



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
December 6, 2017

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday December 6, 2017 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, and Board Members Dionna Lewis and Michael Gill were also in attendance. 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 10:50 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on Wednesday, November 1, 2017 were moved for approval and adopted without objection.

Board Member Gill moved that the Board adopt a proposed 2018 hearing schedule as printed out on the web.

BOARD ACTION: The calendar was adopted by unanimous consent without objection. In consideration of the holiday schedule, the January Board meeting will be re-scheduled from the typical first Wednesday of the month to January 10th.

Mr. Sindram presented his public matters: He proposed to have public comments towards the end of the meeting to address any questions the public may have as a result of the various reports given during the meeting. He appreciated the former protocol allowing two opportunities to weigh in during hearings at the beginning and end. He wanted to ensure that his telephonic accommodation will continue at the Board’s new office. Finally he thanked Ms. Jennings because: “She does a yeoman's job to keep on top and, you know, make certain I'm able to, you know, to be present and weigh in and whatnot.”

- Chairman Bennett noted that he made the decision to make the change for efficiency but Mr. Sindram’s points are well taken. He assured Mr. Sindram he’d take that back to the Board and we’ll discuss that again relative to the placement of public matters.
- Mr. Sindram submitted a letter of August 31st this year to the Board and believes he hasn’t received a written response. So, he will then resubmit it so the Board can act on it in kind.

Mr. McGhie presented the General Counsel's report.

- A proper subject matter determination for an initiative entitled District of Columbia Drug Price Relief Act of 2018
 - The Office of Campaign Finance has indicated that the proposer did not file the appropriate papers, Statement of Contribution and Statement of Organization at the Office of Campaign Finance; however, Mr. McGhie recommended the Board still go forward and hear the case on its merits even though they did not file with Campaign Finance.
 - **Frederick D. Cooke, Jr.**, counsel to the Pharmaceutical Research and Manufacturers of America, more commonly known as PhRMA testified in opposition to the proposed measure. He was accompanied by Ms. Joanne Chan, one of the assistant general counsels with PhRMA.
 - It's the position of PhRMA that the District of Columbia Drug Price Relief Act of 2018 measure is not a proper subject of the initiative because, fundamentally, it appropriate funds.
 - The measure purports to enact legislation that would prohibit any agency of the government of the District of Columbia from paying more for the purchase of prescription drugs than the lowest price paid for that same prescription drug by the United States Department of Veterans Affairs.
 - It would require the expenditure of a significant amount of District funds to implement the program or the legislation in the District of Columbia.
 - Initiatives should not constrict the ability of the counsel to allocate funds and for the Chief Executive, the Mayor, to implement the allocation of those funds.
 - The District would be required to establish a staff, some agency or some administration within an existing agency that would be responsible for identifying drugs, prescription drugs that are to be purchased by the District.
 - If a drug is not purchased by the VA because it doesn't address the needs of its population, this legislation by its terms would prohibit the District from providing it because it says we can only buy drugs that are purchased at the lowest price by the VA.
 - Mr. Cooke also thinks the summary statement is misleading because it says that the legislation will limit the price paid by the District of Columbia government for prescription medications; however, not all prescription drugs purchased by the District will be affected. It's just not true, just those purchased by the VA and the District.
 - **Mr. McGhie** noted for that Mr. Cooke took issue with the summary statement. The Board writes the summary statement and so the Board would only write the summary statement if the Board determines it's a proper subject for initiative.
 - **Mr. Jeffrey Blend**, assistant general counsel for AIDS Healthcare Foundation and proponent of the measure spoke in support.
 - The District of Columbia is already obligated to purchase and provide pharmaceuticals to a range of patients, Medicaid beneficiaries, whoever else. So, in one perspective, the obligation and the appropriation is

already set. The District of Columbia is already going to be purchasing drugs. This is merely addressing how much the District is going to pay.

- This is not a specific appropriation of funds and we believe that the proposed initiative measure is a proper subject matter for a ballot initiative.
 - **Mr. McGhie** requested the Board accept all of the written comments that were submitted to his office, including those submitted by Mr. Cooke, by the Office of the Attorney General and the written comments from his office.
- Mr. McGhie gave a litigation status report: the only matter in court is *Paul Cohn v. the D.C. Board of Elections*. That was an appeal by Mr. Cohn to the Board's September 19th order rejecting his challenge to the initial petition, which was Initiative Number 77, which dealt with the minimum wage. Mr. Cohn filed their Petition for Summary Reversal with the Court of Appeals on October 31st. The Board filed a Motion for Summary Affirmance on November 9th. We await an order from the Court of Appeals.

Ms. Miller gave the Executive Director's report.

- The Board is scheduled to move on December 28th and 29th and the office will be closed on those days. We will move to 1015 Half Street, Southeast. The day of operation here will be December 27th. So, I want to make sure that's on the record. All that information is on our website. We will reopen at the Half Street location on January 2nd. We're also planning to host an open house for members of the public and elected officials for January 17th from 3:00 to 7:00 and on January 19th from 11:00 to 2:00.
- We were required by law to put in place e-petitions -- petition signatures from a mobile app. It's been done and we could not have done it, and I've said it consistently, without the assistance of the City of Denver's Elections Office. The app does not in and of itself allow you to register to vote or to change any aspect of your own registration information. It will take you to the Board's mobile app and an individual will then be able to log onto our website or onto our particular information to change their status which will then come over to registration clerks in the Board's office. It's absolutely necessary for anyone using the app, using the tablets to be trained and we will offer training on a weekly basis.
- **Ms. Collier-Montgomery** explained if candidates are collecting contributions or making expenditures, then they are required to register within five days in the Office of Campaign Finance. Otherwise, if they are not in the process of actively collecting contributions or making expenditures, then picking up nominating petitions would trigger the requirement for them to register in our office within five days of doing that or authorizing anybody else.
- **Ms. Miller** states for the record that we do need sufficient funding in order to run the elections for this year and without it, we run the risk of having things compromised.
- With respect to the E-Petition program, the Board will have individuals on hand for troubleshooting. They'll be given instructions on how to operate it as well and a phone number will be available.
- **Arlin Budoo**, Facility Operations Manager for the Board of Elections, presented a few precinct relocations to the Board as a recommendation to relocate prior to the May primary election.

- Precinct Number 6. Currently located at Georgetown Community Library, we're looking to relocate back to Duke Ellington High School.
- Precinct Number 24 which is Marie Reed Elementary School. We will be looking to relocate back to Marie Reed Elementary School.
- Precinct Number 59, Coolidge Senior High School. Currently, Coolidge is now under renovations and it will not be available for the upcoming mayoral primary election. We are looking to relocate to Tacoma Community Center located at 300 Van Buren Street.
- Precinct Number 91, Watkins Elementary School. This is another site that was not available prior to 2016 general election because of renovations. Those renovations have been completed and the school has now reopened.
- Precinct Number 92, Kenilworth Elementary School which was not available prior to the 2016 general election.
- Precinct Number 113 which currently is East River Washington Senior Wellness Center. I will be relocating to the Hillcrest Recreation Center located at 3100 Denver Street, Southeast due to accessibility issues and space.
- Precinct Number 129, Martin Luther King, Jr. Library, is currently closed for renovations and the renovations are not scheduled to be completed until 2020. I am looking to relocate right next door to the First Congressional United Church of Christ located at 945 G Street,
- Precinct Number 136, Leading Age. We relocated to Leading Age from All Souls Episcopal Church back in 2004 because of accessibility issues at the church. The church is requesting that we relocate to All Souls after they went through a complete renovation of the facility where they did address those accessibility issues.
- The last relocation is the early voting site for Ward 7, Benning/Dorothy Height Library. We are looking to relocate to the Deanwood Recreation Center located at 1350 49th Street and we'll be using the gymnasium at that location.
- **BOARD ACTION:** Unanimously accepted the recommendation of the proposed relocations.

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

- New candidate committees who registered with the agency to participate in the 2018 election cycle include: What's Going On PAC who registered on October 25th, 2017; Anita Bonds, Anita Bonds 2018, City Council at Large registered on October the 30th, 2017; Amone Banks, City Council Fund registered on November 6th, 2017; Sharece Crawford, Crawford for at Large City Council, City Council at Large registered on November 16th; and, Foodservice PAC III registered on November 16th, 2017.
- OCF held three entrance conferences in November: The first one was on November 8th, 2017. The participants were Amone Banks, Candidate at Large City Council, Anita Bonds, Candidate Anita Bonds 2018, Donald Dinan, Treasurer Anita Bonds 2018, Dionne Reeder, Candidate Dionne for DC. On November 28th, the participants were Phil Mendelson, Candidate Mendelson for Chairman 2018, Daniel Wedderburn, Treasurer Mendelson for Chairman 2018. On November 28th the participants were Phil Mendelson, Candidate Mendelson for Chairman 2018, and Daniel Wedderburn, Treasurer Mendelson for Chairman 2018.

- OCF Audit Branch conducted 45 desk reviews of reports of receipts and expenditures among other activities in the division.
- The following periodic random audits for campaigns and PACs include: Brianne for DC 2018 initiated September 27th. The PACs are: the Metropolitan Political Action Committee, initiated September 12th.
- OCF has three periodic random audits which were initiated for Constituent Service Funds including: the Ward 7 Constituent Service Fund; the Ward 4 Constituent Service Fund; and the Do Something Constituent's Fund for Ward 8.
- OCF issued final audit reports during the month of November: Committee to Elect Lori Parker and the audit report was issued on November 1st, 2017.

Mr. William Sanford presented the General Counsel Report

- During the month of November, Office of General Counsel received three referrals.
- During the month of November 2017, the Office of the General Counsel received \$1,250 in fines and the fines were collected from the following respondents: The fine of \$1,000 was collected from the D.C. Chamber of Commerce PAC for failure to timely file a report; and a fine of \$250 was collected from Aaron Holmes for Ward 8 who was a candidate in the 2016 election for failure to timely file a report.
- The Office of the General Counsel maintained 3 open investigations, and they include the following: OCF full investigation 2013-013 into Lee Calhoun. OCF full investigation 2013-014. The Respondent was Stanley Straughter. OCF full investigation 2013-015, internally generated. The Respondent in this matter was Jeffrey Thompson.

Chairman Bennett confirmed that the January Monthly Board meeting has been scheduled for January 10th 2018 at the Board's new location at 1015 Half Street, S.E., Suite 750, Washington D.C. 20003.

There being no further business before the Board, the meeting adjourned at 11:45 a.m.