



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
June 6, 2018

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday June 6, 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 Members Michael Gill and Dionna Lewis also attended. Additionally present on the dais were Kenneth McGhie, the Board’s General Counsel; Cecily Collier-Montgomery, the Director of OCF; and Alice Miller, the Board’s Executive Director.

Chairman Bennett called the meeting to order at 10:44 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on Wednesday, May 2, 2018 were moved for approval and adopted without objection.

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

- On May the 5th, 2018 D.C. Law 22-94, the Fair Elections Amendment Act of 2018, became effective. The act will provide for the public funding of political campaigns in the District of Columbia. The provisions of the act will apply as of November the 7th, 2018 and it is anticipated that candidates who are in the 2020 election cycle will be able to participate in the program. Candidates who participate in the program will be required to obtain threshold numbers of signatures from small, qualified contributors in the District of Columbia.
- The Office of Campaign Finance is in its new location at 1015 Half Street SE.
- New candidates on committees who registered with the agency include the following: Adrian Jordan, Adrian Jordan 2018, State Board of Education, Ward 5, registered on May the 1st, 2018; Ruth Rackenburg, Re-elect Ruth4Schools, State Board of Education, Ward 3, registered on May 3rd, 2018; Marie Johns, Democratic National Committeewoman, registered on May the 10th, 2018; UNITE HERE Local 23 Political Committee, an independent expenditure Committee, registered on May the 2nd, 2018; DC Choice, an independent expenditure committee, registered on May the 4th, 2018; Leadership with Integrity PAC, an independent expenditure committee, registered on May the 18th, 2018; Metro DC Democratic Socialists of America Solidarity DC PAC registered on May the 24th; and University Startup Incubator Committee, an initiative committee, registered on May the 4th, 2018.
- The first report date was April the 1st, 2018, report of receipts and expenditures, which was due on April the 2nd from the Constituent Service programs as well as the Statehood Fund program. All 9 required filers filed timely.
- *With the Senator and Representative*, the Statehood Fund programs, there are three required filers. Two timely filed, there was one late filed.

- April the 10th was the filing deadline for the filing of the second report of receipts and expenditures for committees supporting and opposing Ballot Initiative Number 77. There were two required filers, and both timely filed.
- We had 44 candidates and committees who registered during the month of April. With respect to the names of those candidates and committees, they will be included in our stats which will be available on our website by the close of business today.
- OCF also conducted two entrance conferences.
 - On May the 30th there were six participants, Franco Ciammachilli, candidate, DumpTrump Dems4Action; Eric Atilano, candidate, DumpTrump Dems4Action; Diallo Brooks, candidate, DumpTrump Dems4Action; John Zottoli, candidate, DumpTrump Dems4Action; Todd Bregan, candidate, DumpTrump Dems4Action; Ambrose Lane, Jr., candidate, Ambrose Lane, Jr., At-Large.
 - On May the 31st, 2018, the participants were Earl Williams, candidate, DumpTrump Dems4Action; Steve Lanning, candidate, DumpTrump Dems4Action; Adam Yalowitz, treasurer, Unite Here Local 23 Political Committee; Molly Ruland, candidate, DumpTrump Dems4Action; Bonnie Cain, candidate, DumpTrump Dems4Action; Janeese Lewis, candidate, DumpTrump Dems4Action; Sharece Crawford, candidate, DumpTrump Dems4Action; Zachary Israel, candidate, DumpTrump Dems4Action; Charles Wilson, candidate, DumpTrump Dems4Action; Andra Wicks, candidate, DumpTrump Dems4Action; Walter Deleon, candidate, DumpTrump Dems4Action; Jesse Lovell, candidate, DumpTrump Dems4Action; Sequely Gray, candidate, DumpTrump Dems4Action; Troy Prestwood, candidate, DumpTrump Dems4Action; Stuart Anderson, candidate, DumpTrump Dems4Action; Chioma Iwuoha, candidate, DumpTrump Dems4Action; Joe Weedon, candidate, Re-elect Joe Weedon; Denise Forte, treasurer, Re-elect Joe Weedon.
- The Audit Division conducted 10 desk reviews of the reports of receipts and expenditures received by OCF.
 - We do have periodic random audits ongoing. the candidates of the 2018 election. with respect to the January 31st, 2018, filing. Re-elect Muriel Bowser our Mayor, again, that was initiated on March the 5th, 2018. Kenyan McDuffie, 2018, was initiated on March the 22nd, 2018.
 - Periodic random audits of our Constituent Service programs, and those audits will be on April the 1st, 2018, filing, Phil's Fund for Citizen Service, Ward 3 Constituent Services Fund, and the Evans Constituent Service Fund initiated on May the 7th, 2018.
 - Three audits during the month of May include, the Ward 3 Constituent Service Fund which was issued on May the 1st, 2018; Karl Racine 2018 which was issued on May the 9th, 2018; and the Food Service PAC which was issued on 5/16/18.

Mr. SanFord gave the General Counsel's report.

- The Office of the General Counsel did complete 19 hearings and issued 19 orders which included the following: three orders were issued for failure to timely file reports and one order was issued for failure to sufficiently respond to the request for additional information

in which no fines were imposed. Fifteen orders were issued for failure to timely file reports in which a total of \$23,000 in fines were imposed.

- The Office of Campaign Finance collected one \$50 fine from Thomas Smith who had been an ANC candidate in the 2016 election.

Ms. Miller gave the Executive Director's report.

- Our early voting began Monday at One Judiciary Square and we'll open the other eight early voting sites on Friday and continue through Friday the 15th of June. Hours for early voting are 8:00 a.m., 8:30 a.m. to 7:00 p.m. daily and it includes weekends.
- We provided a voter guide to households with registered voters. A total of 325,000 voter guides were mailed to voters.
- For the record, the initiative that will appear on the ballot is District of Columbia Minimum Wage Act of 2017. Summary statement, if enacted the 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 employees by 2026. Beginning in 2021, require the minimum wage to increase yearly in proportion to increases in the consumer price index. The minimum wage increases under the initiative will not apply to D.C. government employees or employees of the District of Columbia contractors. So that's just the short title, summary statement. We also notified voters that were not affiliated with a political party of their right to vote for the initiative that took place as well.
- We have also done several press releases and posted information via social media regarding the June 19 election and the associated deadlines for registration. The last day to register by mail or any medium that would reach us through other than walking in or registering at the polls was May 29.
- The Board formally collaborated with Nextdoor, a private social media network that connects with neighborhoods first. It was significant in that it's the first time that this national social media network has agreed to partner with an elections agency.
- We have also been going to nursing homes to provide absentee voting to the residents in the homes and to assist them where necessary. In total, we visited 19 nursing homes to date and have had absentee voting there for individuals who are not able to get to the polls or may not have requested an absentee ballot in time.
- We will be going to the D.C. jail to do voter, to do balloting to vote, the residents there who are eligible to vote, on June 13.

Mr. McGhie presented the General Counsel's report.

- The first thing on my agenda is the Formulation of Initiative Language. We have two initiatives.
 - The D.C. Bike Life Access and Use of Non-Traditional Vehicles Act of 2018.
 - The Proposer's name is Aaron S. Butler, Jr. I reside at 4914 8th Street NE, Washington, D.C. 20017.
 - The only real comment the proposer has is that the summary statement does not mention the decriminalization of riding without a permit. That turns that from a fine, from a criminal offense as well.

- MR. BENNETT: Well, and you brought up, it's an important point. So why don't we recess on that and then we'll come back to it.
 - The next initiative that's up for formulation is the Money Supply Increase(+3000) Initiative.
 - The proposer's name is Ameer Flippin, and I am at 1100 Alabama Avenue, Washington, D.C., SE, 20032.
 - You have to take into consideration is the definition of assets from the investor perspective versus income.
 - Part of the problem, or part of the problem here is with the most recent revision that the Board went through is that our focus was on the asset side.
 - We are actually trying to pass a law to allow citizens and recipients of social services in D.C. to invest up to \$3,000 in startup companies.
 - MR. BENNETT: I hear you and I appreciate that. I'm going to let you work with Mr. McGann for the language on this initiative and then we'll reconvene on this matter once you have a chance to do that.
 - MR. McGHIE: Okay, Mr. Butler, so you've had an opportunity to include the language that you wanted on the civil fine.
 - Initiative number 78, short title, District of Columbia Non-Traditional Vehicles Act of 2018. Summary statement, if enacted this initiative will allow individuals with valid driver's license to operate alternative vehicles on public roadways on posted speed limits of 45 miles per hour or lower and on shoulder lanes of highways in the District of Columbia; allow persons to register alternative vehicles with the Department of Motor Vehicles; -- this is the new language -- establish a civil fine of \$100 for unauthorized use; and prohibit individuals from parking alternative vehicles on District roadways. Under the initiative, individuals operating alternative vehicles on public roadways and highways in the District shall not be required to obtain a motorcycle endorsement on their driver's license.
 - MR. McGHIE: If nobody challenges your language it's deemed approved on the tenth day and that's when the Board will issue you your petitions.
 - **BOARD ACTION** Board voted unanimously in favor of the Summary Statement and Short title.
- Mr. McGann presented 12 petitions for enforcement of OCF orders:
 - **BOARD ACTION** Board voted unanimously in favor of enforcement of petitions.
- the following making to amend Chapters 1, 2, 4, 5, 7,8, 17, and 33. The Board adopted these, as proposed rulemaking in April and it was published in the D.C. Register. There were no comments.
 - The purpose of the amendments to Chapters 1 and 4, is to make minor conforming amendments, as a result of the passage of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011.
 - **BOARD ACTION:** Motion to adopt the rules approved unanimously.
- Proper Subject Matter Hearing on the Delegate Voting Rights Act of 2018 Initiative.
 - The proposer's name is: Walter Smith. My address is 700 7th Street, Southwest, Washington, D.C. 20024.

- They met all of the following requirements with the Office of Campaign Finance and expect they are filing a Statement of Organization.
- We are proposing that the Delegate Act, which was passed by the Congress, in the early '70s, which gave the District of Columbia a non-voting delegate, be amended to change the delegate to a voting delegate, but limited to issues that apply, exclusively, to the District of Columbia.
- We propose to give congressional voting representation to District residents, but only on issues that apply, exclusively, to the District.
- it's quite clear that, as between being a local law and a national law, the Delegate Act, itself, was a local law. It was enacted by the Congress, pursuant to its District of Columbia authority and by its very terms, was limited, exclusively, to affording a non voting delegate to residents of the District of Columbia.
- Even if the issue were close, and we do not think it is, but even if it were close, the Court of Appeal's precedents quite clearly provide that, the right of initiative is to be liberally construed.
- The Home Rule Act broadly delegates Congress' authority over the District, under the District clause, to the D.C. Council and the citizens of the District.
- MEMBER GILL: I respect your comment that it's, it's obvious, but, but these are pretty predominant law firms and it's 23 pages and it's taken ten years, at least, before the gentleman at the table came up with it. I feel like the Attorney General's is missing and we are left to carry the Attorney General through this portion of the legal hurdles that we, that we face here. So that's no reflection on the Proponents, but I just wanted to make folks aware that, at least, from my personal perspective, I'm disappointed that the Attorney General didn't weigh in.
- MEMBER GILL: when we get to that question of the operations of Congress, this is the Council telling the Congress what it can do, in terms of how it votes on things
- It's not the District telling Congress what to do, it's Congress telling themselves what to do, through the ratification process?
- MR. MCGHIE: I would just like to leave the record open for any written statement from Ms. Cheh.
- Mr. Flippin, we, we have gotten the reformulation and Mr. McGhie is going to move, move forward on that: Initiative Measure Number 79 Short-term Money Supply Increase, plus \$3,000 Initiative Summary Statement, if enacted, this Initiative will allow all citizen and recipients of Social Services in the District to invest up to \$3,000 in startup companies and to retain the assets, without losing state, federal subsidies and benefits.
 - **BOARD ACTION:** The Board moved to unanimously approve the formulation for Initiative No. 79.

Mr. Randy Spec presented public matters:

- I'm here on behalf of myself and a number of other ANC Commissioners, who've got a total, I think, of about 45 ANC Commissioners, who signed a letter to the Board, asking you to move up the date for circulating petitions; rather than starting on July 9th and leaving only one month for gathering 25 signatures, for ANC candidates, it would begin on June 15th, like all other District candidates.

- Chris Fromboluti, I'm the Vice Chair of the ANC 3/4G, I live at 503012 38th Street, Northwest. Introduced himself for the record.
- It's very difficult, impossible, actually, for a student commissioner to gather 25 signatures from residents, on the campus, once school is out.
- This is totally a regulatory matter, this would be a Board decision. The law only gives a date on that it has to be, petitions have to be submitted by, it doesn't state when you can start.
- CHAIRMAN BENNETT: We will take this under advisement and I will assign Ms. Miller to get back to you, as soon as possible.

Mr. Charles Thornton presented public matters:

- Commend the Board, as well as, the Director, Ms. Miller, on its outreach efforts to educate previously incarcerated individuals, on their right to vote, in the District of Columbia. Not only educating, but, you know, the opportunity for, you know, pretrial individuals, whoever's been sentenced of anything, cast their ballot, is, you know, is just something that needs to be commended, as well as, you know, detained misdemeanors.
- MS. MILLER: Before you go, Mr. Thornton, we want to thank you for working with us and giving us the information that you have, with respect to all the outreach efforts that you've made.

Mr. Michael Sindram presented public matters:

- If I understand you correct, there, there is ten days in which the challenge to formulate a language, where was that done, at the Board in Superior Court?

There being no further business before the Board, the meeting adjourned at 11:49 a.m.