

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**January 8, 2020**

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Wednesday, January 8, 2020 in the Board's Hearing Room, located in Suite 750, 1015 Half Street, SE, Washington, D.C. 20003. Board Chairman Michael Bennett and Board Member Michael Gill were present. Also present on the dais were the Board's Executive Director, Alice Miller, the Board's General Counsel, Terri D. Stroud, and the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery.

**CALL TO ORDER** (10:36 a.m.)

**ASCERTAINMENT OF QUORUM**

- Board Chairman Michael Bennett and Board Member Michael Gill constitute a two-member quorum to conduct business.

**ADOPTION OF AGENDA/APPROVAL OF BOARD MINUTES**

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on December 5, 2019.

**BOARD MATTERS**

- The D.C. Council confirmed Ms. Karyn Greenfield to the Board, and we will have a full complement of Board members for the next meeting.

**OCF DECEMBER 2019 REPORT (DIRECTOR COLLIER-MONTGOMERY)**

- **Fair Elections Program (FEP)**
  - New Registrants:
    - Committee to Elect Jeanne Lewis for City Council, At large Council Member, registered 12/15/19
    - Committee to Elect Mario Cristaldo, At large Council Member registered 12/23/19
  - There is a listing of all FEP registrants on the OCF website. There currently are 24 candidates registered in the FEP and 11 candidates registered to participate in the traditional program.
  - Issuance of Matching Payments:
    - Jordan Grossman, \$16,429.00, issued December 12
    - Jordan Grossman, \$10,075.00, issued December 23
    - Patrick Kennedy, \$2,505, issued December 12
    - Janeese Lewis George, \$39,375.50, issued December 12
    - Kishan For DC 2020, \$13,555.00, issued December 12
    - John Fanning for Ward 2, \$2,775.00, issued December 12
    - Yilin Zhang for Ward 2, \$26,040.00, issued December 31

- Yilin Zhang for Ward 2, base payment, \$20,000.00, issued December 31
  - Yilin Zhang for Ward 2 Principal Campaign Committee (PCC) was certified as a participating candidate in the Fair Elections Program on December 31, 2019.
  - Three Candidates seek certification in the FEP that have not met the thresholds to date:
    - Committee to Elect Renee Bowser
    - Kelvin Brown for DC Council Ward 7
    - Daniel Hernandez for Ward 2
  - FEP Outreach
    - No outreach in previous month.
  - FEP Statistics
    - Eighteen desk reviews were conducted in December. Three Requests for Additional Information letters were issued in the month of December.
    - To date in Fiscal Year 2020, there are seven candidates who are certified in the program, and FEP has issued a total of \$202,401.05.
  - FEP Referrals
    - Green for Ward 7 Principal Campaign Committee was referred to the Office of the General Counsel (OCF OGC) for action in connection with denial of contributions on December 19, 2019.
- **Public Information and Records Management (PIRM)**
  - Filings in the month of December:
    - December 1 Reports of Receipts and Expenditures (R&E) due for newly-registered Legal Defense Committee
      - 1 filer, filed timely
    - December 10 R&E Reports for PCCs and Political Action Committees (PACs)
      - 60 filers (7 PCCs & 53 PACs)
      - 53 timely filed (6 PCCs & 47 PACs)
      - 1 late filer (PCC)
      - 2 extensions requested and granted (2 PCCs)
      - 6 failures to file (6 PACs)
      - 7 referrals (1 PCC & 6 PACs)
    - December 10 R&E Reports for FEP PCCs
      - 11 filers
      - 10 timely filed
      - 1 late filer
      - 1 referral
    - December 10 R&E Reports for Independent Expenditure Committees (IECs)
      - 6 filers
      - 5 timely filed
      - 1 failure to file
      - 1 referral

- Nine Referrals to OCF OGC
  - FEPs
    - Green for Ward 7, Ajoke Williams, Treasurer
  - PCCs
    - Vote Jennings, Robin Salas, Treasurer
  - PACs
    - D.C. Pol. Act Candidate Election (PACE) Leola Jenkin, Treasurer
    - Ward One Democrats, Dr. E. Gail Anderson Holness, Treasurer
    - Ward Two Democrats Brandon Frye, Treasurer
    - Credit Union PAC of Washington, DC Rory Murray, Treasurer
    - Greater Washington DC Ins. & Fin Adv. PAC, Matthew Grace, Treasurer
    - Hotel Org. To Elect Leaders, Beverly Wright, Treasurer
  - IECs
    - DC Choice, Daye Pope, Chairperson
- Four new Candidates and Committees registered with OCF in December:
  - Jeanne' Lewis/Committee to Elect Jeanne' Lewis for City Council (At-Large, City Council) 12/15/2019
  - Mario Cristaldo/Committee to Elect Mario Cristaldo (At-Large, City Council) 12/23/2019
  - Franklin Garcia/Franklin for DC 2020 (At-Large, City Council) 12/27/2019
  - Campaign to Decriminalize Nature DC (Initiative Committee) 12/27/2019
- Entrance conference for new candidates and committees was held on December 4, 2019 with 4 participants:
  - Yuh Wen Ling, Treasurer, Friends of Christina Henderson
  - Chuck Thies, Treasurer, Vince Gray 2020
  - Taylor Berlin, Treasurer, Paul Strauss Committee
  - Paul Strauss, Candidate, Paul Strauss Committee
- **Reports Analysis and Audit Division (RAAD)**
  - Conducted 66 desk reviews of financial reports
  - One ongoing full field audit:
    - The Committee to Elect Zachary Parker 2018, initiated on 3/5/2019
  - One ongoing periodic random audit:
    - Re-elect Brandon Todd 2020 PCC, initiated 9/4/2019
  - Two audits issued during November:
    - Emily for Education (Full Field Audit), issued 12/13/2019
    - Phil's Fund Constituent Service Fund (Periodic Random Audit), issued 12/13/2019
- **OCF Office of the General Counsel (OCF OGC)**
  - Received 9 referrals: 1 PCC, 6 PACs, 1 IEC, 1 FEP
  - Issued one order 12/17/2019 OCF FI 2019-001:
    - A fine of \$4,000.00 imposed against Advisory Neighborhood Commissioners Daniel Warwick, Aaron Landry, Randy Downs, Mathew

Sampson Mike Silverstein and Kari Cunningham collectively subject to a reduction to \$1,000.00 if the commissioners complete ethics training with BEGA within 60 days or a schedule prescribed by BEGA.

- OGC has 1 pending interpretive opinion:
  - **Opinion Number 2019-04**—Requested by Jordan Grossman. The issue concerns campaign expenditures related to attendance at local events. This matter is still pending.
- There were no show cause proceedings.

## **EXECUTIVE DIRECTOR’S DECEMBER 2019 REPORT (EXECUTIVE DIRECTOR MILLER)**

- **Certification of Ward 2 Council Member Vacancy**
  - Received notice on January 7, 2020 from Councilmember Jack Evans indicating his intent to resign his position effective 1/17/2020.
    - The Board must conduct a vacancy election within 174 days of the resignation, and the Board has scheduled the contest for June 16, 2020.
    - Director Miller presented a timeline of events:
      - 1/7 Board received notice of resignation
      - 1/8 Board will certify the vacancy during today’s Board meeting
      - 6/16 The Board will conduct the special election
      - FEP & OCF registration cycle for candidates begins today
      - 1/15 The Board will make nominating petitions available for candidates
      - 3/18 The deadline to file nominating petitions with the Board
      - 3/21-3/30 The nominating petition challenge period
      - 4/10 Mandatory filing due for FEP-registered candidates
        - For those seeking to register in FEP, the threshold requirements are at least 150 qualified small dollar contributions from residents of the District which in the aggregate total \$5,000.00 or more with an individual contribution limit of \$50.00.
    - **BOARD ACTION:** The Board voted unanimously to certify the vacancy for Ward 2 Council member, and to set the date for the vacancy election for June 16, 2020.
- **Polling Place Relocations (Mr. Arlin Budoo)**
  - **Final Approval**
    - Precinct No. 105, Benning Park Recreation Center, will be unavailable for the upcoming 2020 presidential primary election due to extensive renovations. We propose relocating to St. John’s Baptist Church located at 5228 Call Place S.E.
      - **BOARD ACTION:** The final relocation of precinct 105 was approved unanimously, and notice will be published in the D.C. Register. This approval is conditioned on a verification of ADA

accessibility by Ms. Terrica Jennings, the Board's ADA Coordinator.

- On December 3, 2019, the Council formally adopted and established a new voting precinct in the District of Columbia that shall be designated as Precinct 144.

- **Voter Education and Outreach Division (VEOD)**

- In the month of December, VEOD staff participated in 9 outreach events listed on the Board's website.

- **June 2, 2020 Primary Election**

- 1/10 Nominating Petitions available
- 3/4 Deadline for submission of petitions
- There is no indication from DCPS regarding school closures for the Primary Election.

## **BOE OGC DECEMBER 2019 REPORT (GENERAL COUNSEL STROUD)**

- Ms. Stroud introduced the OGC's new paralegal, Ms. Tonisha Erskine

- **Litigation Status**

- **William Hunt v. the D.C. Board of Elections.** This matter was filed in US District Court on October 18, 2018 and is a complaint regarding the counting of write-in votes cast in the November 6, 2018 General Election. Mr. Hunt was a Mayoral write-in candidate in that election, and he filed a complaint asking the court to require the Board to count the write-in votes cast in the Mayoral contest.

Briefing in the case is complete and we are awaiting the court's order on the Board's motion to dismiss.

- **James Butler v. the D.C. Board of Elections.** This is an action to compel the Board to accept the DC Term Limits Campaign Initiative and treat it as a proper subject. A conference for this matter took place on July 19. Dispositive cross-motions for summary judgment were due on November 21, 2019, at which time the Board filed its motion for summary judgment, but Mr. Butler did not.
- **Graham v. the D.C. Board of Elections.** This matter involves the Board's appeal of a permanent injunction that was entered by the D.C. Superior Court on December 12, 2018 prohibiting the Board from taking any action on Referendum 8. Briefing in the case is complete, and the Court of Appeals has ordered the case be scheduled for oral argument as soon as the calendar permits.
- **Phillip Hammond v. the D.C. Board of Elections.** This is an appeal of Board Order 19-32, upholding the resolution issued by ANC 7B which found no vacancy in the office of Advisory Neighborhood Commissioner for ANC SMD 7B04. On September 6th, the Court of Appeals consolidated this case with **Robin**

**Marlin v. the D.C. Board of Elections** (see below). On October 9, 2019, the Court issued a briefing schedule ordering the Appellants to file the appendix and their brief on November 18th, and the Board's response would be due on December 18th in both of these matters. The Appellants filed their briefs on December 16, but they did not file an appendix. On January 3, the Court ordered the petitioners to file an appendix within 15 days, and we await their filing.

- **Robin Marlin v. the D.C. Board of Elections.** This is an appeal of Board Order 19-33, upholding the resolution issued by ANC 7B which found no vacancy in the office of Advisory Neighborhood Commissioner for ANC SMD 7B05.

## **PUBLIC MATTERS**

- **Michael Sindram**
  - Mr. Sindram asked the OCF General Counsel, Mr. Sanford for clarification regarding the fines issued in the matter of OCF FI 2019-001 against the six ANC Commissioners.

**Adjournment** (11:13 a.m.)