



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



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**April 4, 2018**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday April 4, 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 Rudolph McGann sitting in for 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 11:15 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on Wednesday, March 7, 2018 were moved for approval and adopted without objection.

**Mr. McGann presented the General Counsel’s report.**

- The first matter on the General Counsel's Report is the Travon Hawkins Recall.
  - Ms. Dorcas Agyei, is present. Mr. Hawkins is not present. However, he was notified of this meeting by email and letter of correspondence.
  - Ms. Agyei confirmed the proposed petition is one that reflects accurately her statement for reason of recall and adopted this as her official petition for circulation.
  - The proposer of the recall of an ANC shall have 60 days to circulate the recall petition and file the same with the Board beginning on the date when the proposer of the recall formally adopts the original petition form as his or her own. Accordingly, Ms. Agyei must file the recall petition with the Board no later than 5:00 p.m. on Monday June 4, 2018.
  - The total number of registered voters in SMD 8A-05 as of February 28, 2018 was 1,898. Accordingly, the petition for the recall of Commission Hawkins must include the valid signatures of the 190 registered electors in SMD 8A-05.
  - **BOARD ACTION:** unanimous acceptance of the petition for recall.
- The next matter is a subject matter hearing from the D.C. Bike Life Access and use of Non-Traditional Vehicles Act of 2018. The sponsor or the proponent of the measure is Mr. Eric Butler.
  - The Attorney General replied that the language used in the measure is vague and ambiguous to the point that no reasonable person would be able to determine if their conduct was legal or illegal. Second measure is permissible law appropriating funds because it would impose new responsibilities on the district government that could not be carried out without additional funding measure. To the extent the measure would reduce penalties, the measure removed the source of revenue which

- would intrude upon the counsel's appropriation authority and could negate or limit a budget request act as was the case in a case named Dorsey.
- With respect to the General Counsel's Office, our reasoning concurs in only that last aspect with respect to the decriminalization you take away revenue source from the counsel.
  - Mr. Butler's question is why wasn't Initiative 71 determined to be not valid for this reason as it took away revenue that goes to prison in the amount of whatever, 5,000 prisoners per year, that goes for jail offenses.
  - Mr. Butler continued: When DCMJ sat down here when penalties were being taken away from marijuana possession at the time when I believe the petitions were given up, marijuana was decriminalized already by Counsel and there was a penalty associated with it. Initiative 71 wiped that penalty off of the books. For that same reason that I'm sitting here today facing this objection or petition to decline of subject matter, based on subject matter, then why do we have legalization in the city today?
  - How far do we let our need for the penalties keep from putting the burden on the people to keep providing the money for these penalties when we have a process in place where we could turn -- where we could still maintain penalties, legalize the behavior, and you'll get money off of the penalties.
  - CHAIRMAN BENNETT: We will make a decision on this in executive session. My compliments to your initiative and also to your arguments around the matters that we need to consider.
- At this point in time I'd like to introduce my colleague Ms. Renee Christiansen to present Proposed Emergency Rulemaking for Chapters 1, 2, 4, 5, 7, 8, 17, and 33.
    - The purpose of the amendments to Chapter 1 and 4 is to make minor conforming amendments as a result of the passage of the Board of Ethics and Government Accountability Establishment and Comprehensive Ethics Reform Amendment Act of 2011 which repealed the Campaign Finance Reform and Conflict of Interest Act.
    - The amendments to Chapter 2: (1) Codify the Board's current status to act as a personnel authority pursuant to the District of Columbia Government Comprehensive Merit Personnel Act of 1978 as amended for its employees. (2) Adopt personnel rules that apply to all other District of Columbia employees unless specifically exempted in this chapter. (3) Relocate any existing personnel regulations to this chapter. (4) Retain the existing rules concerning political activity of board members and employees.
    - The purpose of the amendments to Chapters 5, 7, and 8 is to codify rules following the passage of the Automatic Voter Registration Act of 2016.
    - The amendment to Chapter 17 changes the deadline for candidates for party offices to file amendments, or statements to amend or withdraw from registered slates. This amendment changes the filing deadline to coincide with the deadline to withdraw as a candidate for either public or party office which is 54 days before election day.

- The purpose of the amendment to Chapter 33 is to make a minor conforming amendment by adding the Attorney General to the list of public officials who may as part of their official duties express views on a District of Columbia election.
  - The emergency action to adopt these rules is necessary since the rulemaking will establish new regulations concerning the deadline by which voters can register to vote or make voter registration changes including party affiliation prior to the June 19, 2018 primary election.
  - **BOARD ACTION:** Motion to accept the recommendations of emergency rule making approved on unanimous basis.
- Mr. McGann presented litigation status on behalf of the OGC.
    - Those cases are *D.C. Board of Elections v. Christopher Hawthorne*; *D.C. Board of Elections v. Camille Loya*; and *D.C. Board of Elections v. Charles Wilson*. All three are companion cases in that they're petitions for enforcement of campaign finance orders. We have a hearing before the Judge in chambers tomorrow morning at 10:30. We anticipate receiving an order enforcing the judgment of the Board of Elections and we will record those judgments.

**Ms. Miller gave the Executive Director's report.**

- Thank you, Mr. Chair. The first matter under my agenda is the proposed relocation of two precincts, Precinct No. 8 and Precinct No. 29.
  - Both precincts are in Ward 3. The first precinct is Precinct No. 8 which is Palisades Recreation Center. This facility is under construction currently and would not be available for the upcoming June 19th primary election. Therefore, I am recommending that we relocate to the Palisades neighborhood library located at 4901 B Street, N.W. The precinct is accessible with slight modifications. We'll have to leave the door propped open.
  - The next voting place is Precinct No. 29 which is the 2nd District Police District. This office is scheduled to go under renovation in March of 2018 and would not be available for the upcoming June 19th primary election. Therefore, I'm proposing that we relocate to the Washington Hebrew Congregation Church which is located at 3935 Macomb Street, N.W.
  - **BOARD ACTION:** Motion to accept the recommendations of relocations approved on unanimous basis.
- The deadline for candidates to file their nominating petitions for the January primary was March 21st. However, due to inclement weather on the 21st and the government being closed, the deadline was extended to March 22nd, the next business day for the government. As of yesterday all candidates who were challenged have been notified. Prehearings are now in the process of being scheduled between the General Counsel's Office and the Registrar.
- The procurement of the Voter Registration System is finally in the decision-making process. The final submissions for the bid on solicitation were submitted last Monday, March 26th.

- Our poll worker trainers are in place and have been working in setting for the past few weeks with the poll worker training materials for the June 19th primary. We will begin training for early voting on Monday. The training for election day workers will begin a week later on April 17th.
- Early voting will start on June 4 at One Judiciary Square. At the other eight satellite locations early voting begins on June 8th. All early voting ends on June 15th.
- March 23rd, the Omnibus Bill was signed by the president which allowed money for HAVA, federal funding. The District will be receiving \$3 million in HAVA funding.
- Our budget hearings are scheduled for next Friday. Right now we are scheduled to receive about \$10.5 million of the \$12 million that was requested. I just hope that none of that is affected by HAVA.

**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. I will also publish a notice for the public on our website as well and also on our Facebook and Twitter accounts on this date as well.
- March 10th was the deadline for the filing of the reports of receipts and expenditures by our principal campaign committees and our political action committees who are active in the current election cycle. We had 97 required filers, 45 principal campaign committees, and 52 political action committees. Eighty-six of the committees timely filed. We had two late filers and we had two requests for extensions which were requested and granted. There were nine failures to file and those failures to file were referred to the Office of the General Counsel.
- During the month of March, we had 18 new candidates and committees who registered with the agency and the names of those new candidates and committees will be posted on our website today with our stats.
- We held entrance conferences during the month of March on two dates. The first was on March 14, 2018. The participants were Michael D. Brown, Candidate Michael D. Brown for Senate 2018; Robert "Beau" Finley, Candidate Ward 3 Blue Wave Democrats Committee; Yvonne L. Gillespie, Treasurer Michael D. Brown for Senate 2018; John Capozzi, Candidate Dump Trump, Democrats for Action; James Lavar, Candidate Democrats Moving Forward #RESIST. On March 28th the participants were Jessica Sutter, Candidate Jessica Sutter for SBOE, Art Slater, Treasurer, Dump Trump, Democrats for Action; Vasoo Abriham, Treasurer, D.C. for Democracy; Ryan Washington, Candidate, Washington for D.C; Frank Barr, Treasurer, Franklin for D.C. 2018; Marily Tyler Brown, Treasurer, Democrats Moving Forward #RESIST.
- In our Audit Branch during the month of March the Audit Branch conducted 46 desk reviews of political action committees, 49 desk reviews of principle campaign committees, and also issued 36 requests for additional information concerning the audit reports or the desk reviews which were conducted.
- We have four periodic random audits which are ongoing, other reports filed on January 31, 2018 of the candidates in the 2018 election. Those include Re-Elect Muriel Bowser, our Mayor; Karl Racine 2018; Tenny McDuffie 2018; and Deon for D.C.

- With the periodic random audits of the political action committees for the reports which were filed on January 31, 2018 we have two ongoing audits; Verizon Communications, Inc., Good Government Club, Washington, D.C. and Food Service Pack.
- We issued two audits during the month of March and those will be posted at our website for review by the public. The first is the Greater Washington, D.C. Insurance and Financial Advisers Act which was issued on March 6, 2018, and Brianne for D.C. 2018 which was issued on March 29, 2018.

**Mr. SanFord gave the General Counsel's report.**

- The Office of the General Counsel received 13 referrals which included eight principal campaign committees and five political action committees.
- The Office of the General Counsel completed five informal hearings and issued five audits which included the following: Two orders were issued for failure to timely file reports in which no fines were imposed. Three orders were issued for failure to timely file reports in which fines totally \$3,850 were imposed.
- The Office of the General Counsel imposed fines against the following respondents during the month of March: a fine of \$1,400 was imposed against Dustin Canner for Mayor, principal campaign committee; a fine of \$1,400 was imposed against Justin Green At Large Committee; and a fine of \$1,050 was imposed against the MMC Foundation Committee.
- During the month of March 2018 the Office of the General Counsel collected \$1,500 in fines and that fine was transmitted to the Office of the General Counsel by Jeffrey Thompson in accordance with an installment agreement between the Office of Campaign Finance and Mr. Thompson.
- On the 12th of March the Office of the General Counsel issued Opinion No. 018-01. The requester was Donald R. Dinan. His request was submitted on the 22nd of February and the request involved contributions to slate.
- On the 9th of March the Office of the General Counsel received a request for an interpretative opinion which is currently pending and the requester was Clinton Lassure. That request involved registration requirements.
- The Office of the General Counsel collected a total of \$6,575 in fines, which includes the following:
  - \$1500 was paid by Jeffrey Thompson as part of an installment plan on fines that had been imposed previously; a fine of \$5000 was paid by Karl Racine for Attorney General Committee, Karl Racine for Attorney General 2014, and that was the total amount of that fine, and a fine of \$75 was imposed and paid by Ricky Williams, an ANC candidate in the last election.

There being no further business before the Board, the meeting adjourned at 12:26 p.m.