



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS
WASHINGTON, D.C. 20003-4733



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
July 2, 2019

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Tuesday, July 2, 2019 in the Board's Hearing Room, located in Suite 750, 1015 Half Street, SE, Washington, D.C. 20003. Board Chairman Michael Bennett was present, and Board Member Michael Gill participated telephonically. Also present on the dais were Monica Evans for Alice Miller, the Board's Executive Director, Terri D. Stroud, the Board's General Counsel, and Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (OCF).

Call to Order (11:34 a.m.)

BOARD MATTERS (CHAIRMAN MICHAEL BENNETT)

- **Appointment of Terri Stroud, General Counsel**
 - The Chairman announced the appointment of Ms. Terri D. Stroud as the new General Counsel for the Board of Elections.
- **Monica Evans acting on behalf of the Executive Director**
 - Ms. Monica Evans is acting on behalf of Ms. Alice Miller who is on vacation.
- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on May 29, 2019.
- **The resignation of Board Member Dionna Lewis**
 - Ms. Lewis recently submitted her resignation as a Board Member because she has been nominated to the Office of Employee Appeals Board.
 - She passed the committee vote, and she is waiting for the full Council's vote on her nomination for that board.
 - The Mayor nominated Ms. Karen Greenfield to replace Ms. Lewis on this board.
 - MR. GILL: I would like to remark that our loss will be the Labor Board's gain. It was a real pleasure to have served with Dionna.
 - MR. BENNETT: I echo that sentiment as well.
- **Statement regarding Board hearings or matters decided during the previous month**

- *Hammond v. Smith-McDermott*— Philip Hammond appealed a resolution issued by Advisory Neighborhood Commission 7B that found no vacancy existed in the Office of the Advisory Neighborhood Commissioners for Single Member District 7B04. The Board determined that challenger Hammond did not meet the burden of proving that Commissioner Nicole Smith-McDermott did not meet residency qualifications necessary to serve as ANC Commissioner for SMD 7B04.
- *Marlin v. Johnson*— Robin Marlin appealed a resolution issued by Advisory Neighborhood Commission, ANC 7B finding no vacancy existed in the Office of Advisory Neighborhood Commissions for Single Member District 7B05. The Board determined that challenger Marlin did not meet the burden of proving that Commissioner Villareal Johnson did not meet the residency qualifications necessary to serve as ANC Commissioner of SMD 7B05.
- The Board issued both orders on June 21, 2019, and they are posted on the Board’s website in the administrative order section; *Hammond v. Smith-McDermott* is Order No. 19-032, and *Marlin v. Johnson* is Order No. 19-033.

OCF JUNE 2019 REPORT (DIRECTOR COLLIER-MONTGOMERY)

- **OCF Participation in Voter Registration Drives**

- OCF partnered with the Board of Elections to conduct community outreach at three sites during the month of June.
- Deloris Ramsey, Supervisory Training Officer, accompanied the Board to these sites.
- The purpose was to provide information on the OCF and the new Fair Elections Program (FEP), and the dates and locations were as follows:
 - June 15, the Mayor's Office on Asian and Pacific Islanders Festival
 - June 19, the Metropolitan Police Department Beat the Streets kickoff event at MPD 1st District in Ward 6, 201 M Street, Southwest, in the Greenleaf Housing Community
 - June 26, the Metropolitan Police Department Beat the Streets event held in the 7th District in Ward 8 at 1300 Congress Street, Southeast, in Congress Heights

- **Fair Elections Program (FEP)**

- Four new candidates registered to participate in the program.
 - John J. Fanning for Ward 2, City Council registered on June 3, 2019.
 - Daniel Hernandez for Ward 2, City Council registered on June 4, 2019.
 - Kishan Putta for Ward 2, City Council registered on June 26, 2019.
 - Anthony Lamount Dale for D.C. At-Large City Council on June 28, 2019.

- FEP also conducted outreach in the community by visiting the following ANCs:
 - June 5, ANC SMD 1C
 - June 6, ANC SMD 1B
 - June 12, ANC SMD 6B02
 - June 24, ANC SMD 4B
 - June 26, ANC SMD 5B
- FEP met with our vendor on June 19 to view the interim FEP e-filing system and we are still on target to be ready for the July 31 filing date, which will be the first filing date for FEP candidates.

- **Public Information and Records Management Division (PIRM)**

- There were no filing dates during the month of June.
- New candidates and committees who registered:
 - John Fanning, John Fanning for Ward 2 City Council in the FEP, June 3
 - Daniel Hernandez, Daniel Hernandez for Ward 2 City Council in the FEP, June 4
 - Barbara Summers, Candidate for Mayor 2022, June 25
 - Veda Rasheed, D.C. Council Ward 7 Exploratory Committee, June 25
 - Kishan Putta, Kishan for D.C. 2020, Ward 2 City Council in the FEP, June 26
 - Anthony L. Dale, Dale for D.C. At-large City Counsel in the FEP, June 28
 - Save Our Votes DC, a political action committee, registered June 28
 - Save Our Votes DC Independent Expenditure Committee registered June 28
- Conducted entrance conferences on June 10 with the following participants:
 - James Jennings, Candidate, Vote Jennings, Ward 7, DC Council 2020
 - Robin Salas, Treasurer, Vote Jennings, Ward 7 D.C. Counsel 2020
 - Eleanor Ory, Treasurer, Committee to Hold Jack Evans Accountable and Recall Jack Evans Now
 - Robert Diener, Treasurer, Jan Spanning for Ward 2, and Ward 2 Citizens Recall
 - John Fanning, Candidate, John Fanning for Ward 2
 - Jordan Grossman, Candidate, Jordan Grossman for Ward 2
 - Jonah Perlin, Treasurer; Jordan Grossman for Ward 2
 - Daniel Hernandez, Candidate, Daniel Hernandez for Ward 2
 - Brandon T. Todd, Candidate, Re-Elect Brandon Todd 2020
 - Adam Hunter, Treasurer, Re-Elect Brandon Todd 2020

- **Reports Analysis and Audit Division (RAAD)**

- Conducted seven desk reviews of Principal Campaign Committee reports
 - There are four ongoing full field audits:
 - Sheika Reid for Ward 1, initiated August 29, 2018
 - DC Proud 2019 Inaugural Committee, initiated April 22, 2019
 - Committee to Elect Zachary Parker 2018, initiated March 5, 2019
 - Emily for Education, initiated March 4, 2019
 - There are no ongoing periodic random audits.
 - Two audits issued:
 - Frazier O'Leary for Ward 4, issued on June 7.
 - Ward 4 Constituent Service Fund, issued on June 4.
- **OCF Office of the General Counsel (OCF OGC)**
 - No referrals
 - Conducted 20 informal hearings, and issued 20 orders:
 - Ten orders for failure to timely file ANC Summary Financial Statements; no fines were imposed or issued.
 - Two orders for failure to timely file regarding Political Action Committees; no fines were imposed or issued.
 - One order for failure to timely file regarding a Principal Campaign Committee; no fine was imposed or issued.
 - Seven failure to timely file orders; \$20,550 in fines were imposed or issued against the following committees:
 - \$1,650 Carley for Ward 5
 - \$3,150 Kenyan McDuffie 2018
 - \$4,000 Kenyan McDuffie 2018
 - \$4,000 Reid 4 Ward 1
 - \$4,000 D.C. Recovery Act
 - \$2,350 D.C. Bike Life Campaign
 - \$1,300 D.C. Choice IEC
 - No requests for interpretive opinions
 - No new investigations opened
 - No show cause proceedings

EXECUTIVE DIRECTOR'S MAY 2019 REPORT (MONICA EVANS)

- **Canvass Report**
 - The process is still on going and usually takes about eight months to complete.
 - 218,000 voters were canvassed, and we are in the process of beginning to send forwardable cards to approximately 17,600 registered who had mailers identified as undeliverable; these voters will remain on the registry through two additional federal elections as required by law.
 - 181,000 voters provided no response to a canvass; no action is required on those voters

- **Continuing Poll Worker Training**
 - On June 27 we completed the first round of poll worker refresher training with the captains and special ballot clerks.
 - We held 9 captain sessions and 14 special ballot sessions; 251 individuals participated in those refresher trainings, the purpose of which was to increase the quality of poll workers and to address concerns and discrepancies identified during the 2018 election cycle.
- **Council Testimony**
 - The Board submitted testimony before the Council of the District of Columbia Committee on the Judiciary on Public Safety regarding three pieces of legislation introduced for the purpose of increasing voter registration and turnout. The three pieces of legislations, respectively, would:
 - Provide employees with up to two hours of paid leave in order to vote in District elections.
 - Require housing providers and title companies to give voter registration packets to new tenants and homeowners requiring the Board to create a voter registration packet to provide to the Office of the Tenant Advocate and post on our website.
 - Require the Board to solicit opinions from the Attorney General for the District of Columbia and the General Counsel of the Council of the District of Columbia on whether the subject matter of a proposed initiative or referendum measure is a proper subject matter before the Board accepts the proposed measure.

BOE OGC MAY 2019 REPORT (TERRI STROUD)

- **Litigation Status**
 - *William Hunt v. the D.C. Board of Elections*. Mr. Hunt filed a complaint in federal court on October 18, 2018, asking that the court require the Board to count the write-in votes cast in the November 2018 mayoral contest. Because the number of write-in votes cast in the mayoral contest was not sufficient to elect a write-in candidate, the Board was not required to tabulate the votes cast for individual write-in candidates in that contest.

The Board was not made aware of the complaint until April 15, 2019 due to filing and service errors on the Plaintiff's part. The Board was not formally served until April 26, 2019. The Board filed a motion to dismiss on Wednesday, April 24, 2019. We are awaiting the Court's decision in that matter.

- ***James Butler v. the D.C. Board of Elections***. Mr. Butler filed a complaint in Superior Court on April 15, 2019 for a Writ of Mandamus to compel the Board to accept the D.C. Term Limits Initiative as a proper subject. The scheduling conference for this matter is set for July 19, 2019.
- ***Graham v. the D.C. Board of Elections***. This matter involves the Board's appeal of a permanent injunction issued in the D.C. Superior Court on December 12, 2018 preventing the Board from taking any action on the Referendum 008 petition. The permanent injunction was entered on the basis that the Board had failed to provide adequate public notice of the meeting at which the Board formulated Referendum 008's short title and summary statement. The proposer of Referendum 008 also appealed, and our appeals were consolidated. The Board and the proposer filed a joint brief and appendix on June 26, and the appellee's brief is due on July 26.

- **Rulemaking**

- The three final rulemakings that the Board acted on during its regular meeting on May 29 were sent to the D.C. Register on May 29 after the board's meeting. However, they have not yet been published because they were not accompanied by rulemaking transmittal forms. The rulemaking transmittal forms have been sent, and the three rulemakings will be published in next week's D.C. Register.

- **Public Matters**

- **Dorothy Brizill**

- **Board's Council Testimony**

Ms. Brizill said that the Board of Elections did not present testimony at the hearing referenced by Mrs. Evans, and requested a copy of the Board's testimony.

Mrs. Evans responded that the Board did not provide in-person testimony at the Council hearing, but did provide written testimony. Mr. Bennett indicated that we would provide the testimony to Ms. Brizill.

- **Telephonic Participation by Board Members**

Ms. Brizill asked about the rules regarding Board Members participating on the telephone at Board meetings.

Ms. Stroud responded that 3 DCMR 102.3 provides that, at the discretion of the Chairperson, any Board member may participate in a meeting of the Board by means of a video conference, telephone conference, or by any means of communication by which all persons

participating in the meeting are able to hear one another, and such participation shall constitute presence in person at the meeting.

- **Website Improvements**

Ms. Brizill asked if there has been any effort to improve the website in terms of information that is posted on it.

Ms. Stroud responded that the Board has been making improvements to the website, taking into account some of the suggestions Ms. Brizill has made, particularly with respect to administrative orders, which can now be sorted by date, number, or subject.

- **New General Counsel**

Ms. Brizill asked what the board's process was for Mr. McGhie no longer being the General Counsel and for Ms. Stroud being appointed General Counsel.

Mr. Bennett responded that the Board made the determination that it was time to make a change, that Mr. McGhie moved on to another position, and that the Board decided to appoint Ms. Stroud as the General Counsel. Mr. Bennett further stated that the Board did not post the General Counsel position for filling, but rather acted under its authority to appoint the General Counsel and Executive Director of the Board of Elections, as well as the Director of OCF.

Mr. Gill stated that the full Board was involved in the decision making process, and fully supports Ms. Stroud as General Counsel.

- **Michael Sindram**

- **FEP**

Mr. Sindram was concerned that Deloris Ramsey, who was listed on the agenda for the June 24th ANC 4B meeting agenda as the FEP Manager, did not appear at that meeting, and was therefore unable to respond to questions he had concerning the FEP.

Director Montgomery explained that Erick Jackson is the FEP Manager. Tamika Hayes of the FEP staff explained that the FEP staff did not receive confirmation from the ANC that FEP would be placed on the agenda until after 4 p.m. on the day of the meeting, which was too short of a notice for FEP staff to adjust to make sure that they could attend. Ms. Hayes indicated that FEP staff would more than likely be at the next ANC 4B meeting to field questions about the FEP.

Mr. Sindram also asked what the FEP was about. Mr. Bennett gave a brief explanation of the FEP, stating that the FEP allows persons running for certain offices to receive public funds. FEP Manager Jackson added that the FEP is a publicly-funded program that allows the District of Columbia to provide public funding for people running for elections.

- **La Roya Huff**

Mr. Sindram expressed his belief that a conflict of interest is presented by Ms. Huff serving both as ANC Commissioner for SMD 4B09 and as Councilmember Brandon Todd's constituent services person.

- **Term Limits for Elected Officials/Outside Employment for Councilmembers**

Mr. Sindram expressed his support for term limits, and his disapproval of Councilmembers having outside employment.

Adjournment (12:31 p.m.)