

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
October 5, 2016

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, October 5, 2016 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, as were Board Members Dionna Lewis and Michael Gill. 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 10:35 a.m.

The meeting agenda was approved and adopted with an amendment to the General Counsel’s portion of the agenda to include emergency legislation to amend Title 3, DCMR Chapter 8.

The minutes of the last regular meeting on September 7, 2016 were moved for approval and adopted without objection.

Chairman Bennett noted for the record that the Board meeting for November will be moved to as of yet undetermined later date. Notice will be sent as soon as possible. The Chairman also noted for the record that the purpose of the public matters in item 4 is for there to be any discussion or questions for matters from previous meetings, while item 8 is a place to lodge inquiries on matters heard today. The Board will take those questions on the record and respond accordingly either through publication or at the next meeting.

Ms. Dorothy Brizill asked for clarification on the bifurcation of public matters. Chairman Bennett confirmed her understanding of the operating procedure, and she raised four public matters.

- Staff needs to maintain the Board's website and to update it and keep it correct. The organizational chart that is on the Board's website is at least two years old. There is no current staff listing on the website. The site should accurately reflect judiciary square as the only early voting center with paper ballots, and the emergency legislation allowing Election Day address changes in a voter’s new precinct should be clearly explained on the website.
- Questions the legality of relocating Pct. # 42 located in ward 1 into ward 4. She is concerned that such a move is not only disruptive but it lends itself to mischief in terms of people getting the wrong ballot especially for ANC contests.
- The date changes for early voting by beginning earlier and ending a day earlier were not explained in the minutes, and while Ms. Brizill surmised that the changes were in an effort to prepare for the election the following week, she would like to know the reasons for the change in light of the election calendar being set almost a year in advance. Ms.

Miller confirmed the date changes formally made during the September Board meeting were to accommodate preparation for the election; however, the period has been extended by opening two days earlier. The information is on the website. The voter guide will have that information in it. The Board will also send out a singular post card with that information on it also.

- Ms. Brizill inquired about the vacant Public Information Officer position with the Board. Her concerns are that a persistent pattern of hiring PIOs shortly before—and in one case a mere week before—an upcoming election leaves them at a tremendous disadvantage due to the steep learning curve.

Mr. William H. Taft introduced a resolution to adopt his song to honor Dr. King and the Voting Rights Act and for this honorable board to adopt it and use it to improve your voter registration systems. Chairman Bennett responded that the Board needs to determine whether it has the authority to do adopt Mr. Taft’s song to use it and then the Board has to make some decisions as to whether or not it makes sense and is consistent with our efforts to increase voting.

Ms. Miller gave the Executive Director’s report.

- Mr. Arlin Budoo presented polling place relocations for final approval:
 - Precinct Number 42, which is Mt. Rona Baptist Church is not fully ADA accessible for the Board's use; accordingly, Mr. Budoo proposed relocating and combining with Precinct Number 49, Raymond Recreation Center, located at 3725 10th Street Northwest. This is a Ward 1 location being relocated to Ward 4.
 - **BOARD ACTION:** Board approved the relocation subject to confirmation from the Office of the General Counsel regarding relocation outside of a designated ward.
 - The Board sent a mailer to eligible voters encouraging them to register to vote; however, that mailer inadvertently went to some registered voters giving them the impression that they were purged from the voter rolls. Those individual voters were not removed from the voter rolls, and will receive a post card advising them of the mistaken mailer.
 - Ballots have been finalized and the Board will have 551 different ballot styles to account for the myriad ANC contests. The ballot has been designed with particular emphasis on these contests to assure poll workers give voters the correct ballot.
 - With respect to security, the Board has been working in concert with the FBI, the Chief Technology Officer for the District of Columbia, Homeland Security and others to ensure that the Board's system is free from interception by unknown or unauthorized individuals. Mr. Antoine Fagan, the Board’s Chief Technology officer, explained the redundancies in the system and is confident that voters will have a positive voting experience on Election Day in the District of Columbia.
 - The Board uses MacAfee Orchestrator to provide malware trafficking as well as Landesk to do vulnerability searches and using other certain products that we utilize to actually leverage that technology and being proactive in protecting our infrastructure.
- The Board aims to train 2,400 poll workers. 400 have already been trained for early voting which will start on October 22nd.

- We've been able to procure an additional 120 poll books for this election, which would bring our total poll book number to 900.
- The Board's after election report from the June election is available on our website.

Mr. McGhie presented the General Counsel's report.

Mr. McGhie introduced a proposed party name, "Economic and Protection Party," and the chairman's name is Assah Mustafah and his address is 1211, 5th Street Northeast and his voter registration number is 00M109409. Odera Mustafah is the vice chair and Dara A. Bullock is the treasurer. And their registration numbers respectively are 160052577 and 090011861 and they both filed their statement of organizations with the Office of Campaign Finance so they are in compliance there as well.

- **BOARD ACTION:** The Board unanimously approved the proposed party name "Economic and Protection Party."

Mr. McGhie introduced the Fair Minimum Wage Act of 2017 petition for adoption by the proponent.

- Ms. Ramirez, representing Mr. Eun Chang, adopted the petition on the proponent's behalf.
- "Initiative Measure Number 77 Short Title, District of Columbia Minimum Wage Amendment Act of 2017 Summary Statement. If enacted, this initiative will gradually increase the minimum wage in the District of Columbia to \$15 hourly by 2020, gradually increase the minimum wage for tipped employees so that they receive the same minimum wage directly from their employer as other employees by 2026. Beginning in 2021, require minimum wage to increase yearly in proportion to increases in the consumer price index. The minimum wage increase under the initiative will not apply to DC government employees or employees of DC government contractors."
- **BOARD ACTION:** The Board unanimously approved the petition form adopted by the proponent's representative.
- Registrar Brooks explained the 180-day period for circulating the petition pursuant to DC Code § 1-1001.16(j)(1) expires on Monday, August 3rd, 2017 at 5:00 p.m.

Mr. McGhie presented the litigation status:

- ***Ameer Flippin v. DCBOE***-- Mr. Flippin wanted to appear on the ballot for the Office of President of the United States, but he did not have any presidential electors and did not want to name any presidential electors. So the Registrar of Voters could not process his nominating petition because it was incomplete. Mr. Flippin took that as a Board refusal to allow him to be on the ballot, and he went to court. The Board filed a motion to dismiss as being premature as there was no order issued by the Board. The Court of Appeals granted the Board's Motion to Dismiss on September 26.

Mr. McGhie introduced emergency and proposed rulemaking. Write-in votes will only be tabulated in contests where an individual has timely filed an affirmation of write-in candidacy and there is either no candidate printed on the ballot in order to determine a winner or the total number of write in votes reported is sufficient to elect a write in candidate. The amendment to recount procedures delineates the procedures and rules for conducting a recount.

- **BOARD ACTION:** The Board unanimously approved the emergency amendments.

Mr. McGhie introduced the newest staff member in the office of the General Counsel, Ms. Rachell Coll.

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

- September 15th OCF held its first onsite training for candidates for the Office of Advisory Neighborhood Commission member for the candidates from Wards 1 and 8. OCF will have three trainings which are scheduled this month. One on October the 6th for candidates from Wards 2 and 7, October the 13th for candidates from Wards 3 and 5 and October the 20th 22 for candidates from wards 4 and 8.
- OCF had 1 referral to the Office of the General Counsel for the failure of a Political Action Committee to attend the OCF entrance conference.
- OCF held three entrance conferences during the month of September: September 9th, 2016 the participant was Marcus Bachelor, candidate Marcus from Ward 8; September 12th, 2016, Judith N. Batty, Treasurer/Statehood YES!; September 23rd, 2016 there were two participants: Aaron Holmes, candidate Holmes for Ward 8, and Jameka Anderson, Treasurer of Ward 8 matters.
- OCF has expanded its outreach efforts to ANC candidates. OCF will be offering onsite training to highlight reporting requirements of those candidates and specifically: the contribution limits, which are \$25 for ANC candidates; campaign literature disclosures; and ANC candidates must file a summary financial statement after the Board certifies the elections of the ANC election, which is due within 60 days after the date of the certification.
- OCF Audit Branch conducted 17 desk reviews of financial reports that have been filed.
- The ongoing full field audits of newly elected officials are as follows Brandon Todd for Ward 4; Brianne for D.C.
- OCF has ongoing periodic audits of the following committees: Re-Elect Vincent Orange 2016; Carter for D.C.; and Friends of Jimmy Calomiris.
- Initiated periodic random audits of the Professional Insurance Agents Political Action Committee, and the DC Building Industry Association Political Action Committee.
- Initiated random audits of the Committee to Elect Jaclyn Smith 2016 School Board, Klokkel at large, Carter for DC, and Friends of Jimmy Calomiris.
- Issued 7 audit reports: Potillo for counsel of 2016 September 8th; Robert White at large September 21st; The Professional Insurance Agents PAC September 12th; D.C. Building Industry PAC September 6th; Committee to elect Jaclyn Smith 2016 September 21st; Klokkel At-Large September 8th; and LaRuby May 2015 September 30th.

Mr. William Sanford presented the General Counsel Report

- The Office of the General Counsel received 3 referrals and conducted 5 informal hearings and issued 7 in which no fines were imposed.
- The Office of Campaign Finance collected \$500 towards a fine of \$1,000 from former school board candidate, Villareal Johnson during the month of September 2016.
- The Office of the General Counsel maintained a total of 5 open investigations and no new investigations were opened.

Mr. Michael Sindram recounted the litigation status with respect to the case of Mr. Ameer Flippin and asked for clarification. Mr. McGhie explained that Mr. Flippin was never denied

ballot access. He never submitted the information to fill out the forms to get ballot access. In order to have ballot access for the Office of President, you have to give the name of the three electors and he refused to do so. From Mr. Sindram's layman's perspective, it appears that hyper-technicalities have led to an abrogation of Mr. Flippin's rights and that should not happen.

Mr. Sindram also inquired about a hearing with respect to a grant rescission in ANC 4A.

Mr. Sindram formally requests a written response from OCF regarding his letter sent July 9, 2016. According to Mr. Sanford, Mr. Sindram has been provided a response on the 8th of July and what he did he took our response, wrote over it and re-submitted the same question that we have already responded to. We advised him that we did not have jurisdiction over the matters that he is concerned with and we are not the proper forum for him to seek redress in this letter that was provided him on the 8th of July. For the record, Mr. Sindram, will not receive a hearing at the Office of Campaign Finance on these matters because we do not have jurisdiction over these matters.

Mr. Sindram complained that he has made numerous OCF FOIA requests in writing and in person and he wishes to know when he can receive the requested information. Chairman Bennett said the Board will make an assessment as to his request once meeting with Ms. Montgomery.

There being no further business before the Board, the meeting adjourned at 12:06 p.m.