



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
June 7, 2017

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, June 7, 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 present and Board Members Dionna Lewis and Michael Gill were also in attendance. 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 10:49 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on May 3, 2017 were moved for approval and adopted without objection.

Chairman Bennett raised a Board matter: Next month’s scheduled meeting would fall the day after the July 4th holiday, and so the Board will likely reschedule that meeting earlier to June 29th or 30th. The finalized date will be announced via the Board’s website.

Ms. Miller gave the Executive Director’s report.

- The Counsel took action at its May 16, 2017 legislative meeting of the whole and voted to pass an act permanently moving the date of the primary election to the third Tuesday in June.
 - The new primary election date allows the board to comply with the Federal and Military Voters Overseas Empowerment Act -- the MOVE Act -- which requires the ballots to be mailed to Military and Overseas Voters at least 45 days prior to a Federal election.
 - The election date will be June 19th, and nominating petitions become available on January 26, 2018. The last date to file the nominating petitions will be March 21st.
 - The Challenge Period for will be March 24th through April 2nd and the early voting period will begin at One Judiciary Square on June 4th.
- The Mayor has signed off on the Board’s funding request to upgrade our voter registration system, and the Council has approved capital funding for that project.
 - Once funding has been completed, we will be working with the Office of Contract and Procurement and the Chief Technology Officer’s office on securing a vendor.
 - The likelihood of this being implemented prior to the beginning of the election cycle next year is questionable. We’ll be able to work this in a parallel manner through the beginning of the election cycle next year until we get this done.

- Chairman Bennett stressed the importance of transparency and getting the public to identify parts of the registration process they have deemed difficult in order to address those concerns when procuring the new system.
- All social media accounts have been changed to reflect the Board's new name without the word "Ethics." Accordingly, all social media accounts will omit the final "e," and the Board's website will now be www.dcboe.org. The Board's Twitter and Facebook accounts are: @votefordc and facebook.com/votefordc, respectively.

Mr. McGhie presented the General Counsel's report.

Mr. McGhie gave a litigation status report: We have four matters pending in court, one concerns the Fair Wage DC Initiative and the three remaining deal with petitions for enforcement of Office of Campaign Finance fines. At the last board meeting, the board rejected the petition's signatures submitted by the One Fair Wage DC as being numerically insufficient. The proponents of that initiative filed an appeal in D.C. Superior Court on May 15th. The board has 60 days to answer the complaint. The remaining matters are pending in court and we are awaiting a hearing schedule on the merits.

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

- New committees that registered with OCF in May include the following: Mary Che, Cheh 2018, City Council Ward 3, Registered on May 8, 2017. The People of DC and Small Business PAC, Registered on May 8, 2017.
- OCF held entrance conferences on May 19, 2017. The participants were Mary Cheh, Candidate, Cheh 2018, Matthew Frumin, Treasurer, Cheh 2018, Clinton LaSueur, Treasurer of The People of DC, and Small Business.
- OCF Audit Branch conducted 8 desk reviews.
- OCF has ongoing field audits of the following committee: Vince Gray, 2016.
- OCF has 1 periodic random audit, which has been initiated on the April 1st, 2017 report: the Citizen's Outreach Fund.
- OCF issued five final audits during May: The Re-Elect Vincent Orange 2016, issued on May 18, 2017; D.C. Democratic State Committee, issued on May 1, 2017; Ward Three Democrats issued May 1, 2017; Ward 8 Matters, issued May 19, 2017; and Mayor Bowser's Constituent Service Fund, issued on May 18, 2017.

Mr. William SanFord presented the General Counsel Report

- The Office of the General Counsel conducted 22 informal hearing and issued 23 orders including the following: Eighteen orders for failure to timely file reports were issued in which no fines were imposed; four orders for failure to timely file reports were issued in which a total of \$6,100 in fines were imposed; and one order based upon a noncompliance order in which a fine of \$5,100 was imposed was also issued during the month of May 2017.
- The Office of the General Counsel imposed fines against the following respondents and the fines totaled \$11,200. \$1,450 in fines were imposed against Holmes for Ward 8. A fine of \$1,750 was imposed against Toliver for Ward 4. A fine of \$1,450 was imposed against Gertrude Stein PAC. A fine of \$1,450 was imposed against Zuckerberg for Attorney General. A fine of \$5,100 was imposed against Brandon Todd for Ward 4 principle campaign committee.

- During the month of May 2017, the Office of Campaign Finance collected \$200 in fines and a \$200 payment of fine submitted by the Re-Elect LaRuby May campaign.
- During the month of May 2017, the Office of the General Counsel maintained 4 open investigations, and they include the following: OCF full investigation 2013-013 into Lee Calhoun. OCF full investigation 2013-014. The Respondent was Stanley Strawter. OCF full investigation 2013-015, internally generated. The Respondent in this matter was Jeffrey Thompson. Finally, OCF full investigation 2017-101. The Complainant in this matter was Aquene Freechild. It was filed on March 7, 2017. The Respondent was Muriel Bowser for Mayor, Principal Campaign Committee, and the infraction was alleged excessive contributions. The order in that particular case was issued on June 6, 2017.
- The Office of the General Counsel completed 1 show-cause proceeding, and that was in the matter of Brandon Todd for Ward 4, which was referred to the Office of the General Counsel pursuant to a non-compliance audit. The fine that was imposed against the Todd Committee was \$5,100, and it was issued on May 30th.

Mr. Sindram raised his public matters:

- He alerted the Board that Friday June 30th, he is due in Court, and he requests the Board meeting for July be scheduled for Thursday June 29th to accommodate his schedule.
- Mr. Sindram requested all recently issued audit reports be delivered to his home.
- Mr. Sindram thinks Campaign Finance should be under the auspices of the Board of Ethics and Government Accountability. He is particularly concerned with the slow resolution of the Brandon Todd matter. Mr. Sindram insists that had OCF issued its finding in a timely matter prior to the election, Mr. Todd would not have been elected to the council.
- Mr. Sindram is seeking a response to his correspondence dated July 9, 2016. He asserts that Campaign Finance has not responded in kind to his letter notwithstanding OCF correspondence dated the day prior to Mr. Sindram's letter.
- Finally, Mr. Sindram again requested a full hearing from the Board on an issue that was determined he did not have standing to bring a complaint on behalf of another citizen. Mr. Sindram insists there is an order granting him a re-hearing on the merits and he would like staff to closely examine the administrative record.
- Mr. Sindram has appreciated Ms. Jennings efforts in accommodating him via teleconference and he insisted she deserved a raise for her efforts.

Ms. Brizill raised her public matters

- Ms. Brizill wanted clarification regarding the Board's relocation to new offices. She would like to know whether or not a decision has been made. If so, she would like to know the location of it and who was consulted and the factors taken into account. And, she would like to know the date of the relocation.
 - All of the final plans and the final positions have not been confirmed as of yet.
 - It is Ms. Brizill's understanding that the specific address has been identified. What is that address, and what factors were taken into account in terms of relocating the offices.
 - Chairman Bennett suggested Ms. Brizill direct her questions to DGS and Ms. Miller and Ms. Collier-Montgomery.

- Ms. Brizill would like to ask some questions about the Office of Campaign Finance and the decision in the Todd case.
 - She wanted the Board to enlighten her in regard to the decision that was made and the fine that was imposed on Mr. Brandon Todd.
 - In the past, each allegation was a separate and distinct infraction with a separate fine. This is not so in the instant case 109 instances of receipts not reported were uncovered during the investigation, but they were not fined individually.
 - Moreover, 456 separate contributions were not negotiated through the bank account, for a total of \$83,187-also counted as one violation.
 - The audit branch did in fact find that with the total receipts, which were reported on the reports of receipts and expenditures that those were, in fact, accounted for through the bank statements and contributor checks as well as the receipts from the credit card company.
 - The audit report clearly indicates that the audit alleged 11 violations of the District of Columbia Campaign Finance Act. So, there is no allegation that there were hundreds of violations of the Act.
 - There were 17 days in which the fines were imposed, and these fines were imposed based upon our schedule of \$50.00 per day for every day of delinquency.
 - This was a noncompliance report, which was sent to the General Counsel's Office for enforcement. It was the failure of the committee to comply with the findings and the recommendations of the audit branch, which was sent for enforcement. This is unlike those cases, which she is referring to, with the exception of the closest one to it is the Gray case, and the Gray case was also a noncompliance audit report, but it started as an investigation in the Office of the General Counsel, which requires that there be an audit of the committee's activity. Also, it is distinguished from the Bowser case. The Bowser case was not referred to the General Counsel's Office as a noncompliance audit. We received a complaint from a member of the public in that case.
 - Ms. Brizill wished the record reflect that she didn't think she got an answer to any of her questions or concerns. The Board and OCF's handling of this matter is not going to go away.

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