



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
January 9, 2019

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday January 9, 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 10:50 a.m.

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

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

- the selection has been made for Fair Elections Manager of the Fair Elections Program Division. The person selected is Erick L. Jackson, and he has served as a senior auditor in the Office of Campaign Finance as well a supervisory auditor, since 2014.
- December 10 report of receipts and expenditures filed by principal campaign committees and PACs independent expenditure committees, as well as inaugural committees.
 - The total number of required filers was 113. There were 101 timely filers. Two requested extensions. There were 12 failures to file – those 12 were referred to the Office of the General Counsel for the initiation of the enforcement proceedings
 - With the Independent Expenditure Committee, four out of five required filers timely filed. There was one failure to file
 - With respect to the Inaugural Committee, there was one required filer. The required filer late-filed.
- One new candidate committee that registered on December 3, 2018, and that was Protecting Restaurant Workers Committee (Referendum).
- held one entrance conference during December, and that was on December 18, 2018, with Trupti J. Patel, treasurer, Save Our Voices No DC Council Repeal of Initiative 77.
- The audit branch conducted 119 desk reviews. Those were desk reviews of political action committees, our constituent service funds, as well as our principal campaign committees.
 - The full field audit of Sheika Reed for Ward 1, which was initiated on August 29, 2018.
 - The periodic random audits include: Mayor Bowser's Constituent Service Fund, initiated in November of 2018; Anita Bonds, 2018, initiated September 11, 2018.
- OCF issued one audit report with respect to Kenyan McDuffie issued on December 7, 2018.

William Sanford presented the report of the General Counsel.

- During the month of December 2018, the Office of the General Counsel received 19 referrals. 14 of the referrals were from the Public Information and Records Management Division, and 5 referrals were transmitted from the Reports Analysis and Audit Division.
- During the month of December 2018 the Office of the General Counsel completed 11 informal hearings, and issued 11 orders, which included the following: 8 orders regarding failure to timely file reports of receipts and expenditures were issued, reports in which no fines were imposed. And 3 orders regarding failures to timely file reports of receipts and expenditures in which fines that totaled \$6,150.00 were imposed.
 - A fine of \$2050.00 against the candidate and committee Justin Green At-Large; a fine of \$2050.00 against the candidate and committee Holmes for D.C.; and a fine of \$2050.00 against the candidate and the committee of Melik for At-Large.
- During the month of December 2018, the Office of the General Counsel collected \$1,500.00 in fines from Jeffrey Thompson Office of the General Counsel collected a total
- During the month of 2018, the Office of the General Counsel opened one full investigation. The investigation docket number is LCF FY2018-002 and the complainant is Emily Naden. Filed December 4, 2018. The respondent is Council Member Brandon Todd and the alleged infraction is the inappropriate use of government sources.

Ms. Miller gave the Executive Director's report.

- We will begin our canvass shortly by sending to registered voters, who did not vote or file a change of address at the polls at the general election, a first-class non-forwardable post card sent out to the address that we have on record. The Board then changes the address on its records and mails to both the old and new address of the registrant a formal notification that the address has been changed to reflect the information that came from the post office.
- 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 Office of Contracting and Procurement is finally ready to award a contract for our voter registration system. We are doing final details now to get it awarded. We believe that should happen prior to the end of this month if not sooner.
- 2020 election calendars are in draft form, about to be placed on the website. I will just state that the 2020 elections for the primary will be June 16, the primary for the -- party primary, those candidates will be the presidential nominee, delegate to the U.S. House of Representatives, At-Large members of the council, ward members of the councils for 2, 4, 7 and 8, U.S. Senator, U.S. Representative and the non-party committee person
 - the November 2020 general election will be November 3. The ballot will include: candidates for president-electors, delegate to the House of Representatives At-Large members of the Council, Ward members to the councils Wards 4, 7 and 8, U.S. Senator, Representative At-Large members of State Board of Education, Ward members of State Board for 2, 4, 7 and 8, and our ANCs.

Mr. McGhie presented the General Counsel's report.

- Proposed Rulemaking to amend Title 3, DCMR Chapter 10, "Initiatives and Referendums." These amendments clarify the various filing requirements at multiple stages of the Initiative and Referendum process. They specify the bulletin notice requirements for a proper subject matter review hearing on both initiatives and referendums and expand the types of documents that non-resident circulators may submit as valid proof of residence when registering with the Board, and clarify the rules concerning signature defects on initiative or referendum petitions. The requirement of notice for DC Register will stand for initiatives, but will change for referendums because of the need to handle that on an expedited basis to notice being posted on the Board's website at least 48 hours in advance.
 - **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.
 - There is a matter still pending in Superior Court in reference to Count 2, which is the proper subject matter determination the Court did not rule on. That matter is currently scheduled for a status hearing on Friday, January 18 at 10:00

Mr. Michael Sindram presented public matters:

- Mr. Sindram sought clarification with respect to the litigation involving Initiative 77.
 - MR. MCGHIE: Initiative 77 is the underlying matter, but it's Referendum 008 which deals with the repeal of Initiative 77.
- The special election of Ward 4, State Board of Education went well and I applaud you guys sending out that postcard additionally following the election to alert us. I hope that bolstered the turnout.
- There was mention made about Brandon Todd, inappropriate use of resources. It's clearly extremely unfair when you have everybody following the rules except for one, who gets the nod of the incumbent councilmen. That ought not be, and I would dare say that's happening because the enforcement at you all's end is not being enforced, or vigorously enough.
 - CHAIRMAN BENNETT: Well, we're doing an investigation and I'm sure that once that's concluded that I have faith that our executives will recommend the proper order.
- What's happening with Jack Evans? There was a number of allegations and I haven't heard. What's the status?
 - MEMBER GILL: Michael, I think that's a matter that didn't involve a campaign and didn't involve elections that the Council was looking at, so it's not in our jurisdiction.

- I wanted to give hats off to Ms. Jennings. She does a yeoman's job. Actually, she deserves a raise. You know, good help is hard to find.

Ms. MILLER: the Joint Elected Officials Committee for the Election Center Conference is this week, and is comprised of state and local officials from across the nation. They will be visiting the Board's office for a tour on Friday, so I just wanted to put that on the record because it's significant that we'll have so many people from out of town that are election officials coming to look and observe our offices on Friday beginning at 2:00. Thank you.

There being no further business before the Board, the meeting adjourned at 11:20 a.m.