



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS
WASHINGTON, D.C. 20001-2745



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
April 5, 2017

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, April 5, 2017 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 was Board Member Dionna Lewis. 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 Sylvia Goldsberry-Adams, the Board’s Elections Operations Manager.

Chairman Bennett called the meeting to order at 10:46 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on March 1, 2017 were moved for approval and adopted without objection.

The Board is offering the accommodation of telephonic conference participation for the first time to accommodate Mr. Michael Sindram.

Michael Sindram requested a copy of the initiative undergoing proper subject determination. He went on to register a complaint regarding his interactions with the General Counsel when requesting written confirmation of the Board’s accommodation efforts on his behalf. Mr. Sindram reiterated his request for a full complement hearing regarding a grant rescission. Chairman Bennett reminded Mr. Sindram that the Board has reviewed this issue and determined the matter closed, but he heard the matter and took it under advisement. Mr. Sindram also raised a campaign finance issue regarding the alleged unjust enrichment of several council members in excess of \$20.

Ms. Goldsberry-Adams gave the Executive Director’s report.

- Mail canvass update was initiated by the January 31st statutory deadline as a means of outreach to voters who did not cast ballots in last year’s Presidential election. The process entails mailing a non-forwardable postcard to verify the voter’s address.
 - The Board canvassed a total of 154,000 voters. We’ve had 30,625 canvas in total returned to the Board.
- BOE submitted a budget enhancement request, beyond the baseline proposed FY18 budget, and has been tentatively approved for \$215,000 to successfully conduct the FY18 mayoral primary and general elections.
- The City Administrator's office is trying to identify funding for an updated voting registration system.

- The GAO, sent out a survey on voting equipment used, in an effort to track the various types of voting equipment used nationwide by local jurisdictions and the method with which the elections offices acquire the equipment, and the Board completed the survey on April 3.
- There are three scheduled hearings before the Committee on the judiciary between now and the end of April: Tomorrow, Director Miller will present testimony on the November 2016 General Elections After Action Report and comment on proposed legislation entitled The Elections Modernization Amendment Act of 2017. Also, the Board's budget hearing and a hearing on changing the date of the 2018 primary election are also scheduled toward the end of this month.

Mr. McGhie presented the General Counsel's report.

Mr. McGhie introduced a proposed initiative to make a proper subject matter determination on the "District of Columbia Recovery Act of the Living Descendants of American Slaves."

- Mr. John Cheeks, the proponent of the measure introduced himself for the record and informed the Board that he was represented by legal counsel, Mr. Malik Zulu Shabazz, Esq.
- Mr. McGhie notified the Board that the Office of Campaign Finance has notified him that Mr. Cheeks did meet all the filing requirements with the Office of Campaign Finance.
- No opponents of the measure spoke during the hearing.
- Mr. McGhie summarized the opinion of the Attorney General: "We conclude that it is not a proper subject matter for initiative, and the Office of the Attorney General states about three or four different reasons why, I guess the biggest reasoning being that it would violate the appropriations [prohibition]"
- Those proponents testifying in support of the measure included: Malik Shabazz, Dr. Amy Jenkins, Charles Crews, Dr. Roussan Etienne, Jr., Sharriff Shari, Mark Anthony Johnson, Sr., Valerie Blackmon, Gerald L. Owens, Iman Akbar Abdul-Karim Bilal, and Mr. John Cheeks.
- Chairman Bennett wished to give the proponent an opportunity to review the opinion of the Attorney General in order to respond.
- Ron Bonfilio asked for a specific aspect of the proposed initiative that Board members took exception to, and he was informed that Mr. Cheeks had the Attorney General's opinion that enumerated the concerns.
- Mr. Shabazz requested 90 days to offer a legal response or submit a new iteration of the proposed measure.

BOARD ACTION: The Board decided to hold the determination in abeyance for 30 days.

- Jeanette Pollard, Dale Maseer, and Oduno A. Tariq made closing statements.

Mr. McGhie introduced final rulemaking to amend Chapter 1, Organization of the Board of Elections.

- This was to have a universal leave policy in the Board of Elections for the Executive Director, General Counsel, and the Director of Campaign Finance.

BOARD ACTION: The Board approved the rule as final.

Mr. Sanford introduced proposed regulations of OCF to amend Chapters 30, 34, 38, and 41.

- These proposed amendments bring the regulations into compliance with the statutory changes that have occurred that were passed by 13 the Council of the District of Columbia.
- Chapter 30 section will limit the amount of the contributions that might be received by political action committees permanently to \$5,000.
- In addition, it would amend Chapter 30, to include two additional filing dates for committees, for political action committees, which would include April 10th and October 10th.
- Chapter 34 would actually change the provisions of the regulations that currently require business contributors to identify all affiliated entities. These revisions would only require business contributors to identify those affiliated entities who are also making contributions to political campaigns.
- In addition, under Chapter 38, the treasurers of legal defense funds would be required to maintain records of all their business contributors who made contributions in excess of \$50.
- Chapter 41 would require the designation of exploratory committees to -- by those committees that had converted to principal campaign committees to be designated as connected organizations or affiliated committees.

BOARD ACTION: The Board approved the rules as proposed.

Mr. McGhie presented litigation status:

- Both cases, D.C. BOE v. Carter, 1 and 2, and Worthy are petitions for enforcement. The Carter 1 is to enforce a fine of \$1,800. Carter 2 is to enforce a fine of \$1,750, and Worthy is to enforce a fine of \$2,000.

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

- On March 21, 2017, Council of the District of Columbia introduced Bill 22-0192, the Fair Elections Act of 2017, and the Act was referred to the Committee on the judiciary and public safety for further action. It will provide public financing to participating candidates, either through the allocation of a lump sum or through matching payments. Candidates will have to opt into the program in order to participate and will have to meet certain threshold requirements that are prescribed by the statute.
- March 17th filing deadline for the filing of Summary Financial Statement for Advisory Neighborhood Commission candidates with 450 required filers, 402 filed timely; 48 committees that failed to file were referred to the Office of General Counsel for the initiation of the enforcement process.
- Two new committees that registered with OCF in March: Gayle Carley/Carley for Ward 5 Council registered on March 3, 2017. Justin Green, Sr., Justin Green At-Large (City Council), registered on March 6, 2017.
- Three entry conferences held during March. The participants on March 3, 2017 were Alpha Bah, Candidate, Bah for Mayor; Nia Duggins -- Duggins, Treasurer, Bah for Mayor; Michael C. Malinics, Jr., Chairman, Bah for Mayor; Rosalind C. Cohen, Assistant Treasurer, Committee to Elect Lori Parker for D.C. Council; Lori Parker,

Candidate, Committee to Elect Lori Parker for D.C. Council; and Kathryn Tilley, Treasurer, Brianna for D.C. 2018. The participant of the entrance conference conducted on March 13, 2017, were Milos Doroslovacki, Treasurer, Committee to Elect Lori Parker. On March 22, 2017, the participants were Anthony Stevens, Treasurer, D.C. Young Democrats; Anthony Roberson, Treasurer, Carley for Ward 5 Council; Victor Carl Honey, Treasurer, 2017 Committee to Recall Mayor Muriel Bowser; Gayle Hall Carley, Candidate Carley for Ward 5 Council.

- OCF Audit Branch conducted 15 desk reviews of financial reports of receipts and expenditures.
- OCF has ongoing periodic audits of the following committees: Brandon Todd for Ward 4 was issued March 30, 2017; and Vince Gray 2016, which the audit letter was issued on March 01, 2017.
- OCF has initiated a new audit of Vincent Orange 2016 of the January 31st, 2016, and the March 10, 2016, reports of receipts and expenditures.
- ed 4 new random periodic audits of the following political action committees: D.C. Dental PAC, the D.C. Democratic State Committee, the Ward Three Democrats, Ward 8 Matters, and the SEIU Local 500.

Mr. William SanFord presented the General Counsel Report

- The Office of the General Counsel received 49 referrals and conducted 4 informal hearings in which 1 order was issued.
 - 1 order in which a fine of \$2,850 was imposed.
- Office of the General Counsel also transmitted 12 petitions for enforcement to the Office of the General Counsel for the Board of Elections.
- The Office of the General Counsel maintained a total of 3 open investigations and no new investigations were opened.

There being no further business before the Board, the meeting adjourned at 12:34 p.m.