



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



\* \* \* **MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**July 1, 2015**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, July 1, 2015 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, Deborah K. Nichols, was present, as was Board Member Stephen Danzansky. 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 Clifford Tatum, the Board’s Executive Director.

**Chairman Nichols** called the meeting to order at 10:35 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting on June 3, 2015 were moved for approval and adopted without objection.

**Mr. Tatum** presented the election calendars for the federal and local primary elections held June 14, 2016 as well as the November 8 2016 general election calendar. Important deadlines include: the Board determining the eligibility of political parties to conduct primaries on December 3<sup>rd</sup>; Parties must file notice of intent for the Board to conduct their primary and submit their party plan by December 17<sup>th</sup>; and Nominating petitions for the presidential primaries will be available on January 22, 2016.

**Mr. Tatum** informed the Board that staff is finalizing the after-action report for the 2015 Special Election.

**Mr. Tatum** reported that Mr. Trayon White has not remitted payment for the cost of the recount of the Ward 8 Council Member seat, and the matter may come before the Board for enforcement if payment is not received.

The Council has invited the Board to offer testimony regarding the proposed change of the definition of qualified elector to include permanent resident non-citizens.

**Mr. Tatum** recognized and thanked Ms. Denise Steve for organizing the Board’s summer employee event at Langston Park.

**Mr. McGhie** called upon the proposer of the proposed Initiative, “Fair Minimum Wage Act of 2016” so that the Board could determine whether the proposed measure is a proper subject for initiative. He then explained the criteria for rejecting an initiative, and confirmed that the proponent complied with administrative requirements including filing the necessary paperwork with the Office of Campaign Finance. Mr. McGhie then called all opponents of the measure to testify before the Board.

**Mr. Harry Wingo** of the D.C. Chamber of Commerce testified that, “[d]ue to the impact increasing labor costs will have on all employers[], the result will have a bearing on the District’s revenue forecasts, expenditures, and appropriations.” Mr. Wingo went on to assert that the D.C. Council recently passed legislation raising the minimum wage, and “[s]ince the initiative proposed would interfere with that legislation, any changes should remain within the purview of the legislative process.”

**Mr. Danzansky** asked if Mr. Wingo’s contention is that the proposed measure is an implied or direct appropriation of funds, and Mr. Wingo confirmed that was his concern.

**Mr. Joe Sandler**, counsel for the proponent, responded that this Board cannot engage in an economic study and dynamic analysis to determine if there is some indirect impact on the District revenue. Two Attorneys General have found this is a proper subject for initiative and the Board made that finding last year with respect to a nearly identical measure.

**Ms. Ellen Valentino** of the Association of Convenience Stores and Energy Distributors testified that by exempting employees of the D.C. Government and D.C. contractors from the purview of the measure, that particular class of workers is being discriminated against solely on the basis of their source of income in violation of the Human Rights Act codified at D.C. Official Code § 2-1401.01.

**Mr. Sandler** replied that if Ms. Valentino’s contention is accepted, then the existing living wage law runs afoul of the Human Rights Act because set asides for D.C. contractors are already part and parcel of the law.

**Mr. Eric Jones**, representing Associated Builders and Contractors, Inc., Washington Metro Chapter, raised the specter of renegotiating D.C. government contracts in light of heightened wage requirements for contractors on projects already underway—thereby requiring the allocation of new appropriated funds to existing projects.

**Mr. Kirk McCauley**, representing Washington D.C., Maryland, and Delaware Service Stations, testified that raising the minimum wage in the District to the levels sought by the Initiative will amount to an unbearable economic hardship for a number of local small businesses causing them to shutter their doors permanently.

**Mr. Matthew Hansen**, proposer of the initiative, gave comments in support of the measure. He explained the initiative when enacted will gradually raise the minimum wage to \$15 per hour for all workers and does not require the District to appropriate funds nor negate or eliminate the Council’s budgetary authority.

**Mr. Danzansky** asked the proposer to address Mr. Jones’ contention that the proposed measure would necessarily do things like require contract extensions, and Mr. Sandler explained that the measure would not trigger contract changes because employees of District contractors are specifically exempted from the purview of this law.

**Mr. Danzansky** sought further clarification as to whether such a measure would strip the legislature of a vital function in violation of the Home Rule Act. Mr. Sandler replied that given

the measure does not run afoul of the specific exemptions enumerated in the Initiative Procedure Act, this particular measure is not inherently different than any other policy matter that has been found to be a proper subject of initiative.

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

***McMillan v. D.C. Board of Elections*** concerns the Board disallowing the slate name “The Rent is too Damn High” from appearing on the Primary Election ballot. The Board filed a motion to dismiss on April 10<sup>th</sup>, and Mr. McMillan did not file his response by the April 23<sup>rd</sup> deadline. The Court gave Mr. McMillan until June 3<sup>rd</sup> to file a response, and he filed untimely on June 4, 2015. The matter is currently pending.

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

- June 10 filing deadline of R&E Reports by Principal Campaign Committees (PCC) and Political Action Committees (PACs): 77 required filers; 32 PCCs and 45 PACs; 59 timely filers; 6 extensions requested and granted; 1 late filer; 16 failures to file; and a total of 17 referrals to the Office of the General Counsel (10 PCCs and 7 PACs).
- On June 24, 2015, a new initiative committee named the Public Accountability Safety Standards Initiative Committee registered with OCF.
- OCF held one entrance conference: the participants were Edwin Jones, and Morris Michael, the respective Treasurer and Custodian of Records for the Raise the Wage Initiative Committee.
- OCF Audit Branch conducted 66 desk audits and the full field audit of Gray for Mayor is ongoing. The ongoing periodic random audit for a political committee is: Morgan for D.C. The ongoing periodic random audits for candidate committees are: Committee to Elect Natalie Williams for Ward 8; Barry for Council; Friends of Leon Andrews; The Inaugural Committee 2015; and the D.C. Proud Inaugural Committee.
- The full field audit of newly elected officials are as follows: LaRuby May 2015; and Brandon Todd for Ward 4 (both audit notification letters were issued June 18, 2015).
- OCF issued 2 audit reports: Mayor Bowser’s Constituent Service Fund issued June 18, 2015; and Ruth for Schools issued June 24, 2015. Those audits are available at OCF’s website for review by members of the public.

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

- The General Counsel received 17 referrals from the Reports Analysis and Audit Division, and 2 referrals from the Record Management Division.
- The Office issued 27 orders including the following: 11 orders for failure to timely file reports in which no fines were imposed; 3 orders for failure to timely respond to a request for additional information, in which no fines were imposed; 9 failure to timely file reports in which fines totaling \$15,200 were imposed; and 2 motions for reconsideration in which fines were rescinded and 2 motions for reconsideration which were denied.
- During the month of June 2015, OCF imposed fines against the following respondents: Vonetta Dumas, ANC candidate, \$200; Darrell Gaston, ANC candidate, \$2,000; Walter Barcia, ANC candidate, \$2,000; Chirsty Love Davis, ANC candidate, \$2,000; Milton Bell, Ward 8 Council, \$2,000; Robert Whitaker, Ward 4 Council, \$2,000; Ward 6 Democrats, \$2,000; Committee to Elect Khalid Pitts, \$2,000; and Gertrude Stein Democratic PAC, \$1,000.

- OCF collected \$750 dollars in fines including \$500 from the Libertarian Party and a \$250 dollar installment by Tarek Stevens.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

There being no further business before the Board, the meeting adjourned at 11:39 a.m.