

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

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In Re: Initiative Measure No. 70,)
“The Prohibition on Corporate)
Contributions Initiative of 2012”)
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_____)

Administrative Hearing
No. 12-06
Re: Certification of Initiative for Ballot
Access

MEMORANDUM OPINION AND ORDER

On February 14, 2012, D. Bryan Weaver, a registered qualified elector in the District of Columbia (hereinafter “Mr. Weaver”), filed with the Board a proposed initiative measure titled “Fair Elections to Restore the Public Trust Initiative of 2012 (“the Initiative).” The proposed initiative was published in the *D.C. Register* on February 17, 2012. On February 27, 2012, the Board held a special meeting to determine whether the Initiative was a proper subject for the initiative process in the District.¹ On the same

¹ D.C. Official Code § 1-1001.16(b)(1) provides as follows:

Upon receipt of each proposed initiative or referendum measure, the Board shall refuse to accept the measure if the Board finds that it is not a proper subject of initiative or referendum, whichever is applicable, under the terms of title IV of the District of Columbia Home Rule Act, or upon any of the following grounds:

- (A) The verified statement of contributions has not been filed pursuant to §§ 1-1102.04 and 1-1102.06;
- (B) The petition is not in the proper form established in subsection (a) of this section;
- (C) The measure authorizes, or would have the effect of authorizing, discrimination prohibited under Chapter 14 of Title 2; or
- (D) The measure presented would negate or limit an act of the Council of the District of Columbia pursuant to § 1-204.46.

date, the Board ruled that the Initiative was a proper subject for initiative, and formulated the Initiative's official short title, summary statement, and legislative text. At that time, the name of the Initiative was changed to "The Prohibition on Corporate Contributions Initiative of 2012," and it was designated as Initiative Measure No. 70.

On March 13, 2012, the Board issued to Mr. Weaver a petition form with which to collect signatures in support of the Initiative, and advised him that the deadline by which to submit the petition in order for the Initiative to appear on the November 6, 2012 General Election ballot was July 9, 2012. The Board also instructed Mr. Weaver that, in order for the Initiative to be placed on the ballot, the petition submitted in support of the Initiative must contain the signatures of at least five percent (5%) of the District's registered voters, and that that number in turn must include the signatures of at least five percent (5%) of the registered voters in at least five (5) of the eight (8) District wards, based upon the latest count of registered voters as of at least 30 days before the date on which the petition was submitted.²

On July 9, 2012, Mr. Weaver submitted a petition in support of the Initiative that contained 1,844 pages and 30, 359 signatures. Based upon the date that the petition was

² D.C. Official Code § 1-1001.16(i) provides as follows:

In order for any initiative or referendum measure to qualify for the ballot for consideration by the electors of the District of Columbia, the proposer of such an initiative or referendum measure shall secure the valid signatures of registered qualified electors upon the initiative or referendum measure equal in number to 5 percent of the registered electors in the District of Columbia: Provided, that the total signatures submitted include 5 percent of the registered electors in each of 5 or more of the 8 wards. The number of registered electors which is used for computing these requirements shall be consistent with the latest official count of registered electors made by the Board 30 days prior to the initial submission to the Board of the initiative or referendum measure[.]

The last publication of voter registration statistics indicating the official count of registered voters District-wide and by ward and taken at least 30 days before the petition was filed was issued on May 31, 2012.

submitted, in order for the Initiative to be placed on the ballot, the petition had to contain the signatures of at least 23,298 registered voters and meet the requisite ward distribution requirements.³ Upon receipt of the petition, the Board's staff reviewed the petition pursuant to its standard procedures for determining whether a petition supporting an initiative contains the requisite number of signatures, and whether those numbers met the qualifying percentage and ward distribution requirements.

After the completion of the petition verification process, the Board's staff determined that the petition submitted in support of the Initiative did not meet the statutory requirements necessary in order for the Initiative to appear on the November 6, 2012 General Election ballot. Specifically, the petition only contained the signatures of 21,572 of the District's registered voters – 1,726 signatures fewer than are necessary for the Initiative to be placed on the ballot. Moreover, the petition did not meet the ward distribution requirements, garnering the signatures of five percent (5%) of registered voters in only four (4) of the eight (8) District wards.

On August 8, 2012, the Board convened a hearing concerning the sufficiency of the Initiative petition. During the hearing, the Board's Executive Director, Clifford D. Tatum, presented the Initiative's Petition Verification Report, which outlined the staff's findings ("the Report").

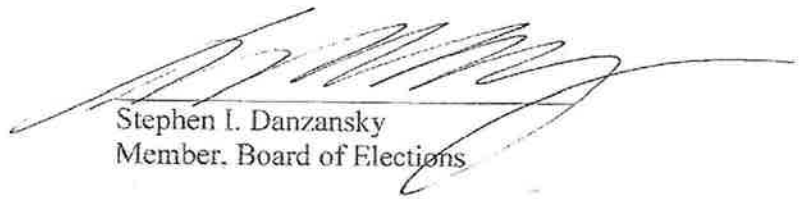
Based upon the findings contained in the Report regarding the results of the petition verification process for the Initiative, and based further upon the public testimony of the Board's Executive Director, including his responses to questions by members of the Board regarding the thoroughness of the review process, its conformity

³ See the attached Initiative No. 70 Petition Verification Report for the number of signatures by ward required for ballot access.

with Board of Elections regulations and procedures, and the quality controls employed to minimize error, the Board hereby:

- 1) adopts the Report and incorporates the same into this Order;
- 2) certifies that the petition submitted in support of Initiative Measure No. 70 is numerically insufficient; and, accordingly,
- 3) certifies that Initiative Measure No. 70 shall not appear on the ballot for the November 6, 2012 General Election.

August 8, 2012



Stephen I. Danzansky
Member, Board of Elections

Devarieste Curry
Member, Board of Elections



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

MEMORANDUM

TO: Board of Elections

FROM: Clifford D. Tatum
Executive Director

SUBJECT: Petition Verification Report for Initiative Measure #70, “The Prohibition on Corporate Contributions Initiative of 2012 (“the Initiative)”

DATE: August 8, 2012

After executing the Board’s standard procedure for verifying the number of registered voter signatures contained in the petition supporting Initiative Measure #70, “The Prohibition on Corporate Contributions Initiative of 2012,” the Board’s staff has determined that the petition does not meet the statutory numerical requirements necessary to certify the measure to the ballot as set forth in D.C. Official Code §1-1001.16(o)(1). **It is, therefore, my recommendation that the Board reject the petition as numerically insufficient.** An overview of the petition verification process, and a summary of its results, is provided below.

Overview of the Petition Verification Process

The petition verification process is conducted to determine whether a petition to present an initiative measure to the electorate contains the minimum number of registered voter signatures required to place the measure on the ballot. The required minimum is five percent of the duly registered voters within the District of Columbia, and five percent of the duly registered voters in at least five of the District’s eight election wards. *See D.C. Code Official Code §1-1001.16(i)* (“The proposer of ... an initiative ... measure shall secure the valid signatures of registered qualified electors upon the initiative or referendum measure equal in number to 5 percent of the registered electors in the District of Columbia: Provided, that the total signatures submitted include 5 percent of the registered electors in each of 5 or more of the 8 wards.”) The number of voters used to determine the numerical requirements must accord with the latest published registration totals in effect at least 30 days before the petition was filed. *Id.* For the Initiative, the voter registration statistics as of May 31, 2012, as shown in the table below, are applicable:

WARD	Registered Voters as of May 31, 2012	5% of Registered Voter Total
1	56,981	2,849
2	47,225	2,361
3	59,589	2,979
4	61,551	3,077
5	61,872	3,094
6	67,350	3,367
7	56,271	2,813
8	55,132	2,757
Citywide	465,971	23,297 (23,298)

The petition verification process detailed in our *Standard Procedures for Verification of Initiative Petitions* has four basic steps:

- First, the Board’s staff uses the voter registration system to verify that the circulator of each petition page has a valid D.C. address. Pages not circulated by individuals with a valid D.C. address are rejected at the outset. This determination is based solely on the address that the circulator provides in the affidavit of the circulator.
- Second, the name, and address of each petition signer is checked against the voter registration system to determine if the petitioner was registered to vote at the residence address listed on the petition at the time the petition was signed, as required by law. Only those petition signers whose names and addresses are found to match the Board’s registered voter file are entered into the petition checking program as “verified registrants.”
- Third, the total number of verified registrants is compiled by the registration system to determine whether the petition contains a sufficient number of registered voters to proceed to the signature verification stage, in which the actual signatures on the petition are examined.
- Fourth, where the total number of verified registrants is determined to have met the minimum signature requirement, a random sample of signatures is drawn for comparison to the original voter signatures on file in the Board’s records. The validity rate of the randomly

selected signatures in the sample is then used to make a statistical determination of the sufficiency of the petition as a whole, at the required confidence level of 95 percent.

Summary of Findings

The petition for the initiative filed on July 9, 2012. The petition contained 1,844 pages and 30,359 signatures. After completing the procedures for verifying the voter registration status of petition circulators and signers – steps 1, 2 and 3 in the process outlined above – the total number of registered voters listed in the petition was found to be 21,572, a total of 1,726 below the minimum required signatures of 23,298. Therefore, the petition failed to meet the five percent District-wide requirement.

After completing steps 1-3 of the verification procedure outlined above, the Board determined that the total number of duly registered voters in the District of Columbia whose names and addresses were contained in the petition was found to be sufficient in 4 of the 8 wards. Specifically wards 1, 3, 4 and 6 met the required minimum signature requirement. However, wards 2, 5, 7 and 8 fell short of the required minimum needed to qualify for ballot access. Therefore, the petition failed to meet the five percent requirement from five of the eight wards.

As reflected in the table below, the requirement for Ward 2 fell below the minimum requirement by 338 signatures, Ward 5 fell below the minimum requirement by 351 signatures, Ward 7 fell below the minimum requirement by 1,391 signatures, and Ward 8 fell below the minimum requirement by 1,930 signatures.

WARD	5% of Registered Voters Required	No. of Verified Registrants Found
1	2,849	3,465
2	2,361	2,023
3	2,979	3,724
4	3,077	3,402
5	3,094	2,743
6	3,367	3,966
7	2,813	1,422
8	2,757	827
Citywide	23,297 (23,298)	21,572

The determination that the petition did not contain the required minimum number of duly registered voters dictated that the verification process come to an end at this point, without proceeding to the signature sampling stage.

Based on the foregoing results of the verification of the petition for Initiative Measure #70, we have determined that: (1) the petition submitted in support of the Initiative does not meet the statutory District-wide and ward numerical requirements necessary for the Initiative to be certified to the ballot, and; (2) the Initiative should, therefore be rejected by the Board pursuant to D.C. Official Code §1-1001.16(i).

cc: Kenneth J. McGhie, General Counsel

ATTACHMENT 1: Registrar of Voters Memorandum re: signature requirements (March 12, 2012)

ATTACHMENT 2: Board's Published Voter Registration Statistics (as of May 31, 2012)

ATTACHMENT 3: Verification Printout Insufficient petition signatures by Ward (August 8, 2012)



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



March 13, 2012

MEMORANDUM

TO: Kenneth McGhie
General Counsel

FROM: Karen F. Brooks
Registrar of Voters

SUBJECT: Initiative Measure #70 "The Prohibition on Corporate Campaign Contributions Initiative of 2012"

As you are aware, the petition submitted in support of Initiative Measure #70, "The Prohibition on Corporate Campaign Contributions Initiative of 2012", must contain the signatures of five percent of the voters registered in the District of Columbia, provided that this total includes five percent of the registered voters in each of five or more wards. Pursuant to D.C. Official Code §1-204.102, this number is based on the "latest official count of registered voters by the Board of Elections and Ethics which was issued 30 or more days prior to the submission of signatures..." While the requirement cannot yet be determined, I have calculated, for the information of the proponent and opponent, what this requirement would be if the most recent voter registration figures published by the Board were used.

WARD	Registration as of February 29, 2012	Signature Requirement (5% of Registered Voters)
1	56,264	2,813
2	46,516	2,326
3	58,903	2,945
4	60,873	3,044
5	60,586	3,029
6	66,339	3,317
7	55,398	2,770
8	53,959	2,698
Citywide	458,838	22,942

Memorandum to Kenneth McGhie
Initiative #70
March 13, 2012

Proponents and opponents are advised to check with the Board on a monthly basis as new statistics are issued to get up-to-date estimates of the signature requirement.

In addition, the 180 day period for circulating the petition pursuant to D.C. Official Code §1-1001.16 (j)(1) expires on Monday, September 10, 2012 at 5:00 p.m. Should the proponent wish to place this measure on the ballot at the November 6, 2012 General Election, the petition must be submitted by no later than 5:00 p.m. Tuesday, July 9, 2012.



**D.C. BOARD OF ELECTIONS AND ETHICS
MONTHLY REPORT OF VOTER REGISTRATION STATISTICS**



**CITYWIDE REGISTRATION SUMMARY
AS OF MAY 31, 2012**

WARD	DEM	REP	STG	OTH	NP	TOTALS
1	41,723	2,784	811	205	11,458	56,981
2	29,289	6,132	278	172	11,354	47,225
3	38,477	8,196	383	152	12,381	59,589
4	48,550	2,577	594	187	9,643	61,551
5	50,307	2,156	575	177	8,657	61,872
6	48,660	6,046	574	208	11,862	67,350
7	47,285	1,399	463	132	6,992	56,271
8	45,027	1,482	506	207	7,910	55,132
TOTALS	349,318	30,772	4,184	1,440	80,257	465,971
<i>Percentage By Party</i>	74.96%	6.60%	.90%	.31%	17.22%	100.00%

**District of Columbia
BOARD OF ELECTION AND ETHICS
Monthly Report
of
VOTER REGISTRATION STATISTICS
and
REGISTRATION TRANSACTIONS
as of the end of**

MAY 31, 2012

Covering Citywide Totals by:
WARD, PRECINCT AND PARTY

*One Judiciary Square
441 4th Street NW, Suite 250N
Washington, DC 20001
(202) 727-2525
<http://www.dcboee.org>*

Ward	Valid Signatures
1	3465
2	2023
3	3724
4	3402
5	2743
6	3966
7	1422
8	827
Total	21572
Needed	23298
Short	1726

Status Type	Invalid Counts
Address Mismatch	3116
Address/Mismatch Inactive	54
Blank Lines	6565
Date Signed Missing	8
Duplicate Signatures	1590
Illegible	446
Information Missing	63
Name Mismatch	59
Not Eligible	417
Not Registered	2922
Not Registered at Signing	20
Valid	21572
Voter Status Inactive	33