



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
September 5, 2018

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday September 5, 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 Member Dionna Lewis also attended. Board Member Michael Gill was present via teleconference. Additionally present on the dais were Kenneth McGhie, the Board’s General Counsel; Cecily Collier-Montgomery, Director of the Office of Campaign Finance; and Alice Miller, the Board’s Executive Director.

Chairman Bennett called the meeting to order at 11:07 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on Wednesday, August 8, 2018 were moved for approval and adopted without objection.

Ms. Miller gave the Executive Director’s report.

- The deadline for filing the nominating petition process for direct access for the ballot was August 8. The challenge period began on August 11 and ended on the 20th.
 - 46 challenges across the board to nominating petitions that were filed. Thirty-nine of those challenges have been resolved, either by the candidate or challenger withdrawal, or through the administrative orders.
 - All challenges that are pending must be resolved no later than September 10. The lottery for the November election ballot is set for Friday, that's next Friday, September 14.
- Poll worker training for early voting for poll workers began on August 27 and will continue through September 15.
- Poll worker training for election day voters will begin on September 17 and continue through the month of October.
- We also have going on our overlap of the special election for the Board for State Board of Education. The candidate pickup for that contest, which is scheduled for December 4, was August 15. The challenge period will begin this Saturday, which is September 8, and it will end ten days later.
 - Ten candidates have picked up for that Ward 4 State Member of the State Board of Education contest.
- We will have National Voter Registration Day, which we do every year, it's an annual event scheduled for September 25.
 - We've been given access to the national stadium for this event. It's a game day, so we hope to generate a lot of new registrants, as well as being able to have voters update their current voter registration during this time as well.

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

- The August 10 report of receipts and expenditures for active principal campaign committees, as well as political action committees, independent expenditure committees, and initiative committees.
 - There were 122 required filers. One hundred and four of the filers timely filed. There were four late filers. There were also four extensions requested and granted.
 - There were 14 failures to file, and with those failures to file as well as the late the filers, 18 in total were referred to the Office of the General Counsel for the initiation of the enforcement.
- With respect to the July 31 report of receipts and expenditures, which was due from principal campaign committees as well as political action committees, there were 46 required filers.
 - Thirty-four of the filers timely filed, there was one extension requested and granted; There were 12 failures to file. Those candidates and committees have been referred to the Office of the General Counsel for the initiation of the enforcement process
- There were seven new candidates and committees who registered: William Hunt for Mayor August 6, 2018. Frank Sewell for Mayor August 7, 2018. Ralph Chittums, Committee to Elect Ralph J. Chittums Council At-Large August 8. Rhonda Henderson, Rhonda Henderson for State Board of Education, Ward 4, August 9. Elani Lawrence, Elani for State Board, Ward 4, August 20, 2018. Ryan Terranium, Ryan for Ward 4, State Board of Education, August 21, 2018. Frank Savarash, Frank for DC State Board of Education, Ward 4, August 27, 2018.
- On August 2, an entrance conference was held. There were 14 participants:
 - David Lynn Green; Treasurer Don Korea -- Dora Korea for State Board of Education; Dora Korea, Candidate, Dora Korea for State Board of Education. Rory Murray, Treasurer, Credit Union PAC of DC; Johnny Walker, Treasurer, Cali for State Board of Education; Cali Causlek, Candidate, Cali for State Board of Education; Earl Folkes, Treasurer of Gertrude Stein Democratic Club PAC; Teresa Cusack, Treasurer, Ward 4, Democrat's PAC; Quincy Carter, Candidate, Mayor; Eleanor Orry, Candidate, Echo4Senate. James Williams, JW Adams, Candidate for Mayor; Ramsey Davis, Candidate, Mayor; Catherine Henderson, Candidate, Catherine Henderson for DC Council; Clayton Rosenberg, Candidate Rosenberg for Ward 6. William Bill Lewis, Candidate, Citizens to Elect Bill Lewis; Karen Perry, Treasurer of Green for Ward 1; Anthony Green, Candidate, Green for Ward 1.
- Entrance conference also held on August 16. There was six participants:
 - Aminter Davies, Treasurer, DC Latino PAC; Gabriel E. Rodriguez-Eng, Treasurer, Metro DC Democratic Socialists of America Solidarity DC PAC; Kishan Putta, Candidate, Dump Trump, Democrats for Action; Renee L. Bowser, Candidate, Dump Trump, Democrats for Action. Gordon Aneglou Fletcher, Candidate, Dump Trump, Democrats for Action; and Walter Springman, Candidate At-Large Committee, Democratic State Committee.
- The Audit Division conducted 93 desk reviews of the political action committees and filed with the Agency, as well as the principal campaign committees.

- We have a full field audit of the Sheika Reid 4 Ward 1, which was initiated on August 29, 2018. We have periodic random audits of the candidates in the 2018 election of their January 31, 2018 filing. Re-elect Muriel Bowser our Mayor, which was initiated on March 5, 2018. Kenyon McDuffy, 2018, which was initiated on March 22, 2018.
- The periodic random audits of our continuing committees for the 2018 election with respect to the June 10, 2018 filing, Anita Bonds, 2018, Elissa 2018. We also initiated periodic random audits of our political action committees with respect to their July 31, 2018 filing.
- The DC Political Action Committee, which was initiated on August 27. The Professional Insurance Agents, which was initiated on August 29. Lawyers for Better Government Fund DC, which was initiated on August 29. And BB&T District of Columbia PAC. The records from that particular PAC are due on August 29, 2018.
- We issued one audit during the month of January, and that was of the Evans Constituent Service Fund. The audit was issued on August 8, 2018.

William Sanford presented the report of the General Counsel.

- During the month of August, the Office of the General Counsel received a total of 37 referrals, which included 35 referrals from the Public Information and Records Management Division, and two referrals from the Reports, Analysis, and Audit Division.
- The Office of the General Counsel complete five informal hearings and issued two orders which did not impose fines. During the month of August 2018, the Office of the General Counsel collected one \$500 fine from Jacques Patterson in payment of, in accordance with an installment payment plan that had been agreed upon between Mr. Patterson and the Office of General Counsel.
- During the month of August 2018, the Office of the General Counsel received one request for an intent to opinion. That request submitted by John Zottoli, was received 8/14/18. The issue was restrictions on Independent Expenditures Committee, and the opinion was issued 8/27/18.

Ms. Miller introduced Mr. Budoo to present proposed precinct relocations for final Board approval.

- Those precincts are Precinct 8, 14, 33, 86, 93, 105, and 116.
- Precinct 8. We have a movement from Palisades Neighborhood Library to the Palisades Recreation Center, located at 5200 Sherier Place, NW; Precinct 14, we are moving from the Whittmore House back to the MAA Carriage House and Meeting Space, located at 1781 Church St., NW; Precinct 33. We'll be moving from St. Paul's Lutheran Church back to Murch Elementary School, located at 4810 36th St., NW; Precinct 86. We'll be moving from Eliot-Hine Middle School to Mount Moriah Baptist Church, located at 1636 East Capitol Street, NE; Precinct 93, Houston Elementary School. We'll be relocating to Deanwood Recreation Center, 1350 49th St., NE; Precinct 105. We'll be moving from CW Harris Elementary School to Benton Park Recreation Center, located at 5100 7 Avenue, SE; Precinct 116. We'll be moving from THEARC East across the parking lot to THEARC West, located at 1801 Mississippi Ave., SE
- The proposed precincts were inspected, and some of them do not meet 100% ADA accessibility. But there are slight modifications, like a slope may be off on the ramp or the railings may not have the extended hand rails. Ms. Jennings is monitoring that and making sure that we're able to accommodate people without exception.

- **BOARD ACTION:** move to approve the stated precincts, 8, 14, 33, 86, 93, 105, and 116 either back or towards their new or prior location.
- As of now, we will have 14 early voting sites beginning in November.

Mr. McGhie presented the General Counsel's report.

- Emergency and proposed rulemaking to amend Chapters 30, campaign finance operation, Section 3014, constituent services program.
 - MS. COLLIER-MONTGOMERY: The purpose of the rule is to increase the amount of expenditures that can be made from constituent service programs which are established by the mayor, and also by members of the Council from 40,000 in any one calendar year to 60,000.
 - **BOARD ACTION:** a motion to approve the emergency regulation
- 12 matters filed in court today all involved petitions for enforcement of Office of Campaign Finance funds. It's now scheduled to go before the court on September 14, and at that time, we hope to get a judgement on all these matters.
 - Gaston 2014, that was for \$1,900. The board against Carter-at-large, that was for \$2,000. The board against Bruce Majors, \$2,000; Harley, \$2,000; Davis, \$2,000; Garcia, \$2,000; Sharp, \$2,000; Bell, \$2,000; Whitaker, \$2,000; Majors, \$1,400; Carter, \$1,400; and Davis \$2,000.

Mr. Michael Sindram presented public matters:

- Mr. Sindram inquired about the nominating petition challenges to be heard during the meeting, and Mr. Bennett informed him that the names of the parties will be raised for the record when the individual matters are introduced.

Mr. McGhie introduced the nominating petition cases before the Board (full transcript of proceedings is available):

- The first matter is the challenger Chris Hershey versus Candidate Veda Rasheed, Candidate for ANC 7E-01.
 - MR. HERSHEY: Absolutely. On behalf of the campaign, I'd like to introduce to you Mr. Calvin Dark.
 - The preliminary review of the petition challenge indicates that Ms. Rasheed submitted a total of 34 signatures. Challenger Christopher Hershey filed a challenge, or challenges, to a total of 25 signatures, enumerated by line and page number on individual challenge sheets filed for each petition page. The review of the challenge indicates that a total of five out of the 25 challenges are valid. This leaves the candidate's nominating petition with 29 signatures, four signatures over the number of required, required for ballot access. Thank you.
 - MR. DARK: What we'd like to say is Ms. Rasheed should be denied ballot access because for the following reasons. The circulator of petition was not the candidate, the candidate was not present for circulation of at least one full sheet of an opposition petition she submitted, and yet the candidate signed a petition affirming under penalty of law that she personally circulated the petition, and that she personally witnessed the signing of each signature on the petition, and that she personally inquired from each signer whether the signer was eligible to sign the petition. We have, and I think this is in the record, affidavit of two or

- three, three of the signers, who submitted affidavit that Ms. Rasheed wasn't the person circulating.
- MS. RASHEED: I was present on the street. I was the circulator of the petition. The people that signed the petition, some of them had come to the last hearing whose names were on the sheet. They were not able to come back to this hearing because we didn't know whether or not we would be able to bring those individuals into the hearing.
 - MR. McGHIE: The next matter is Joseph Johnson versus Shaquita McBroom.
 - MR. JOHNSON: Joseph Johnson, 1729 Alabama Ave., SE, Washington, DC, zip code 20020. MR. McGHIE: Okay, the candidate is not present.
 - MR. McGHIE: Okay, the Board's regulations allow us to proceed *ex parte* if one of the parties is not present. Actually, the Board at this time will entertain a motion to proceed *ex parte* without the candidate present.
 - **BOARD ACTION:** Board proceeded *ex parte*
 - MS. SMITH: Yes, thank you. On August 8, Shaquita McBroom submitted a nominating petition to appear on the ballot as a candidate in the November 6, 2018 general contest for the office of ANC SMD 8E-01. The petition was posted for public inspection for ten days, as required by law, and challenged on August 20, 2018 by Joseph Johnson, a registered voter in the District of Columbia. Challenger Joseph Johnson filed a total of 31 challenges. 18 out of the 31 challenges are valid. This leaves the candidate's nominating petition with 21 signatures, four signatures below the number required for a ballot access.
 - MR. McGHIE: Mr. Johnson, do you accept the recommendation of the Registrar of Voters?
 - MR. JOHNSON: Yes.
 - MR. McGHIE: the next matter is Elissa Silverman, Challenger, versus Candidate Kathryn Allen. We're here for the motion from Ms. Silverman to subpoena witnesses.
 - MR. GONZALES: Good morning, Joseph Gonzales on behalf of Council member Silverman.
 - MS. LINDENBAUM: Dara Lindenbaum on behalf of the candidate, Kathryn Allen.
 - MR. JOHNSON: We request the issuance of subpoenas of five witnesses critical to the challenge of nominating petitions by Kathryn S. Allen, which will be before this board on Friday.
 - MS. LINDENBAUM: Sure. So the motion should be denied for two main reasons. First, the subpoenas are unnecessary and could prolong this process. The Registrar has done a careful and exhaustive review of the signatures and has made her determination. Issuing these subpoenas will simply prolong the inevitable and disenfranchise the will of the voters. Number two is timing. The challenger is asking this board to issue subpoenas for a hearing that is two days away.
 - MR. GONZALES: As set forth in our pleadings, this is an important case. It goes to the integrity of the process and the nominating process in the District of Columbia.
 - MS. LINDENBAUM: Since this is just a motions hearing and we weren't going

to raise any of the issues on the merits, but one thing that we did raise in the preconference meeting and that I put on the record as one of our issues is the challenges to a circulator named David Office. And the challenge was that he was a non-registered, out-of-state circulator. And Mr. Office collected a significant number of signatures, I believe it was around 650 or 700 of them. Mr. Office did register as a non-resident petition circulator. However, he did put a different name other than Kathryn Allen's down on his non-resident circulator affidavit.

- MR. GONZALES: So we are -- so it's not Counsel's fault, but this is the first time that this issue was raised yesterday. We're presently researching it. And to the extent that it was going to be raised at the formal hearing, which was tentatively scheduled for Friday, we're in the process of preparing a fulsome response. We do oppose that.
- MR. BENNET: I understand you've spoken with Mr. Howard. Of the five people, it appears that he's the most critical of the five, that he's voluntarily, he's willing to voluntarily come in on Friday. So we'd like to, what we'd like to do, what we're going to do is to schedule the hearing for Friday morning at ten o'clock with Mr. Howard. We will also issue to Mr. Howard a subpoena for Friday. Part of what we're trying to do, everybody, all the parties seem to have really big issues with Monday, and I really appreciate it. So we want to try and accommodate that as best possible. I will not issue subpoenas for Friday for anybody else, unless those persons are, you are able to get in contact with them and they're willing and volunteer to come in on Friday. We will also, we are also open, and I will schedule the hearing for Sunday afternoon for anyone else who is able to come in voluntarily. I think we've struck a way forward. Great work. Thank you so much. And we appreciate the opportunity to move this forward. So with that, I think we're adjourned.

There being no further business before the Board, the meeting adjourned at 1:51 p.m.