



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**April 6, 2016**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, April 6, 2016 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, 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 Terri Stroud, the Board’s Acting 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 March 2, 2016 were moved for approval and adopted without objection based upon the General Counsel’s attestation as to the accuracy and completeness of the minutes.

**Mr. McGhie** presented the General Counsel’s report.

- The first matter was the approval of petitions for the initiative measure “District of Columbia Minimum Wage Amendment Act of 2016. The proposer, Mr. John Hanson, reviewed the petition and approved it.

**BOARD ACTION—the Board approved a motion to approve the petition form adopted by the proponent of initiative measure number 76.**

- Mr. Hanson’s legal Counsel, Jessica Krupke, clarified that the word “Amendment” was to be placed before the word “Act” in the short title.
- The Registrar, Ms. Karen Brooks, gave her approximate calculation of the number of signatures the proponent would have to collect for ballot access, which includes 5% of the registered voters in each of five or more wards.
- The next matter was a challenge filed by Mr. Robert Brannum to the Democratic Party Presidential filing. The D.C. Democratic Party and the Sanders Campaign Committee wished to respond to the challenge.
  - Mr. Brannum challenged the presidential preference filing of candidate Bernie Sanders. Mr. Sanders’ certification papers to get his name on the ballot in the District of Columbia were filed late by the D.C. Democratic State Committee. While Mr. Brannum acknowledges that Mr. Sanders was not at fault, and that the Council of the District of Columbia has passed emergency legislation to address the delinquency of the filing, he stands by his challenge but does not object to the Board acting in accordance with the pending legislation.
  - Mr. Donald Dinan, legal counsel for the D.C. Democratic State Committee, testified that the Council has passed bill 21-559, “The Presidential primary Ballot

Access Emergency Clarification Act” which clarifies that the state party has 24 hours to make transmittal to the Board of who timely filed their declarations of candidacy. Consequently, the legislation would make the challenge moot upon the Mayor’s signature, and she has already indicated she would sign. The transmittal occurred on March 17<sup>th</sup>, which is within 24 hours of the March 16<sup>th</sup> deadline.

- Mr. Brad Deutsch, legal counsel for the Sanders campaign, reiterated that Mr. Sanders’ filing was not untimely. He noted that Mr. Brannum did not notarize his challenge as required by the Code. He added that timelines of nominating papers is not the proper basis of a nominating petition challenge as contemplated in the Code.
- Mr. Brannum responded by asserting that the committee’s rule cannot supersede the D.C. Code, and his lack of notarization was immaterial. He maintains that the fault does not lie with Mr. Sanders; rather, the filing on his behalf by the state committee did not occur in a timely manner as has been readily admitted.

**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. The Judge ruled from the bench and the judge denied The Board’s and the intervener’s motions for summary judgment, and granted the plaintiff’s motion for summary judgment on the sole ground that the Board was not properly constituted because of a D.C. code statute that put a limitation of 180 days on the hold-over provisions for boards and commissions. The Board filed a motion to reconsider the judgment, and Judge Ross reversed himself and found that the Board was properly constituted allowing the measure to proceed.

**Ms. Stroud gave the Acting Executive Director’s report.**

- The deadline to file nominating petitions for the June 14 primary was March 16, 2016. 2 challenges were filed against nominating petitions during the 10-day challenge period in addition to Mr. Brannum’s challenge to the nominating certification of Mr. Sanders.
- The Board has received new voting equipment, and staff training on the new equipment is complete.
- The new equipment will allow for faster processing times for election results due to a single tabulation process and wireless transmission of results from precincts to the Board’s office on Election Night. There will be a public logic and accuracy test performed on May 2.
- Poll worker training begins on April 18, and the Board has hired 31 temporary staffers that will serve as ward education and outreach coordinators.
- The Board was asked to finalize precinct relocations raised at the previous meeting: (Precinct 13 to St. Margaret’s Episcopal Church; Precinct 36 to Columbia Heights Community Center; Precinct 51 to St. John’s College High School as a temporary combination due to ongoing renovations; Precinct 88 to Eastern Market North Hall; Precinct 92 to Caesar Chavez Public Charter School; Precinct 101 to River Terrace Elementary School; Precinct 115 to Seventh District Police Station; Precinct 119 to Barry Farms Recreation Center; Precinct 131 to Arthur Capper Community Center).

- **BOARD ACTION—the Board approved a motion to adopt the relocations of all polling places except precinct 92.**
- Mr. Budoo received a relocation recommendation for Precinct 92 within SMD boundaries, and wishes to table acceptance of Zion Baptist as an alternative pending confirmation from the Office of Disability Rights (ODR) regarding the site’s accessibility fitness.
  - **BOARD ACTION—the Board approved a motion to table the relocations of precinct 92 pending discussions with the ANC and the ODR.**
- The voter registry as of March 31, 2016 stands at 430,858 voters registered in the District of Columbia.

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

- During the month of March in the Office of the Campaign Finance, there was the March 10<sup>th</sup> reporting date for the filing of Reports of Receipts and Expenditures for Principle Campaign Committees and Political Action Committees. There were 76 required filers; 72 filers timely filed, 1 request for extension, which was granted, 3 late filers and 1 failure to file (1 PCCs, 3PACs) were referred to the office of General Counsel.
- 14 Committees registered to participate in the 2016 election cycle during March and the names of those committees are posted at OCF’s website.
- OCF held two entrance conferences for new registrants in March.
  - **March 9, 2016:** 11 participants. **March 23,** 8 participants. The names of the participants will be posted at OCF’s website.
- OCF Audit Branch conducted 85 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.; and Elissa 2014, and there is one ongoing periodic random audit of Local 25 General Political Account.
- OCF has initiated new periodic audits by letters issued on March 24<sup>th</sup> to the following committees: Pottillo for Council, 2016; Trayon White for Ward 8 2016; Robert White At-Large 2016; Re-Elect Vincent Orange 2016; and Grosso At-Large 2016.
- The audit branch issued 4 final audits. Higher Ground Political Action Committee, March 14; DC First PAC, March 14; ABC of Metro PAC, March 14; and the Alexander Constituent Fund, March 16.

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

- The General Counsel received 7 referrals: 4 from the Public Information Division, and 3 from the Reports, Analysis and Audit Division.
- The Office completed 12 informal hearings and issued 17 orders including: 10 orders for failure to timely file reports in which no fines were imposed; and 5 orders for failure to timely file a report in which fines totaling \$8,950 were imposed; and 2 orders for failure to timely respond to requests for additional information in which fines totaling \$3,300 were imposed.
- OCF collected fines from the following respondent: \$200 from the Committee to Elect Ron Moten, a candidate for Ward 7.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

**Ms. Dorothy Brizill** inquired who the FOIA officer is for the agency, and Mr. McGhie responded that all requests can be addressed to him. Ms. Brizill noted she has sent several inquiries regarding the acquisition and associated costs of new voting equipment and the process being used to hire a new Executive Director, but only received a response via email on March 23 from a public relations firm indicating that all future requests for information are handled by the firm. Ms. Stroud informed Ms. Brizill that the agency engaged the services of CD Global Communications Strategy through a competitive bidding process to assist with voter education and outreach. Ms. Stroud went on to clarify that any inquiries should be directed to the Board's acting Public Information Officer, Ms. Margarita Mikhaylova. Chairman Bennett assured Ms. Brizill that the Board would make sure she gets a full response to her inquiries.

**Ms. Brizill** sought further elaboration on the blended voter tabulation system. Ms. Stroud informed her that the new precinct scanners have modem capability, and the Board intends to wirelessly transmit precinct counts to the Board on Election Night, and the Board intends to test the capability of the machines to ensure proper functionality. The electronic poll books also have wireless technology and the backup in the event that system fails is to employ the standard paper poll books. Chairman Bennett suggested that further elaboration would be more productive in a formulated response by the Board. Ms. Stroud provided the names of permanent staffers that are supervising the voter education and outreach staff: Tamara Robinson and Shirley Jackson. Chairman Bennett assured Ms. Brizill that the Board is looking into filling all vacant senior staff positions as soon as possible.

**Mr. Michael Sindram** raised the matter of the Board scheduling a hearing regarding a rescinded grant that occurred in Advisory Neighborhood Commission 4A. Mr. Sindram also raised allegations concerning the actions of ANC Commissioner Dwayne Tolliver entering into contracts on behalf of his Advisory Neighborhood Commission.

**Mr. Sindram** also complained that an elected official, LaRuby May, owes Disabled Veterans \$163 for services rendered in delivering craft kit tchotchke.

**Mr. Sindram** raised an issue regarding purported campaign finance violations of Council Chairman Phil Mendelson which he intends to detail in writing.

There being no further business before the Board, the meeting adjourned at 12:15 p.m.