



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
February 6, 2019

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday February 6, 2019 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 Dionna Lewis and Michael Gill also attended. 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 10:51 a.m.

- **BOARD ACTION:** agenda and minutes from last meeting were adopted.

Ms. Miller gave the Executive Director’s report.

- The Board is required to conduct a canvass of every registered voter who did not confirm their address by voting in the November general election. The process takes about six months to go through and we will be doing that from now until like the middle of the year until we get all the information updated.
- The Board did submit the Election Administration Voting Survey e-survey to the U.S. Election Assistance Commission. That survey was required to be submitted by February 1. The survey requests information of election data from nearly 6,500 local election jurisdictions across 50 states, the District of Columbia and U.S. territories.
- I want to report that we did place on our website as we are required to do within 90 days following a general election the after action report which is a report that contains information from -- of data from the general election.
- The After Action report is the information that provides registration information, and performance information, as it relates to the November 6 election. This report should be finished no later than the second week in February.
- The number of election workers that we had for the general election was 1,694. That number is down. We should have targeted and had about 2,000 which is what we were targeted to have in place. So while we aimed to have about 2,000 workers I think it was actually 1,994.
- We need to look at having folks who are available to pull and to send them out to different precincts and have them available when others don't show up.
- relative to training though is that it's actually going to cost us more. We'll end up having to have more sessions right if we have more people.
- I want to put in place and recommending training to start this year and to continue training with some of the positions that are a little bit more challenging such as our special ballot clerks and our captains.
- I think you get more quality people when you pay them more money. And we need quality folks to do this. This is not an easy job. It's become more and more difficult.

- Our early voting stats showed that for -- like election the general election this time was the highest early voting turnout that we had with 46 percent of our voters voting early.
- We did send out 12,400 absentee ballots and 9,000 of those were returned. The problem is that a voter can request their absentee ballot to be sent up until seven days before the election. But it has to be back by Election Day. There's not enough turnaround time there.
- We will on the seventh day get like requests in the hundreds. We can't turn that around that quickly. We don't have the staff or the mechanism to turn 300 ballots around to get them out by the seventh day before the election. Either the cutoff has to be sooner or there has to be a longer return date on the back end.

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

- the Office of Campaign Finance by statute is required to prepare a biennial report every other year which basically reports the contributions and the expenditures of the principal campaign committees, the political action committees, the independent expenditure committees and any other of our committees for the prior two-year period. Our biennial report was published on January 31, 2019
- January 1 report by our citizen service programs which was due on Wednesday, January 2, 2019 because the first was a holiday. We had nine required filers all timely filed and they all electronically filed their reports.
- January 1 report by the Senator and Representative Statehood Funds. All three timely filed and also electronically filed their reports.
- January 31, 2019 was the due date for the report of the receipts and expenditures by our principal campaign committees and PACs as well as our independent expenditure committees, our inaugural committee and also initiative referendum committees. principal campaign committees and the PACs there were 144 required filers, 103 timely filed and they electronically filed their reports. We had 41 failures to file and with respect to be referred to the Office of the General Counsel's office.
- We also with the independent expenditure committees there were four required filers. All timely filed.
- With our initiative referendum committees the report was due on January 31 again. There were seven required filers. Three timely filed. Four failed to file and those four again it's to be determined when they will be referred to the Office of the General Counsel.
- Advisory Neighborhood Commission candidates always occurs after the certification by the board of the election results and the due date is 60 days after that date. There were 401 required filers. Three hundred and nine timely filed and in terms of the failures to file there were 92.
- With new candidates and committees who registered during the month of January we had one, the Urban Red Political Action Committee and they registered on January 24, 2019.
- The audit branch conducted 128 desk reviews of the reports of receipts and expenditures filed by our political action committees, our Constituent Service Fund, and our U.S. Senator and Representative Statehood Fund as well as our principal campaign committees.

- There is one full field audit which is ongoing that is Sheika Reid 4 Ward 1 and that particular audit was initiated August 29, 2018.
- We have two ongoing periodic random audits: the Anita Bonds 2018 Principal Campaign Committee and the audit was initiated on September 11, 2018; and Mayor Bowser's Constituent Service Fund.

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William SanFord presented the report of the General Counsel.

- During the month of January 2019, the Office of the General Counsel received four referrals from the Reports, Analysis and Audit Division.
- The Office of the General Counsel completed 29 hearings and issued 29 orders which included the following: 15 orders for failure to timely file reports in which no fines were imposed, and issued 14 orders for failure to timely file reports in which fines totaled \$19,700 were imposed against the respondents.
 - o A fine of \$550 was imposed against Melik At-Large. A fine of \$1,800 was imposed against James Butler for Mayor. Another fine of \$1,800 was imposed against James Butler for Mayor. A fine of \$150 was imposed against Franklin for D.C. 2018. A fine of \$300 was imposed against Ameer Flippin for Mayor. A fine of \$1,900 was imposed against D.C. Recovery Act Initiative Committee. A fine of \$1,950 was imposed against James Butler for Mayor. Another fine of \$1,950 was imposed against James Butler for Mayor. A fine of \$1,850 was imposed against Lannette Wood for School Board. A fine of \$1,850 was imposed against Karen for Ward 7 State Board of Education. A fine of \$1,850 was imposed against the Committee to Elect Jacque Patterson. A fine of \$1,600 was imposed against George Jackson for D.C. Mayor. A fine of \$1,600 was imposed against the Committee to Elect Alpha Bah, Esq. And a fine of \$550 was imposed against DC Choice.
- During the month of January the Office of the General Counsel received \$3,000 in fines. That was a result of two transmissions of \$1,500 installments from Jeffrey Thompson.
- During the month of January 2019, the Office of the General Counsel maintained one full investigation. The investigation docket number is LCF FY2018-002 and the complainant is Emily Naden. Filed December 4, 2018. The respondent is Councilmember Brandon Todd and the alleged infraction is the inappropriate use of government sources.
- The board adopted the notice of proposed rulemaking for those rules which were proposed to the board by the Office of Campaign Finance. And the rules were published in the D.C. Register for public comment. We did in fact receive comments from members of the public and so those are being considered.

Mr. McGhie presented the General Counsel's report.

- Proposed rulemaking to amend Title 3 DCMR Chapter 4 which is entitled Hearings and Chapter 5 which is entitled Voter Registration. The purpose of the amendment to Chapter 4 is to clarify the board's hearing procedures including those concerning challenges to petitions. The amendments mandate the use of a board form for the proper submission and adjudication of petition challenges and establishing clarified deadlines for filing of various pleadings in petition challenge cases. The purpose of the amendments to Chapter 5 is to codify the board's longstanding practice of not committing a power of attorney to effectuate a voter registration application or voter registration update notification, and two, clarify that applicants who are unable to affix their own signature to a voter registration application or voter registration update notification and call upon an assistant to complete their application or notification must also submit an affidavit of assistant form.
 - **Board Action:** The Board accepted the proposed rulemaking.
- Litigation status update. The Board is in court on Graham v. D.C. Board of Elections. That was a case dealing with the referendum measure. Proponents of the referendum filed a referendum on October 31st to suspend an act of the Council.
 - On December 4 the Court entered in a letter modifying a summary statement of referendum 008. On December 12 the Court entered an order permanently enjoining the Court from taking any action on the referendum. On December 13 the interveners filed a notice of appeal to the Court of Appeals seeing permanent injunction that was entered by the Court on December 12 and on December 17 the Board also filed its notice of appeal seeking review of the permanent injunction, and all parties are just waiting for the court's briefing schedule. .

There being no further business before the Board, the meeting adjourned at 11:25 a.m.