



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



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**November 18, 2016**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Friday, November 18, 2016 in the Board’s Hearing Room, located in Suite 280 North, One Judiciary Square, 441 4<sup>th</sup> 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, William Sanford, the General Counsel of the Office of Campaign Finance (“OCF”), and Alice Miller, the Board’s Executive Director.

**Chairman Bennett** called the meeting to order at 10:42 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on October 5, 2016 were moved for approval and adopted without objection.

**Chairman Bennett** congratulated Board staff for the successful administration of the Presidential General Election.

**Ms. Miller gave the Executive Director’s report.**

- The general election was held on November 8<sup>th</sup>. Early voting began on October 22<sup>nd</sup> at One Judiciary Square. Satellite stations opened in all eight wards beginning October 28<sup>th</sup> and remained open until Friday, November 4<sup>th</sup>. 14 days of early voting were conducted and the Board processed 100,077 voters.
- We had a 65 percent turnout for the November election. That’s a higher turnout than we’ve had in recent times 312,000 voters that voted in this election. The last presidential election, there was a 60 percent turnout.
- It appears that our election management system, our VR system, while making sure that duplicates did not transition over, it managed to delete some of the voters totally from the system. It was about 1 percent or less of the voters that were not transmitted to the poll pads. It’s a problem with the VR system.
- The VR system is now 26 years old, and in need of implementing a totally new VR system; while it was able to maintain a level of success for this election cycle, its future is questionable.
- We did have the usual issues with poll workers providing incorrect ANC ballots to some of the voters. We know of one specific incident which has occurred. the only recourse is to challenge Board-certified results in the Court of Appeals.
- Ms. Miller noted for the record that ballot clerks in cabinets are continuously and tirelessly trained to look and make certain they provide notice with the right ANC ballot; however, voters are also responsible for making sure that they have the right ANC ballot.

The Board did highlight ANC contests on the ballot this time around to call attention to the ANC.

- As required by law, the Board did conduct the manual audit. (a hand tally of the election this week). The Board randomly selected eight precincts, one from each ward, and a citywide race which happened to be electors in president and vice president, and randomly selected three contests for audit, and one that Ms. Miller randomly selected
  - Randomly selected precincts include: precinct 24, ward 1; precinct 4 in ward 2; precinct 27, ward 3; precinct 48, ward 4; precinct 139, ward 5; precinct 127, ward 6; precinct 104, ward 7; and precinct 118, ward 8. Audit results are available online on the Board's website.
  - The Election winners for all offices except ANC are as follows: The electors of president and vice president Hillary Clinton and Tim Kaine; At-large member of the Council David Grosso and Robert White; Ward 2 members of the District of Columbia Council Jack Evans; Ward 4 member of the Council for the District of Columbia, Brandon Todd; Ward 7 member of the District of Columbia, Vincent C. Gray Ward 8 member of the council, Trayon White; At-large member of the State Board of Education, Ashley Carter; Ward 2 member of the State Board of Education, Jack Jacobson; Ward 4 member of the State Board of Education, Lannette Woodruff; Ward 7 member of the State Board of Education, Karen Williams; Ward 8 member of the State Board of Education, Margaret Spachler; and the United States Representative winner, Franklin Garcia. The advisory referendum on the state of the Columbia Admission Act, Resolution 2016 for the referendum: 244,134 votes versus against the advisory referendum, 40,779 votes.
    - **BOARD ACTION:** The Board unanimously voted to certify the election results as read into the record by Ms. Miller.

**Mr. McGhie** presented the General Counsel's report.

**Mr. McGhie** introduced final rulemaking is to amend the Title 3: Chapter 8, entitled "Tabulation and Certification of Election Results." The Board adopted this initially as proposed rulemaking and had it published in the D.C. Register for the 30-day comment period. It appeared in the D.C. Register on September 30, 2016, so the 30 days for comments have elapsed, and there were no comments submitted. The board was counting all of the write-ins, and this regulation would now allow for the board only to count the write-ins if an affirmation of write-in candidacy has been submitted. The Proposed rule the regulations now provide that the person has to pay the recount seven days after we give them the estimated cost of a recount.

**BOARD ACTION:** The Board unanimously approved the finalized regulations

**Mr. McGhie** introduced Mr. Sanford to present proposed rulemaking authored by OCF.

**Mr. Sanford** requested the Board repeal PAC contribution limits during non-election years and a provision that requires business contributors to identify all affiliated entities, whether or not they are making contributions to political campaigns because these provisions are superfluous.

**BOARD ACTION:** The Board unanimously approved the proposed regulations

**Mr. Sanford** announced the statistics for OCF on behalf of Ms. Collier Montgomery as follows:

- October had two filing periods: October 10<sup>th</sup> R&E report—89 required filers; 77 timely filed; 7 late filers; and 5 delinquent filers with 12 referrals to the General Counsel for enforcement proceedings. 8-day pre-general election report due October 31<sup>st</sup>—74 required filers; 62 timely filed; 1 late filer; delinquent filers are yet to be determined.
- OCF Audit Branch conducted 57 desk reviews of PACs; 11 constituent services files; 3 U.S. Senate/Rep files; 34 PCCs 1 Initiative committee and 1 Attorney General Committee.
- The RAAD division issued 26 audit measures and resolved 5 cases; referred 2 cases to the General Counsel.
- The ongoing full field audits of newly elected officials are as follows Brandon Todd for Ward 4.
- OCF has ongoing periodic audits of the following committees: Re-Elect Vincent Orange 2016; and Carter for D.C.
- 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, Klokel at large, Carter for DC, and Friends of Jimmy Calomiris.
- Issued audit reports: Brianne for DC, October 26, 2016; and Friends of Jimmy Calomiris on October 25, 2016
- The General Counsel issued one advisory opinion and that was submitted on the 24<sup>th</sup> of October, 2016; and issued on the 31<sup>st</sup> of October, and the opinion was regarding activities relating to the advisory ballot referendum.

**Mr. William Sanford** presented the General Counsel Report

- The Office of the General Counsel received 12 referrals and conducted 17 informal hearings and issued 17 in which 5 no fines were imposed; and 12 orders were issued with fines that imposed a total of \$17,750.
- The Office of Campaign Finance collected \$500 in outstanding fines.
- 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 11:22 a.m.