A fine of \$1,350 was imposed against the Gertrude Stein Democratic Club.
- A fine of \$2,000 was imposed against Charles Wilson, ANC Candidate.
- A fine of \$2,000 was imposed

against Flanders Sharp, an ANC Candidate.

- A fine of \$2,000 was imposed against Dwayne Toliver, ANC Candidate.
- A fine of \$2,000 was imposed against Ricky Williams, ANC Candidate.
- A fine of \$2,000 was imposed against Kimberly Worthy, an ANC Candidate.
- A fine of \$2,000 was imposed against Camille Loya, ANC Candidate.
- And a fine of \$2,000 was imposed against Nyasha Harley, an ANC Candidate.

During the month of May, the Office of the General Counsel maintained a total of seven open investigations. No new investigations were opened during that month.

During the month of May, there were no requests for Interpretive Opinions and no Show Cause Proceedings were conducted.

And that should conclude my report.

MR. BENNETT: Thank you.

Ms. Montgomery?

MS. MONTGOMERY: Oh. I'm sorry.

MR. BENNETT: That's okay.

MS. MONTGOMERY: That concludes my report.

MR. BENNETT: Okay. Great. Thanks.

Any questions from (unintelligible)?

Any questions?

MS. LEWIS: No.

MR. BENNETT: Next on the agenda would be the --
are public matters.

Ms. Brizill?

MS. BRIZILL: Good morning.

My name is Dorothy Brizill, B-r-i-z-i-l-l.
my legal address is 1327 Girard Street Northwest,
Washington, DC.

First and foremost, I would like to thank
the Board and the Staff for their decision in the --
the Gambling Initiative case. I can tell you that
everyone in the community, from the churches to
community groups and community leaders are very
pleased. We are waiting to see whether or not there
will be a next chapter in this -- on this book in
terms of whether or not they decide to appeal to the
Superior Court.

But on another matter, I would like to ask Ms. Montgomery a question.

In your recitation of reports and determinations by your office, you have no longer mentioned the audit report that was done on the Gray for Mayor 2010 Campaign. And as you know, your initial audit was held up because the US Attorney's Office asked you to do so. But then you issued your final audit report on January 29, 2016, and in it you received it from the Audit Division of OCF and you indicate that this audit is being referred to the Office of the General Counsel of OCF, for whatever action is deemed appropriate to complete its investigation.

It is now the first part of June, so can you give us some indication of where things stand in terms of closing out this -- this matter?

MS. MONTGOMERY: Yes.

And I would ask Mr. Stanford to approach, but as you know, the audit report was issued in January and the recommendation of the audit branch was that certain findings be referred to the Office of the General Counsel for further investigation.

The General Counsel's Office did schedule a hearing on those issues and the matter at the

present time is under -- it's still under investigation.

MS. BRIZILL: Could I ask the General Counsel whether or not the -- the responding party has responded in terms of attending the hearing or is it Counsel has?

MR. SANFORD: Yes, they -- the committee was represented by Counsel and we did conduct hearings and those hearings are under review.

MS. BRIZILL: Okay.

MR. SANFORD: And we will issue an order at the completion of the review of those hearings.

MS. BRIZILL: Okay. Thank you.

MR. BENNETT: Any other public matters to be brought before the Board today?

This has got to be a record. It's a record for me.

The time, not even 30 minutes. Actually, I was a few minutes late, so that puts us at about 25 minutes.

Anything else from Ms. Lewis?

MS. LEWIS: No.

MR. BENNETT: Mr. Gill?

MR. GILL: No.

MR. BENNETT: Anything else from the Executive

Team?

MR. MCGHIE: No.

MR. BENNETT: Okay. Then the meeting is
adjourned.

Thank you so much for attending.

(Whereupon, the meeting concluded at 10:43
a.m.)