



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
November 15, 2018

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Thursday November 15, 2018 in the Board’s Hearing Room, located in Suite 750, 1015 Half Street, S.E., Washington, D.C. 20003. The Board’s Chairman Michael Bennett was present, and Board Member Dionna Lewis also attended. Additionally present on the dais were Kenneth McGhie, the Board’s General Counsel; Cecily Collier-Montgomery, Director of the Office of Campaign Finance; and Alice Miller, the Board’s Executive Director.

Chairman Bennett called the meeting to order at 11:04 a.m.

We have another Board Member, which I need in order to conduct the business officially. I’m going to open up the meeting, our November meeting now, and go through the various agenda items.

Ms. Collier-Montgomery gave the Director of Campaign Finance report:

- On November 2, the Office of Campaign Finance visited at least 12 of the 14 early voting sites, and on November 6, we visited 98 of the 143 precincts. We did not observe any infractions of the campaign finance laws.
- The Fair Elections Amendment Act of 2018 became effective on May 5, 2018. In addition, the provisions of the Act became effective on November 7, 2018.
 - The Office of Campaign Finance is developing information to inform the public of the requirements of the Act, and the fact that the Fair Elections Amendment Act provides for the public financing of campaign operations in the District of Columbia.
 - OCF met with a planning committee for having the public involved in the process, in terms of trying to determine the best way to do outreach to the public.
 - Approximately eight members of the public from various organizations in the District of Columbia appeared, and I would like to thank those members of the public.
- On October 1, 2018, the reports of receipts of expenditures were due in the Constituent Service Program. There are nine required filers. In addition, all nine timely filed their reports, as well as electronically filed their reports.
- October 1st was also the deadline for the filing of the report from the Senator, Representatives, with respect to the statehood funds. There are three required filers. All three filed.
- October the 10th was the deadline for the filing of reports of receipts and expenditures by principle campaign committees, and political action committees who were participating in the 2018 election cycle.
 - 117 required filers; 95 timely filers; 8 late filers; 14 failures to file. 22 referrals to the Office of the General Counsel for enforcement.

- October the 10th was also the deadline for the filing of the reports of receipts and expenditures by our independent expenditure committee. We have five required filers, and four timely files, and one late filer, who was referred to the Office of the General Counsel for the enforcement process.
- There was also an eight day pre-general election report of receipts and expenditures, which was due on October the 29th.
 - 97 required filers; 76 timely filers; 3 late filers; 18 failures to file. 21 referrals to the Office of the General Counsel for enforcement.
 - Also, the independent expenditure committees were requires to file an eight day pre-general election report of receipts and expenditures. 5 required filers; 4 timely; 1 late.
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- There were seven new candidates and committees who registered: Kerry Heim, Education Tomorrow's Leaders, Ward 4, State Board of Education, registered on August the 29th, 2018; Ameer Flippin, Ameer Flippin for Mayor 2018, registered on August the 31st, 2018; Frazier O'Leary, Frazier O'Leary for Ward 4 State Board of Education, September the 7th, 2018; Joe Henchman, Attorney General, September the 13th, 2018; and Ethan Bishop-Henchman, Council Chair, September the 13th, 2018.
- Our Audit Branch during the month of October conducted 131 desk reviews. Also in our Audit Branch, our ongoing audits, we have one full field audit, Sheika Reid for Ward 1, which was initiated on August 29, 2018.
- Periodic random audits of candidates in the 2018 election with respect to the January 31, 2018 filing would be the Kenyan McDuffie 2018, initiated on March 22, 2018.
- The continuing committees in the 2018 election of the June 10, 2018 filing. Anita Bonds, 2018, initiated September 11, 2018.
- We have periodic random audits in the Constituent Service Program of the October 1, 2018 filing. Mayor Bowser's Service Fund, Our Ward 5 Citizens Outreach Fund. the audit notification letters were issued on October the 22nd. The records reviewed to the audit staff by November 4, 2018.
- We issued an audit during the month of October. That was a list of 2018, which was issued on October the 22nd, 2018.
- We did have a new candidate committee that registered during October 2018. Asar Mustafa, Shadow Senator, who registered on October 11, 2018.

William SanFord presented the report of the General Counsel.

- During the month of October 2018, the Office of the General Counsel received 23 referrals. Twenty-two of the referrals were from the public information in the records management division. Three of those referrals were withdrawn before they were scheduled for hearings. The remaining one referral was received from the Reports Analysis and Audit Division.
- During the month of October 2018 the Office of the General Counsel completed 17 informal hearings, and issued 17 orders, which included the following: Six orders regarding failure to timely file reports of receipts and expenditures were issued, which

imposed fines that totaled \$4,350 dollars. And 11 orders regarding failures to timely file reports of receipts and expenditures in which no fines were imposed were also issued.

- During the month of October 2018 the Office of the General Counsel imposed fines against the following respondents: A fine of \$1,850 dollars was imposed against Ambrose Lane, Jr., candidate for Council-at-Large. A fine of \$500 dollars was imposed against University Start Up Incubator Committee. A fine of \$500 dollars was imposed against the Committee to Elect Natalie Williams. A fine of \$500 dollars was imposed against the Committee to Elect Khalid Pitts, 2014. A fine of \$500 dollars was imposed against Carter at Large, 2014. Finally, a fine of \$500 dollars was imposed against Paterson for Ward 8.
- Office of the General Counsel collected a total of \$1,700 dollars in fines, which included a fine of \$1,500 dollars from Jeffrey Thompson, which is in installment payment. That was part of an agreement that was reached between Mr. Thompson and the Office of the General Counsel in December of 2017. A fine of \$200 dollars was paid by Sheila Bunn, a candidate for Ward 8 in 2016 election.
- The Office of the General Counsel received one complaint filed by Craig Holman, PhD on October 24, 2018 against the Re-Elect Muriel Bowser Principle Campaign Committee. The alleged infraction was campaign contribution violation. That complaint was dismissed, and the order was issued on October 31, 2018. The complaint alleged that the Re-Elect Bowser Principle Campaign Committee had made an excessive in-kind contribution to the Dionne Reeder campaign, by inviting Ms. Reeder to attend as a guest at a get out the vote rally that was being sponsored by the Re-Elect Bowser Campaign.

Mr. McGhie presented the General Counsel's report.

- Emergency and proposed rulemaking to amend Chapters 30, campaign finance operation, Section 3014, constituent services program.
 - **MS. COLLIER-MONTGOMERY:** The purpose of the rule is to increase the amount of expenditures that can be made from constituent service programs which are established by the mayor, and also by members of the Council from 40,000 in any one calendar year to 60,000.
 - **BOARD ACTION:** a motion to approve the regulation as final was tabled until quorum was reached.
- Litigation status update. Ameer Flippin v. D.C. Board of Elections. Mr. Flippin filed a complaint in Superior Court. He was a write in candidate, and he wanted his name to appear on the Board's website as a write in candidate. He filed a complaint in Court on August 31. We filed a motion to dismiss. It was argued on October 5. The Court dismissed the complaint on November 1st.
- I would like to do at this time if I may, is that there is a new employee in the Office of the General Counsel. Ken Strickland, and he will be serving as an intern.
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Chairman Bennett Okay. We're going to take about a 30 second stop here, and ask Ms. Lewis to come in. And then what I'd like to do is to certify the election, attend to the other three matters.

Ms. Miller gave the Executive Director's report.

- We conducted the November 6th general election a couple of weeks ago. We had 500,511 registered voters of that time. The total ballots cast for the election was 231,700.
- The turnout was 46.12 percent of registered voters, as compared to the last light election, which was the 2014 general election for the mayoral general. It was 38.45 percent.
- Early voting for this election that was 22.6 percent of the total ballots cast. This in comparison to the 2014 early voting, we saw 15.3 percent of the total ballots cast.
- The December 4th special election. We will do that with respect to the State Board of Education, for that ward.
- We will have 20 precincts open for that election. Because we have the equipment available we will have two, quote, ballot boxes per precinct.
- One of the things I think that we need to do, and this is putting the Council on public record, on notice, is that we really need more money to get more ballot counting machines.
- Board member Lewis: And let me also just apologize for my delay this morning. I was on a pre-conference call with a judge.
- CHAIRMAN BENNETT: Okay. What I'd like to do now then is, let me start at the top. And we need to adopt the agenda. Although we've been, I skipped around on the agenda. But I want to adopt the agenda, as we have moved so far.
- I want to adopt the minutes from the last time. We have a regulation that Mr. McGhie needs to get a motion for, and for us to adopt. And then also, we need to certify the election. So, let me start out by getting a motion to adopt the agenda as we have modified this morning.
 - **BOARD ACTION:** agenda and minutes from last meeting were adopted.
- We have a file and rulemaking to amend Chapter 30, Campaign Finance Operations, Section 3014, Constituent Services Program. The Board adopted that as emergency in proposed rulemaking on September 5th, at its regular scheduled Board Meeting. It was published in the D.C. Register on September 14th. The 30 days for comment expired. No comments are received. And I would like the Board to entertain a motion at this time to adopt it as final.
 - **BOARD ACTION:** regulations adopted as final.
- MS. MILLER: Thank you. I'm going to read the names of the winners into the record, and ask the Board to certify the following winners of the election from the November 6th general election for the following offices.
 - All winning candidates were named into the record and the results can be found on the Board website and the transcript of this meeting (pgs. 30-33).
 - **BOARD ACTION:** The Board certified the results of the November 6th General Election.
- I can imagine 2020 is going to be a huge election, both the primary and the general, with a huge voter turnout for both of those elections. Something like maybe we've never seen nationally and locally. And we absolutely need to be prepared for it.
- I would also like to recognize the fact that you have the best staff ever, as it relates to performing the functions needed for this election. They worked their fingers to the bone. And I mean it.

Mr. Michael Sindram presented public matters:

- I took advantage of early voting at 441 Judiciary Square. However, I don't recall an Advisory Neighborhood Commission election for 4B02. Is that because there were no candidates, or not open? Or was that maybe just an omission? Or anybody know? 4B02.
 - If there were no candidates listed on your ballot then that means that no one filed to be a candidate. Let me see what our results show for 4B02.
- The upcoming Ward 4 education election. My question is, the precincts in Ward 4, will each of them have paper and touch tone available for the voters?
 - MS. MILLER: Yes. We'll have paper and touch screen ballots available. Both will be available.
- What preparation in addition is being done to alert voters in Ward 4 that this crucial, critical election, Board of Education, is taking place December 4th?
 - MS. MILLER: December 4th. Everyone will receive a notice in the mail for the December 4th election. I know you do not have access to the internet. But it's also on the website. We will do everything in our power to make certain that everybody knows, which was part of the reason why we were passing out flyers at every Ward 4 precinct on Election Day.

Mr. Benjamin Crane presented public matters:

- My name is Benjamin Crane. I live in the single member district of ANC 7B03. I mounted a write in campaign for that office. I don't believe I heard my name in the write in list.
 - MS. MILLER: Yes. There were only write in candidates for that. Let me check into it and follow up. Okay. There's only write ins.
- MR. SINDRAM: And that is, I took, with early voting, 441. So, on November 4th will that be available? Or we will be relegated to our assigned voting precinct?
 - MS. MILLER: December 4th the precincts will only be open in the wards. We will not have any early voting.

There being no further business before the Board, the meeting adjourned at 11:55 p.m.