

1 GOVERNMENT OF THE DISTRICT OF COLUMBIA

2 Board of Elections

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8 Regular Board Meeting

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13 10:30 a.m. to 11:09 a.m.

14 Wednesday, March 1st, 2017

15 DC Board of Elections

16 Office of the General Counsel

17 One Judiciary Square

18 441 Fourth Street NW. Suite 280N

19 Washington, D.C. 20001

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1 BOARD MEMBERS:

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3 CECILY COLLIER-MONTGOMERY

4 MICHAEL GILL, Board Member

5 KENNETH MCGHIE, General Counsel

6 MICHAEL BENNETT, Chairman

7 DIONNA LEWIS, Member

8 ALICE MILLER, Executive Director

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P R O C E E D I N G S

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CHAIRMAN BENNETT: Good morning. We are

1 eleven minutes late.

2 The meeting is called to order.

3 To my far right, Cecily Montgomery, Director
4 of Campaign Finance. To her left Michael Gill
5 board member, to his immediate left and to my
6 right, Mr. Ken McGhie, general counsel for the
7 election. To my immediate left is board member
8 Dionna Lewis and to her left is Executive Director
9 for the board of elections Alice Miller.

10 Meeting is called to order.

11 First order of business is the adoption of
12 the minutes from the previous meeting, which was
13 held on February 1st, 2017. Do I have a motion?

14 MEMBER LEWIS: I'd like to make a motion to
15 adopt the meeting minutes from February 1st, 2017.

16 COUNSEL MCGHIE: Second.

17 CHAIRMAN BENNETT: All in favor.

18 (Chorus of ayes.)

19 CHAIRMAN BENNETT: It's unanimous. The
20 minutes are adopted.

21 Any board matter from Mr. Gill?

1 MEMBER GILL: No.

2 CHAIRMAN BENNETT: Ms. Lewis?

3 MEMBER LEWIS: No.

4 CHAIRMAN BENNETT: Unanimous. The minutes
5 are adopted.

6 Any Board matters?

7 (Unanimous no.)

8 CHAIRMAN BENNETT: Second order, second item
9 would be the adoption of the agenda for today.
10 Can I get a motion to adopt the agenda?

11 MEMBER LEWIS: I'd like to make a -- move to
12 adopt today's agenda.

13 MEMBER GILL: Move to second.

14 CHAIRMAN BENNETT: Do I have a vote?

15 (Chorus of ayes.)

16 CHAIRMAN BENNETT: All in favor. The ayes
17 have it. It's unanimous.

18 Item No. 3, Board matters. Do you have any
19 matters for us?

20 MEMBER LEWIS: No.

21 CHAIRMAN BENNETT: Public matters? None

1 being heard, so we'll move to Item No. 5,
2 Executive Director's Report, Ms. Miller.

3 DIRECTOR MILLER: This is Alice Miller. Good
4 morning. Happy March, everybody. The first thing
5 I want to talk about is the status of our canvas.

6 Just by way of a short update, as you know,
7 we began to canvas in late January. Canvas voters
8 who did not update their registration at the
9 November general election. We canvassed a total
10 of 154,000 voters. As I indicated before, a
11 canvas takes about six months to complete which is
12 where we are now.

13 We've had 14,101 undeliverable canvas cards,
14 211 belong to individuals who have moved within
15 the District of Columbia, 1004 outside the
16 District of Columbia, 309 deceased, 35 name
17 changes and 6400 individuals have confirmed their
18 addresses.

19 So -- we also received about 278 cards,
20 individuals did not respond at all, did not check
21 any boxes. We will send those individuals another

1 mail notice when we do our second mailing.

2 So, again, it takes about six months. That
3 is where we are in terms of numbers now, and we'll
4 continue to do this.

5 And I do want to thank all the staff who've
6 been working hard to get this completed.

7 Last month, in February, February 17, there
8 was the National Association of Election Directors
9 meeting. It's an annual conference that is held
10 usually during January or February.

11 I want to put on the record that the board
12 did receive an award for -- during that meeting.
13 It was for outstanding state practice award, which
14 is an award that is selected by a panel of three
15 state election directors reviewing submissions
16 that other states or jurisdictions will submit to
17 the election panel for best practice.

18 This year, the District of Columbia was
19 selected for that award, and the award was for
20 Plan B. It's called a -- a position was made
21 called Plan B predicting election worker no shows.

1 This is a certificate, but we have an actual award
2 as well.

3 And what the -- what the staff did, and I
4 want to give credit to the staff for doing this,
5 they came up with a topic and they did research
6 and went through looking at what is it that
7 prevents the poll workers who are selected and
8 trained and sent to a place where they do not show
9 up. They reviewed it, and they came up with, it's
10 not the money, it's not the location. If someone
11 lives in far Northeast and far Northwest, that is
12 eliminated as an indicator as to why they don't
13 show up.

14 But in those instances, they have found that
15 poll workers who are no shows are 'younger'
16 workers. So we still have reliance on the senior,
17 more veteran poll workers. They're more likely to
18 show up. The drop-off comes with the younger poll
19 workers.

20 So, for that submission, we did receive an
21 award. I think we should be proud of that and we

1 are.

2 And, let me see, what else do I have?

3 I do want to say that for this election, for
4 the November election, we did have an average
5 age -- younger age of individuals, 49.8 years,
6 which is down from 61 years old from our 2012
7 election, the last presidential election.

8 Our average poll workers nationwide is over
9 70 years old, so we're happy with the workforce
10 that we have. We're very grateful with our
11 younger senior workers, because we can rely on
12 them. They do come.

13 That said, our equipment has become more and
14 more technically advanced. Senior workers tend to
15 be a little bit more leery of working on the
16 technology, a lot more disenchanted to do it.
17 It's where we're going. We continue to recruit
18 our younger workers and work with our senior
19 workers, you know, during the election.

20 We did have our performance oversight hearing
21 last week before the committee on the Judiciary of

1 Public Safety. As you know, Council Member Allen
2 is the chair of the committee. He presided over
3 the hearing. Hearings are basically a review of
4 the agency's performance over the last fiscal year
5 to current, to date. This year we were requested
6 to submit responses to the budget questions and a
7 bond copy, which I will show you. This is what it
8 ended up looking like.

9 Anybody want to take a read of this and be
10 tested, we'll be happy to do that.

11 Anyway, we did submit six copies of this book
12 to the council. And if you all want one, we have
13 one for you as well. Which is just responses to
14 our questions. Obviously, again, this kind of
15 work requires a lot of time and attention and
16 dedication from the staff.

17 Obviously I could not do this by myself. I
18 just want to again recognize the staff, working
19 hard, to pull all of this together to get this to
20 the council. We had about ten days or so to
21 respond and pull this together to get it to them.

1 This staff should be commended on that.

2 CHAIRMAN BENNETT: Were there major concerns?

3 DIRECTOR MILLER: Yeah, we had two witnesses.

4 One was Michael Benjil (sp), and the other was
5 University Legal Services. They frequently
6 provide testimony in our hearings and their
7 concern is about accessibility at the precinct on
8 election day. So we knew that was coming. I
9 wasn't surprised.

10 We have made significant improvements as it
11 relates to the locations. One of the big factors
12 is the way the schools are open, and we can't gain
13 the kind of accessibility to the schools that we
14 would like for some of the areas where we use the
15 school, because the kids are in multipurpose rooms
16 or in the cafeteria at lunchtime. So, oftentimes
17 we may be in the auditorium or something like
18 that.

19 But, you know, we put that on the record and
20 Council Member Allen has indicated that he, too,
21 wants to meet with and talk with the current

1 chancellor to see what we can do about getting the
2 school closed. That is a big, big challenge, and,
3 it needs to be addressed.

4 I will say this, at the national conference
5 that we had, the National Association of State
6 Election Directors conference that we had in
7 February, there was a presentation by Michelle
8 Bishop, who is with the National Disability Rights
9 Network, and she provided information of where we
10 are nationally with accessibility, and her
11 presentation indicated that in 2000, the national
12 accessibility rate was less -- it was at 84
13 precincts nationally were not accessible.

14 CHAIRMAN BENNETT: Wow.

15 DIRECTOR MILLER: That was in 2000.

16 In 2008, after the passage -- which dealt a
17 lot with accessibility, now 73 percent of the
18 precincts are not accessible, so it is a
19 nationwide problem. And I did indicate that on
20 the record as well.

21 It's not something that is just unique to the

1 District of Columbia. Certainly we are far from
2 that. We have about 21 precincts that we think
3 need to be adjusted for full accessibility but
4 certainly that 73 percent percentage is much
5 higher than where we are, that does not make it
6 right. You know, I just want to make sure that
7 you know we understand where we, in terms of
8 accessibility, where we have to go, and the fact
9 that the schools should be something that we look
10 at to help with election day activities.

11 MEMBER LEWIS: Was there never any
12 consideration of our accessibility contingency
13 plan that we executed this past voting cycle?

14 DIRECTOR MILLER: Yes, we talked about that.
15 Everyone agreed that the coordinators did a really
16 good job and we need to continue with that
17 program. I think there needs to be appropriation
18 put to that because we did pay them and they
19 worked out well. I mean, they coordinated well.
20 We did mention all of that as a response to the
21 budget questions. So again that is where we are

1 with accessibility.

2 Just one other thing. We have two pieces of
3 legislation that we're being asked to provide
4 comment on, later this month, I believe. One of
5 them has to do with providing electronic copies of
6 any voter guide that we produced to do an e-mail
7 to registered voters of the guide. We can do
8 that, we just have to figure out how in the world
9 do we do that because we don't have e-mail
10 addresses for everyone. And even if we did e-mail
11 to households, so I don't know who lives in
12 everybody's household. So if I e-mail you and you
13 have three other people in your household, you'd
14 have to provide the actual hardcopy voter guide to
15 everyone. That's a piece of legislation that is
16 pending.

17 And the other piece has to do with the
18 confidentiality of voters in maintaining their
19 ability not to be on voters rolls. If they are
20 victim of sexual abuse, domestic violence or
21 something of that nature, a couple of categories,

1 so we'd keep their addresses private --

2 CHAIRMAN BENNETT: Okay. Any questions?

3 Mr. Gill?

4 MEMBER GILL: No.

5 CHAIRMAN BENNETT: Member Lewis?

6 MEMBER LEWIS: Who proposed that last
7 legislation?

8 MEMBER MILLER: Oh, by Council Member Allen.

9 CHAIRMAN BENNETT: Okay. One note, that in
10 the last couple of weeks, at least once -- at
11 least twice, while at a restaurant meeting people
12 I didn't even know, came up. I was chair of the
13 Board of Elections and I got two incredibly great
14 compliments of how smoothly the elections ran in
15 the last time. So just random people saying great
16 stuff about us. So...good. Thank you.

17 The other thing is I think we need to have
18 Council Member Allen flesh out this whole matter
19 around e-mailing the guides because it's -- at the
20 end of the day, we have to send out to every
21 household anyway. It will create more work,

1 potentially. But I think also too, the
2 opportunity for them to download information is
3 already there and it may be the answer.

4 MEMBER MILLER: It's on the website.

5 CHAIRMAN BENNETT: That's it for me,
6 Mr. McGhie.

7 COUNSEL MCGHIE: The only thing I have on the
8 agenda is final rulemaking to amend Chapter 5 of
9 the voter registration, and those regulations can
10 be broken down into two parts.

11 The first part is, deals with the Section
12 500, which is a proposed amendment to codify the
13 board's current interpretations of existing law
14 concerning the qualification of electors who are
15 no longer incarcerated.

16 This was a regulation that we proposed to
17 address the issue of people that were in a halfway
18 house, halfway house as being incarcerated. We
19 have people incarcerated in the penitentiary or
20 something of that nature.

21 The second part is Section 515, which is the

1 codified board practice, same registrars to
2 provide resident document and paper or electronic
3 form, so that everybody that has an iPhone or iPad
4 or something like that, they can pull up their
5 utility bill, we'd accept that as well.

6 Both the proposed rule making were published
7 in the D.C. Register on January 20th. The 30-day
8 comment period expired without us getting any
9 comment. So now I'm requesting that the board set
10 down a motion to adopt this as a final ruling.

11 CHAIRMAN BENNETT: Okay. Can I get a motion
12 to adopt the -- amend Chapter 5 of the --

13 MEMBER LEWIS: Sure. I'd like to make a
14 motion to adopt the final rulemaking of Chapter 5
15 of the voter registration as final.

16 MEMBER GILL: Second.

17 CHAIRMAN BENNETT: All in favor.

18 (Chorus of ayes.)

19 CHAIRMAN BENNETT: It's unanimous.

20 COUNSEL MCGHIE: That would preclude my
21 report.

1 CHAIRMAN BENNETT: Thank you.

2 Ms. Montgomery, Office of Finance.

3 DIRECTOR COLLIER-MONTGOMERY: First I would
4 like to report is that also on February 23rd,
5 2017, Will Sanford and I appeared before the
6 Committee on the Judiciary and Public Safety on
7 behalf of the Council to provide testimony on the
8 report of the office of campaign finance
9 performance for the fiscal year '16 and on our
10 plan for fiscal year '17.

11 During the month of February, we did have two
12 filing deadlines. The first was -- well, I guess
13 I need to report on January 31st filing deadline,
14 because during the month of February board
15 meeting, I did not have the status for that
16 report. So January 31st, was the deadline for the
17 report of expenditures for our political campaign
18 committee and our political action committee. We
19 had 131 required filers, 116 timely. We had two
20 who requested extensions and were granted. We had
21 14 committee which failed to file and those 14

1 committees were referred to the Office of General
2 Counsel for the initiation of the enforcement
3 process. 116 of the committee who timely, and
4 that's 100 percent electronically file.

5 With our ANC summary financial report, the
6 report was actually due on January the 17th on
7 2017. And a delinquency letter was sent to the
8 filers who failed to file, giving them an
9 additional period of time, until February 7th,
10 2017 was the new date for the filing of the
11 delinquent report.

12 We had a total number of required filers of
13 469, 347 timely file. We had 122 who late filed.
14 The number to be referred to the General Counsel's
15 office to be determined. We had 345 who
16 electronically file their reports.

17 With the referrals to the Office of the
18 General Counsel, with respect to the delinquent
19 file in January 31st report, the following
20 campaign committees were referred: Oliver from
21 Ward 4, Emily Gumford Treasurer, Lubiberg (sp) for

1 attorney general; Annette Ramsey Treasurer;
2 Patterson from Ward 8, Jack Patterson Treasurer,
3 committee to elect Natalie Williams, Natalie
4 Williams Treasurer.

5 Committee to Elect Colleen Pitt, 2014,
6 Colleen Pitt candidate; Rhea Brandon for Ward 4,
7 Treasurer; Friends of Dion Bionce (sp) Junior,
8 Ernest Williams Treasurer, Home for Ward 8, Steven
9 Sike, Treasurer; Carter At Large, 2014, Bishop
10 Carter Chamber, Brandon Todd for Ward 4, Ben Soda
11 Treasurer.

12 The PAC which were referred to the general
13 counsel's office are District of Columbia Andrew
14 Kline Treasurer, Gertrude Kline democratic
15 political accounts, Jessica Pierce treasurer,
16 Better Leadership Richard Taphon (sp), Treasurer,
17 Statehood Yes, Judith Beth Treasurer.

18 We also had new candidates and committees
19 which registered during February 2017, Ward 1 city
20 council registered on February the 2nd, 2017.
21 Laurie Parker Committee to Elect Laurie Parker for

1 DC Council, Ward 1 City Council, February the 7th,
2 2017. Dustin Canner, Dustin DC Canner for DC
3 Mayor, registered on February the 22nd, 2017;
4 Alpha Ba, Alpha Ba Esquire for Mayor, registered
5 on February the 23rd, 2017.

6 We have held one entry conference during
7 February, and that was on February 16th.

8 The participants were Dustin Carter,
9 candidate, Dustin DC, candidate for mayor.

10 Leah Duggin Treasurer, Alpha Ba, Esquire, for
11 mayor.

12 In our audit branch during the month of
13 February, the audit branch conducted 202 death
14 review of financial reports, which had been with
15 the agency. Audit branch also sent out as a
16 result of those death reviews, 31 requests for
17 additional information.

18 In the audit branch, the ongoing audit
19 consisted of the following. With full field
20 audits of newly elected official, Brandon Cahn,
21 for ward 4 is ongoing.

1 We also initiated a new audit, full field --
2 full field audit of newly a elected official,
3 Vince Grey, 2016. The audit letter was issued on
4 March 1st, 2017.

5 With periodic random audits of candidates in
6 the 2016 election, the re-elect Vincent Orange
7 2016, of the January 31st, 2016 and March 10th,
8 2016, report of receipts and expenditures is
9 ongoing.

10 We initiate four random periodic audits of
11 the January 31st, 2017 filing of the report of the
12 receipt and expenditures, of the following
13 political action committee: DC Dental Political
14 Action Committee, DC Dental Tag State Committee,
15 ward 3, Democrat and SEIU Local 500.

16 And I would now ask the general counsel to
17 give the report for the general counsel's office.

18 MR. SANFORD: Good morning, Mr. Chairman and
19 distinguished members. My name is William SanFord
20 general counsel for the office of company finance.

21 During the month of February 2017, the office

1 of the general counsel received 14 referrals from
2 the public information, the records management
3 division. And we conducted 13 informal hearings
4 and issued 13 orders, which included the
5 following.

6 Eight orders were issued for failure to
7 timely file, in which no fines were imposed. One
8 order was issued for a request for additional
9 information, in which no fine was imposed.

10 Three orders were issued for failure to
11 timely file reports, and which fines totaling
12 \$2,700 were imposed. And one order arising from
13 investigation was issued in which a fine of
14 \$10,000 was imposed.

15 During the month of February, the office of
16 general counsel imposed fines against the
17 following respondents.

18 A total of \$12,700 fines were imposed,
19 including the following: Fine of \$2250 was
20 imposed against the DC Chamber of Commerce.

21 A fine of \$250 was imposed against Home For

1 Ward 8, Quantum, fine of \$200 was imposed against
2 the committee to re-elect Ruby May, and a fine of
3 \$10,000 was imposed Calvin J. Roberts.

4 During the month of February, the office of
5 general counsel collected a total of \$700 in
6 fines. And that fine was paid by the SEIU PAC.

7 During the month of February, the office of
8 general counsel maintained a total of four open
9 investigations. And the only change in those
10 investigations, was the investigation involving
11 Calvin J. Robinson, was concluded.

12 The order in that investigation was issued on
13 the 28th of February. And it included a fine of
14 \$10,000.

15 And finally during the month of February,
16 there were no requests for interpretive opinions
17 and no show cause proceedings were conducted. And
18 that should conclude my report.

19 CHAIRMAN BENNETT: Thank you, Mr. SanFord.

20 Any question? No?

21 COUNSEL MCGHIE: No.

1 MEMBER GILL: Great.

2 CHAIRMAN BENNETT: Does that conclude your
3 report?

4 DIRECTOR COLLIER-MONTGOMERY yes.

5 CHAIRMAN BENNETT: Great. Any public
6 question in regards to the reports?

7 Seeing none, the meeting is adjourned.

8 (Meeting adjourned at 11:09 a.m.)

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20 CERTIFICATE OF SHORTHAND REPORTER

21 NOTARY PUBLIC

1 I, CHRISTINE FOX, Certified Court
2 Reporter, the officer before whom the foregoing
3 deposition was taken, do hereby certify that the
4 foregoing transcript is a true and correct record
5 of the testimony given; that said testimony was
6 taken by me stenographically and thereafter
7 reduced to typewriting under my supervision; and
8 that I am neither counsel for, related to, nor
9 employed by any of the parties to this case and
10 have no interest, financial or otherwise, in its
11 outcome.

12

13

14

CHRISTINE FOX

15

Notary Public in and for the

16

District of Columbia

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18 My commission expires:

19 March 31, 2018

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21