



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS
WASHINGTON, D.C. 20003-3654



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
May 2, 2018

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday May 2, 2018 in the Board’s Hearing Room, located in Suite 750, 1015 Half Street, S.E., Washington, D.C. 20003. The Board’s Chairman Michael Bennett was present, and Board Members Michael Gill and Dionna Lewis were also in attendance. Also present on the dais were Kenneth McGhie, the Board’s General Counsel; Cecily Collier-Montgomery, the Director of 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 Wednesday, April 4, 2018 were moved for approval and adopted without objection.

Mr. McGhie presented the General Counsel’s report.

- The first matter on the General Counsel’s Report is a proper subject matter hearing, termination for an initiative entitled Money Supply Increase (\$3,000) Initiative.
 - The proposer is Mr. Ameer Flippin who briefly summarized what his initiative does.
 - So this is basically to say we’d like for the Board of Elections to place on the ballot for the 2018 mid-term elections, or we’d like to release the petition forms to get more feedback from the general public, wherever the levels are in terms of allowable assets to be able to continue social services benefits, or to continue the process of applying for social services, we want to do a plus \$3,000. Wherever those levels exist right now for someone applying for TANF benefits, we want to increase it by \$3,000 so that that person would be able to participate in any startup securities offer.
 - Mr. McGhie confirmed Mr. Flippin properly filed his statement of organization at the Office of the Campaign Finance.
 - The Office of the Attorney General sent a written memorandum stating that it was a proper subject for the initiative in their view. They did not see where the proponent violated any of the prohibitions for having his subject placed on the ballot.
 - Mr. McGann presented the opinion of the General Counsel: the proposed measure just has not, in any way, shape, or form, caused any appropriations. It is a proper subject for an initiative.
 - Mr. Flippin summarized support of his measure: Congress has already passed the Jobs Act. They’ve already amended with Title III and Title IV. Let’s bring the District of Columbia and the team to the 21st century and be one of the first quasi-

states to codify and say, look, we know that our cost of living is very, very expensive. And as a result, anyone who has a job has the right to aggregate and create retirement savings. Let's codify our law and take the decision-making out of the administrative part of it. Let's codify it and say plus \$3,000. Whatever your administrative rules are, we want residents of the District of Columbia to be able to participate in the Jobs Act under the existing administrative decision-making process through the mayor's office.

- Mr. McGhie further summarized the proposed measure: In order to qualify for TANF and other social services in the District of Columbia, an individual cannot have assets that are more than \$2,000. Your initiative would increase that to \$3,000 so that they can have total assets going to \$5,000.
- Chairman Bennett: Great, thank you. All the best to you. We'll have a decision and move forward accordingly.
- The next is final rulemaking to amend Chapters 10, 11, 14 through 17.
 - The purpose of the amendments is to establish rules for the use of the electronic petitions. That was following the passage of the Ballot Access Modernization Amendment Act of 2017.
 - **BOARD ACTION:** Motion to adopt the rules approved unanimously.
- Next item is OCF petitions for enforcement. We have 12
 - Docket Number 14C-073, Respondents' Committee is Gaston 2014, the fine is \$1,900; Docket Number 14C-0E6. The Respondent Committee is Carter At-Large, 2014. The amount of the fine is \$2,000; 14C-093, the Respondent Committee is Bruce Majors, Libertarian for Mayor, the fine is \$2,000; Docket Number 15A-011, Respondent's name is Nyasha Harley the amount of the fine was \$2,000; 15A-016. The Honorable Christi Love Davis, Candidate for ANC-5802, the amount of the fine is \$2,000; 15A-018, the candidates of ANC 7C04, the fine is \$2,000; 15A-035, Flander Sharp, Candidate for ANC 505, the fine amount is \$2,000; 15C-003, Bell for Ward 8, the fine amount is \$2,000; 15C-005, Gaston 2015, the fine amount is for \$2,000; 15C-008, Whitaker 4 for Ward 4, the fine amount is for \$2,000; 15C-016, Bruce Majors, Libertarian, for Mayor, the fine is \$1,400; and 15C-020, Carter At-Large, 2014 , the fine is \$1,400.
 - **BOARD ACTION:** Motion to move forward with enforcement approved unanimously.
- Mr. McGhie presented litigation status on behalf of the OGC.
 - Calvin Gurley, a candidate for chairman of the Council, had an insufficient number of signatures. He filed his petition for review with the Court of Appeals on April 26th. The Board filed his motion for summary affirmance on April 27th. We are awaiting the outcome.
 - Aaron Holmes, a candidate for a council member at large, filed his petition for review on April 26th. We filed our motion for summary affirmance on April 27th. We're waiting on the Court decision.

Ms. Miller gave the Executive Director's report.

- Thank you, Mr. Chair. The first matter under my agenda is the final relocation of precincts, Precincts.
 - Emergency basis relocation for Precinct Number 14, 1781 Church Street, NW., which is the Mathematical Association of America Carriage House Meeting Space, which served as Precinct Number 14 in past elections. This facility will not be

available for the 2018 primary election because of pre-scheduled activities. Unfortunately, the Board did not learn of this conflict until April 9th of 2018, despite having emailed a request for the space on December 17th, 2018. Requesting that we relocate to the Whittemore House located at 1526 New Hampshire Avenue, NW. The facility is accessible with slight ramp modifications.

- Also asking the approval for previously submitted relocations for Precinct Number 8, which we were currently at the Palisades Recreation Center located at 5200 Sherier place, NW, gymnasium. I'm asking that we relocate and approve the Palisades Neighborhood Library located at 4901 V Street, NW. Additionally we'll be using the multipurpose room.
- The next relocation for approval is Precinct Number 29 which is the Second District Police Station located at 3320 Idaho Avenue, NW, community room. We'll be relocating to the Washington Hebrew Congregation located at 3935 Macomb Street, NW using the multipurpose room there as well.
- **BOARD ACTION:** Motion to move forward with relocations approved unanimously with the approval of the usage of the Carriage House contingent upon an ADA assessment of the facility.
- The June election is set for June 19th, and we are in full swing for preparation for the June 19th primary election.
 - Poll worker training is in full swing. I did provide you all with the poll worker manual. I want to recognize Karen Dyson and everyone else that had their hands into preparing this manual.
 - Early voting poll worker training began on April the 9th. The recruitment is well underway.
 - We have recruited 333 early voting poll workers. They have trained to work the nine early voting sites for all early voter voting.
 - All have been trained with our ADA-compliance training that has taken place as well, and I recognize Terrica Jennings on that.
 - We have recruited and placed 1,916 persons in the training classes. The goal is to recruit and train 2,250 poll workers for Election Day.
 - We've also recruited 24 area reps. The goal for that is for 30 area reps.
 - We have 18 Ward coordinators. They were all trained on April 12th. They're doing voter outreach and working with the election worker division. 13 voter registration outreach events have been completed, six sites in Wards 1 through 4, seven sites in Wards 5 through 8. For first time visits, voter registration and absentee ballot requests have been taking place.
 - The National Football Player's Association is one of our entities that have responded to the Adopt a Precinct call. They'll be working with us this year by adopting a precinct in the District of Columbia.
- Ms. Miller did present testimony for the Committee on the Judiciary on April 13 regarding Fiscal Year 2019's budget.
 - He wants to add at least one additional early voting precinct in each ward so that we have two early voting precincts in every ward, as well as adding additional equipment in each ward.
 - The Board intends to use an expected \$3 million in HAVA funding to facilitate extra early voting sites and to instill cybersecurity measures to prevent voter fraud.
- Of the five proposals that submitted for voter registration systems, the individual proposers came and demonstrated for the team their product.

- The review panel will meet for a consensus meeting at the end of next week, I believe. After that, they will submit their recommendation to the Office of Contract and Procurement.
- Our ballot lottery was conducted on Friday, April 27th, for the ballot position.

Ms. Collier-Montgomery gave the Director of Campaign Finance report:

- The Office of Campaign Finance will be relocating to 1015 Half Street, S.E., this building, Suite 775, on May 11, 2018, we will be open in our offices on Monday, May the 14th.
- The first report date was April the 1st, 2018, report of receipts and expenditures, which was due on April the 2nd from the Constituent Service programs as well as the Statehood Fund program. All 9 required filers filed timely.
- With the Senator and Representative, the Statehood Fund programs, there are three required filers. Two timely filed, there was one late filed.
- April the 10th was the filing deadline for the filing of the second report of receipts and expenditures for committees supporting and opposing Ballot Initiative Number 77. There were two required filers, and both timely filed.
- We had 44 candidates and committees who registered during the month of April. With respect to the names of those candidates and committees, they will be included in our stats which will be available on our website by the close of business today.
- OCF also conducted three entrance conferences.
 - The first was on April the 11th, 2018. The participants were Rustin Lewis, Candidate, Friends of Rustin Lewis, Sheldon King, Treasurer, Friends of Rustin Lewis. Chuck Thies, Treasurer of What's Going PAC. Emily Gasoi, Candidate, Emily for Education, Leana Trowbride, Treasurer, Emily for Education. Andrea Thomas, Candidate, Andrea Thomas for D.C., Ann Hoffman, Treasurer, Andrea Thomas for DC. Amir Flippin, Treasurer, Money Supply Increase Referendum Committee. Margaret Smith, Treasurer, Legalization of Retail Cannabis in the District of Columbia 2018. Franklin Garcia, Candidate, Franklin for DC 2018. Merry Rutrick, Candidate, Merry Rutrick for Democratic State Committee. Nestor Djonkam, Candidate, Nestor 4 Council Committee, Anita Purvis, Treasurer, Nestor 4 Council Committee.
 - On April the 19th, there were two participants at our entrance conference. Dorothy Douglas, Candidate, Ward 7, DC Democratic State Committee, and Melissa Jones, Treasurer, Jessica Sutter, School Board of Education --- State Board of Education.
 - On April the 25th, the participants were David Schwartzman, Candidate, the Committee to Elect David Schwartzman 2018, Dean Murville, Treasurer, the Committee to Elect David Schwartzman 2018. Anne C. Wilcox, Candidate/Treasurer, Committee to Elect Anne Wilcox 2018. David Blaha, Treasurer, NO2DC77 Initiative Committee. Zachary Parker, Candidate/Treasurer, Committee to Elect Zachary Parker 2018. LaMonica Jeffrey, Candidate, LaMonica is Listening Campaign Committee, John Frazier, Jr., Treasurer, Lamonica is Listening Campaign Committee. Ernest Edward Johnson, Candidate, Committee to Elect Ernest Johnson Mayor.
- The Audit Division conducted 53 desk reviews of the reports of receipts and expenditures from our PACs, as well as from our Constituent Service Funds, and our Senator Representative Statehood Fund, as well as from our Principal Campaign Committees.

- We do have periodic random audits ongoing. the candidates of the 2018 election. with respect to the January 31st, 2018, filing. Re-elect Muriel Bowser our Mayor, again, that was initiated on March the 5th, 2018. Karl Racine, 2018, was initiated on March the 5th, 2018. Kenyan McDuffie, 2018, was initiated on March the 22nd, 2018.
- With the periodic random audits of our political action committees with respect to the January 31st, 2018, filing, Food Service PAC, initiated on March the 5th, 2018. Periodic random audits of our Constituent Service programs, and those audits will be on April the 1st, 2018, filing, Phil's Fund for Citizen Service, Ward 3 Constituent Services Fund, and the Evans Constituent Service Fund.
- We also issued two final audit reports during the month of April, Dionne for DC, issued April the 19th, 2018, and Verizon Communications Inc. Good Government Club, issued April the 3rd, '18.

Mr. SanFord gave the General Counsel's report.

- The Office of the General Counsel received 4 referrals. One referral came from the Public Information and Records Management Division. Three referrals were from the Reports Analysis and Audit Division. All the referrals were of principal campaign committees.
- The Office of the General Counsel completed 15 informal hearings and issued 15 orders which included the following: Eleven orders were issued for failure to timely file reports in which no fines were imposed. Four orders were issued for failure to timely file reports in which fines totally \$5,550 were imposed.
- The Office of the General Counsel imposed fines against the following respondents during the month of April: A fine of \$1,650 was imposed against the Gertrude Stein Democratic PAC. A fine of \$1,650 was imposed against Justin Green At-Large Principal Campaign Committee. A fine of \$1,550 was imposed against the 1199 SEIU PAC, and a fine of \$200 was imposed against the Aaron Holmes for DC Principal Campaign Committee.
- During the month of April 2018 the Office of the General Counsel collected \$1,550 in fines \$1,500 by Jeffrey Thompson in accordance with an installment agreement between the Office of Campaign Finance and Mr. Thompson, and \$50 paid by Angel Alston in settlement of a case that had been resolved before the Board of Elections during a pre-hearing conference.
- The Office of the General Counsel issued one interpretive opinion. That request was received from Clinton LeSeur on March 9th, 2018, and it was issued on April 6th, 2018. The request involved a registration requirement of a political action committee. Mr. LeSeur had registered a political action committee identified as Run Vince Run with the Federal Elections Committee but had not registered that committee with the --- that political action committee with the Office of Campaign Finance. We advised him that, in view of the fact that he was encouraging a local politician to run in a local --- to seek a local elective office, he was required to register. To date, Mr. LeSeur has not registered. And so that matter is still under review by the Office of the General Counsel.

Mr. Michael Sindram presented public matters:

- Queried whether \$3,000 increase contemplated by the initiative will affect out of pocket medical expenses? In other words, when you, you know, are a TANF recipient, you are a SSI disability recipient, there is a provision in law that offsets your out of pocket medical expenses. So will this initiative impact that? Will it have any effect?

- I'll just say that the dynamic duo of Matt McCollough and Ms. Jennings would do a yeoman's job being a collaborative team to make certain that the Carriage House and anywhere else is ADA-compliant.
- Can you devise some kind of initiative or input? Maybe, Mr. McGhie, this would come under your bailiwick, to see what can be done to enhance and enforce accessibility. Because clearly, this affects the polling sites. So it's inextricably interwoven. So I would respectfully request it be taken under advisement. And maybe an initiative can be formulated in-house, however that's done, to give greater enforcement to the Office of Disability Rights and also to the Board when there are accessibility violations.
- Karl Racine, he's headquartered there at 441 4th Street. I've had occasion to be there after hours for a meeting. And Attorney General Racine has had his petition gatherer -- signature gathers there which have been very aggressive, and that's putting it mildly. And I think maybe it even hinges on a violation of the Hatch Act.

There being no further business before the Board, the meeting adjourned at 11:49 a.m.