



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
January 6, 2016

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, January 6, 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, Deborah K. Nichols, was present, as were Board Members Stephen Danzansky and Dionna Lewis. 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 Terri Stroud, the Board’s Acting Executive Director.

Chairman Nichols called the meeting to order at 10:37 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on December 2, 2015 were moved for approval and adopted without objection.

Ms. Stroud reported on the Board’s preparations for the 2016 election cycle. Candidates can begin picking up nominating petitions for ballot access on January 22, 2016. The Board has received party plans for the conduct of the Presidential Preference Primary from the Democratic Party. The Republican Party transmitted plans to conduct their elections for Republican National Committee man and woman, and Ward Chairpersons for the D.C. Republican Committee. The Board is currently reviewing and updating forms that will be included in candidate packets, and also in absentee ballot package mailings.

Ms. Stroud reminded the Board that the Council enacted the Primary Date Alteration Act, which moved the District’s primary elections to June, from April for 2016, and to September, beginning in 2018. The most significant changes resulting from this legislation are that same-day registrants with proper residence verification will vote a regular ballot as opposed to a special ballot; voters can no longer vote outside of their assigned precinct; all absentee ballots must be received no later than the close of polls on Election Day; and the time frame for the post-election review of special ballots will be condensed.

Mr. McGhie called Mr. McGann and Mr. Sanford to present petitions for enforcement from the Office of Campaign Finance:

- Christian Carter At-Large. The missing filing is Report of Receipts and Expenditures for December 10th. The fine amount is \$2,000; Bruce Majors, Libertarian for Mayor. The missing report is the December 10th Report of Receipts and Expenditures. The order date was February 26, 2015, in the amount of \$2,000; Martin Sterbal for U.S. Senate. Missing the December 10th Receipt Expenditures Report. The OCF order was effective on February 26th of 2015. The fine amount was \$2,000; Bell for Ward 8. The report missing was a January 31st Report of Receipts and Expenditures. The order date was April 1st, 2015, in the amount of \$2,000; Gaston 2015. The report that was missing was

a January 31st Report of Receipts and Expenditures. The fine amount is \$2,000; and Whitaker 4 Ward 4. The missing report was a January 31st Report of Receipts and Expenditures. The amount of the fine was \$2,000

BOARD ACTION: The Board's motion to authorize the Board's Office of the General Counsel to enforce the Office of Campaign Finance's Orders of Enforcement was approved without objection.

Mr. McGhie presented the litigation status of cases involving the Board:

- *Wingo v. D.C. Board of Elections* involves a challenge to the Board's formulation of the short title and summary statement for Initiative 76, the District of Columbia Minimum Wage Act. The Board filed a summary judgment motion on Friday October 9, the Plaintiff's opposition was filed October 26, the Board's reply was filed November 9, and the Plaintiff's final reply was filed November 23. It is before Judge Ross, and Judge Ross has scheduled a status hearing, to report on his conclusion, on January 29th.

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

- During the month of December in the Office of the Campaign Finance, there was one reporting date, the December 10th due date for the filing of Reports of Receipts and Expenditures. There were 88 required filings, (29 PCCs, and 59 PACs). 75 committees who timely filed. One request for an extension, and that was granted. One late filer. The total number of failures to file was 12, and 13 referrals to the Office of the General Counsel.
- Committees registered to participate in the 2015-2016 election cycle during December include the following: Robert White, Robert White At-Large 2016, At-Large City Council Member, December the 11th, 2015; LaRuby May, Reelect LaRuby May Ward 8 City Council, December the 14th, 2015. Jill Homan, Homan for D.C. NCW, Republican National Committeewoman, registered 12/15/2015. The Higher Ground PAC, registered on December the 14th, 2015. The entrance conferences for these new registrants are scheduled on January the 12th, 2016.
- OCF conducted Entrance conferences on December the 3rd and include the following: Ed Potillo, Candidate, Potillo for Council, Carlton Rectland, Treasurer, Potillo for Council; Drew Franklin, Candidate, Drew for D.C., Danielle Sigwalt, Treasurer, Drew for D.C.; Gabriela Mossi, Chairperson, D.C. Latino Caucus, Jaime Alonso, Treasurer, D.C. Latino Caucus, and Claudia Barragan, official of the D.C. Latino Caucus.
- OCF Audit Branch conducted 75 desk reviews, and sent out 21 requests for additional information, and the full field audit of Gray for Mayor is ongoing.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.; and Elissa 2014.
- The Periodic random audits of the continuing committee Morgan for D.C. is ongoing.
- The audit of 1 constituent service program, concerning the October 1st, 2015 filing is the Yvette Alexander Constituent Service Fund.
- OCF issued audit reports for the following cases: the D.C. Proud Committee, December 14th, 2015; Eric Jones 2014, November 23rd, 2015; Fresh PAC, November 25, 2015; the Libertarian Party of D.C. on November 30th, 2015; and the Citizens Outreach Fund Constituent Service Fund, December 17th, 2015. All audit reports are available for review at OCF's website.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 13 referrals from the Public Information and Management Division.
- The Office completed 2 informal hearings and issued 3 orders including the following: two orders for failure to timely file, reports in which no fines were imposed, and one order was issued pursuant to a motion for reconsideration, in which a fine of \$500 was imposed.
- The Office imposed fines against the following respondent: \$500 fine against Darrell Gaston, a candidate for ANC in the 2014 election.
- OCF collected fines from the following respondents: \$\$225 from Mark Jones, from the Mark Jones Reelection Committee for School Board; \$125 from the Ward 6 Democrats; \$200 from Beverly Wheeler, Beverly Wheeler for Ward 1; and \$100 from John LaBeaume, for the Ward 1 candidacy for the Counsel.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

Ms. Dorothy Brizill expressed concerns regarding two pending pieces of legislation under consideration by the Council: Bill 21-0193, the Ballot Access Modernization Amendment Act of 2015, and Bill 21-0194, the Automatic Voter Registration Amendment Act of 2015.

- With regard to Bill 21-0193, the Ballot Access Modernization Amendment Act, what it would do, in essence, would allow signatures to be gathered by candidates and initiative and referendum proponents on a tablet. She has concerns with regard to how this witness signature requirement would be met. The legislation also requires a mobile app to be developed, and an outside party or a third party having access to the voter database raises security questions. It calls for the Board to provide candidates with tablets, as well as to develop an app, and all of this is supposed to be done within 180 days of passage of the legislation, which would put us in the middle of an election year.
- Bill 21-0194, the Automatic Voter Registration Amendment Act of 2015, which would substantially amend the process by which the Board receives new voter registrations from the Department of Motor Vehicles, by generating and immediately transferring to the Board of Elections, unless an individual did an opt-out on the application. It would require the DMV to capture all sorts of information, and she has concerns about privacy issues.
- **Mr. McGhie** reported that the Board was not consulted on this legislation by the D.C. Council before they introduced it, nor given an opportunity to testify on it. The Board plans on testifying on the legislation and shares her concerns.
- **Ms. Stroud** assured Ms. Brizill that the Board is researching what other jurisdictions are doing.

Mr. William Taft is attempting to get a song he co-wrote adopted via resolution as the official song of the Board to use as a voting registration tool.

- Board member Lewis asked whether Mr. Taft has any actual data that shows the correlation of voter turnout with the playing of this song, and he referred her to his YouTube metrics during the 2008 election of President Obama.

There being no further business before the Board, the meeting adjourned at 11:18 a.m.