



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
July 7, 2016

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Thursday, July 7, 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, Michael Bennett, was present, as were Board Members Dionna Lewis and Michael Gill. 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 10:45 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on June 1, 2016 were moved for approval and adopted without objection.

Chairman Bennett thanked Ms. Terry Stroud for her incredible service over the last eight months as acting executive director. He also welcomed the new Executive Director, Ms. Alice Miller and thanked her for her interest and willingness to serve the District.

Ms. Miller gave the Executive Director’s report.

- The June 14th primary election was certified on June 28th in a special board meeting.
- The Board conducted a meeting with ES&S on June 27th to review the equipment performance of the DS200 tabulator, the easy vote ballot market device and the 850 tabulator, which is used specifically for our absentee, special and curbside ballots. The Board found generally that the equipment performed well.
 - It was determined that there was something wrong with the operating system on one DS200 tabulator that was replaced early in the day on Election Day because a ballot would not go through.
 - It was determined that the issues associated with certain poll pads’ printers were tied to the acceptance testing. The Board worked with the vendor and processed where acceptance testing has been modified, and we anticipate this will not be a problem in November.
- The Board also met with precinct captains for three sessions between June 29th and June 30th. As it relates to the equipment, the captains felt that the express vote and the DS200 ballot tabulator, as well as the poll pads were very user friendly and a vast improvement over what the board had had in place in previous years.
- Precinct Captains were very happy with the equipment, and they did recommend that we send additional poll pads for November. We have 600 that we have acquired. We would need to purchase or lease 300 more, which would bring us to 900 poll pads.

- The Board did have ADA monitors out this election. This was something new. There were 30 ADA monitors. The captains felt that the monitors were generally helpful and knowledgeable.
- On a somber note, I'm going to indicate that we have had four members of the board staff in the past month. Raymond Bryant whose mother passed, Karen Brooks, whose mother passed, and Ed Everett, whose mother passed. Then, Tamara Robinson lost her mother-in-law just prior to the election.

Mr. McGhie presented the General Counsel's report.

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

- *Wingo v. D.C. Board of Elections* concerns a qualified elector challenging the short title and summary statement of Initiative Measure No. 76, "The District of Columbia Minimum Wage Act of 2016." On April 4, 2016, Judge Ross issued an order granting the Defendant's motion for reconsideration in favor of granting ballot access for Initiative Measure No. 76. The Plaintiff filed notice of appeal on April 22, 2016, and in the interim, the City Council passed a minimum wage increasing the minimum wage to \$15 over time. And so with the passage of the council legislation, the plaintiffs voluntarily dismissed their case, and all the parties joined in the voluntary dismissal filed with the Court on June 29th.
 - Even though the proponent did also withdraw Initiative 76, another party came along that was not satisfied with the council legislation and introduced a new initiative for the board's consideration, and that will be on the September agenda for a proper subject determination.

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

- On Election Day and also on June 8th and 9th, the Office of Campaign Finance conducted site visits to the early voting centers, and also, to the election precincts.
 - OCF sent out 19 staff persons who were involved in the site visits on Election Day, and we visited approximately 85 precincts, and the purpose of our site visits is to view the campaign literature ensuring disclaimers are properly placed, and also, to be available if there are any questions by voters or campaign operatives with respect to their activity at the polls.
 - There was one instance in which there was an issue with respect to a disclaimer, and that was brought to the attention of the campaign worker who was in the particular precinct.
- On June 22nd, 2016, OCF published an interactive training tutorial at its web site.
- June 10th report of receipts and expenditures by our principle campaign committee and our Political Action Committee who were active in the 2016 election cycle.
 - 81 required filers: (35 PCCs and 46 PACs); 75 timely filers, (32 PCCs and 43 PACs); 3 extensions granted to PCCs; 1 late filer (PAC); and 4 failures to file, (2 PCCs and 2 PACs); resulting in 5 referrals to the General Counsel.
- 8 new candidates and committees registered with OCF during the month of June:
 - David Schwartzman, City Council, A-Large June 16th, 2016; James Calomiris, Friends of Jimmy Calomiris, City Council At-Large, June 16th, 2016; Gary Butler, City Council At-Large, June 21st; Dorothy Douglas, School Board, Ward 7, June 21st; One Fair Wage, D.C., an Initiative Committee registered on June 23rd;

Ashley Carter, Carter for D.C. Schools, School Board At- Large on June the 24th; Phillip Collins, Phillip Collins for Representative, U.S. Shadow, Representative on June 27th; Jaclyn Smith, Committee to Elect Jaclyn Smith, School Board, Ward 4 on June 28th.

- OCF held three entrance conferences for new registrants in June:
 - **June 2:** Tadd Ruddell-Tabisola, treasurer for Mary Lord 2016; Mary Lord, candidate, Mary Lord, 2016; Wallace B. Short, Randy, Candidate committee to Elect W. Randy Short; Perry D. Redd, treasurer, Committee to Elect W. Randy Short; John Jernick, treasurer, the Mobilization Project; Tim Lewis, treasurer, Shakira Hemphill, Ward 8 School Board Exploratory.
 - **June 15:** Gary P. Kraiss, Junior, Candidate Ward 2, D.C. Republican Committee.
 - **June 29:** Gary Butler, Candidate, City Council, Ward 7; David Schwartzman, Candidate, City Council At-Large; Marlow Collins, Candidate treasurer; Philo Collins for representative, Diana Ramirez, treasurer; One Fair Wage, D.C., Lamont Harrell, treasurer; Committee to Elect Jacque Patterson, 2016 Jacques, Patterson, candidate; and Dorothy Douglas, candidate, School Board Ward 7.
- OCF Audit Branch conducted 77 desk reviews of financial reports that have been filed.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.
- OCF has ongoing periodic audits of the following committees: Potillo for Council, 2016; Trayon White for Ward 8 2016; Robert White At-Large 2016; and Re-Elect Vincent Orange 2016.
- The audit branch issued a final audit. Grosso At-Large 2016.

Ms. Dorothy Brizill raised several matters for the Board's consideration:

- With respect to issues that arose regarding the mobile app the board advertised and encouraged people to use, Ms. Brizill inquired what was the problem with the app, who developed the app, when did the board become aware that there was a problem with the app, and how many people does the board believe were affected by the app? Ms. Miller responded that the Board became aware of a problem with the mobile app as we got closer to the election. No voter would have been turned away because their party was not listed on the poll pad as it should have been. They would have been requested to vote a special ballot.
- Ms. Brizill requested enlightenment on the national search for a new Executive Director. The Chairman responded that the Board hired a search firm that solicited people to apply. They did a screening for us. We did a second screening, and then we did interviews. Ms. Brizill noted for the record that the position was never advertised on the Board's website, in the Office of Human Resources, nor national publications with subscribers who would be of the caliber the agency would seek as an Executive Director and she would like detailed information on the process.
- The OCF decision imposing a fine of \$10,000 against the Gray campaign was not signed by the OCF director due to a recusal decision made in 2011 that in her opinion deliberately deceptive as captioned because it made no mention of a recusal in the title—nor was the decision made public during a hearing.
- With respect to ballot tabulation, Ms. Brizill recommends that the Board send proper notification of these events, and she would like to know in writing what is the range of responsibilities, of the PR firm hired by the Board.

- No minutes have been posted since March. D.C. law also requires you to publish in advance the agenda for the meeting today. As of 9:00 this morning, this was no agenda posted.
- The Gray campaign had made a contribution to Trayon White's campaign. Based upon Ms. Brizill's knowledge of past decisions by the Office of Campaign Finance, she knew that was a violation of the law. She has been looking for the precedent of the John Wilson case regarding this issue and has been told the decision in that particular case is unavailable.
 - Ms. Collier-Montgomery explained that the law is very clear in terms of contributions that are received and expenditures that are made; that they must demonstrate that the expenditures are made to support the candidacy of the particular candidate.
 - To make your request to the D.C. Archives Office, because the records from that particular case are no longer OCF records. The records were transferred because they are historical records.
- The audit report came out before the June primary. There was no response from the Board of Elections, and indeed, there was a letter from the chairman asking for time to prepare a response. Has that response been prepared, and if not, when will it be prepared?
 - Chairman responded: The auditor gave us approximately two weeks to respond to an audit that took about a year and a half. That was clearly not enough time. The exact date that we indicated we would provide a full response was July the 25th. And so, yes, we're on track to make a response to that audit.

Mr. Michael Sindram raised several matters for the Board's consideration:

- Mr. Sindram took issue with not be called and informed personally at the change in date of the Board meeting. He claims Mr. McGann assured him that he would call him if the schedule changed from the one he received at the beginning of the year.
- Mr. Sindram complained about a lack of response on what he feels he is owed by the constituent services of council member Mendelson for purchasing shoes for a constituent. The OCF General Counsel explained that OCF has no jurisdiction over such matters, and they will provide a formal letter explaining this.
- Mr. Sindram demanded a hearing in full in a matter regarding a grant rescission. The Board's General Counsel explained that the matter was fully adjudicated with a denial in the form of an order, and he promised to give Mr. Sindram a copy.

Mr. William Taft has been trying to get a new song about the importance of voting and the U.S. Voting Rights Act to be adopted by this board, and for this board to then lead all the other boards across the country to do the same.

- The Chairman responded that after the meeting, he will meet with our general counsel and determine how best for us to properly consider what you've asked and try and make sure that we properly do that.

There being no further business before the Board, the meeting adjourned at 10:43 a.m.