

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
November 14, 2019**

The District of Columbia Board of Elections (the Board) held its Regular Monthly Meeting on Thursday, November 14, 2019 in the Board's Hearing Room, located in Suite 750, 1015 Half Street, SE, Washington, D.C. 20003. Board Chairman Michael Bennett and Board Member Michael Gill were present. Also present on the dais were the Board's Executive Director, Alice Miller, the Board's General Counsel, Terri D. Stroud, and the Director of the Office of Campaign Finance (OCF), Cecily Collier-Montgomery.

CALL TO ORDER (10:52 a.m.)

ASCERTAINMENT OF QUORUM

- Board Member Michael Gill and Board Chairman Michael Bennett constitute a two-member quorum to conduct business.

ADOPTION OF AGENDA/APPROVAL OF BOARD MINUTES

- **BOARD ACTION:** The Board unanimously adopted the agenda and minutes from the last meeting held on October 2, 2019.

BOARD MATTERS

- **ORDERS AND ISSUANCES:** The Board issued nine orders over the last month concerning Petitions for Enforcement of OCF orders; those orders are posted on the Board's website.

IDENTIFICATION OF PUBLIC MATTERS

- There were no public matters identified.

OCF OCTOBER 2019 REPORT (DIRECTOR COLLIER_MONTGOMERY)

- **Community Outreach**
 - On October 12, 2019, supervisory training officer Deloris Ramsey, attended the Petworth Community Advisory Neighborhood Commission meeting, and the ANC 4D fall festival located at 9th and Illinois Avenue, NW.
 - At these events, OCF distributes information about OCF, its mission, and the new Fair Elections Program (FEP).
- **Fair Elections Program (FEP)**
 - New Registrants:
 - Gaston 2020, October 9.
 - Committee to Elect Stuart Anderson 2020, October 10.
 - Holcomb for State Board of Education, October 18.
 - Chandler for Council At-Large, October 18.

- Christopher Cole Ward 8, October 30.
 - There is a listing of all FEP registrants on the OCF website. The reports can be accessed on the registration disclosure search tab.
 - Eighteen Reports were filed in the FEP program during the month of October; those statistics will be posted to the website by the close of business.
 - Issuance of matching payments:
 - John Fanning, \$750 issued on October 9.
 - Jordan Grossman, \$1,425 issued on October 9.
 - Janeese Lewis George, \$3,720 issued on October 17.
 - Jordan Grossman, \$6,993 issued on October 17.
 - Patrick Kennedy, \$5,210 issued on October 17.
 - Kishan for DC 2020, \$4,361 issued on October 17.
 - FEP Outreach
 - On October 1, staff attended the ANC 4A02 meeting held at the 4th District Community Room at 6001 Georgia Avenue NW.
 - On October 8, staff attended the ANC 2C01 meeting held at the John Wilson Building, 1350 Pennsylvania Avenue NW.
 - On October 10, staff attended the ANC 3B meeting held at Stoddert Elementary School at 4001 Calvert Street NW.
- **Public Information and Records Management (PIRM)**
 - Filings in the month of October:
 - Constituent Service Programs October 1 Report of Receipts and Expenditures (R&E Report)
 - 9 filers, all filed timely
 - Senator and Representative Statehood Fund October 1 R&E Report
 - 3 filers, all filed timely
 - Principal Campaign Committees October 10 R&E Report
 - 15 filers, 13 filed timely, 2 late filers
 - 5 extensions requested and granted
 - 2 referrals to the Office of General Counsel
 - Independent Expenditure Committees (IEC) & Political Action Committees October 10 R&E Report
 - 59 filers, 53 filed timely, 4 filed late, 2 failed to file
 - No extensions requested
 - 6 referrals to the Office of the General Counsel (OCF OGC)
 - 8 referrals to the OCF OGC
 - FEP
 - Dale for DC, Anthony Dale, Treasurer.
 - Rosenburg 2020, Nathaniel Moone, Treasurer.
 - PAC
 - Gertrude Stein Democratic Club Political Account, Earl Fowlkes, Treasurer.
 - Ward One Democrats, Daniel Orlaskey, Treasurer,
 - Save Our Votes, Sigute Melius, Treasurer.
 - Seniors United PAC, Violet Harris, Treasurer.

- IEC
 - DC Choice, Daye Pope, Treasurer.
 - Save Our Votes, an IEC, Gaylan Hagler, Treasurer.
- 7 New Candidates and Committees registered with OCF on October:
 - DC Libertarian Party on October 1, 2019,
 - Darrell Gaston, Gaston 2020, State Board of Education Ward 8, on October 9, 2019.
 - Stuart Anderson, Committee to Elect Stuart Anderson 2020, City Council Ward 8, October 10, 2019.
 - Chandler Jayaraman, Chandler for Council, City Council At-Large, October 18, 2019.
 - Tyrell Holcomb, Holcomb for State Board of Education, State Board of Education Ward 7, October 22, 2019.
 - Richard Campbell, Richard Campbell Ward 8 City Council, October 29, 2019.
 - Christopher Cole, Christopher Cole for Ward 8, City Council Ward 8, October 30, 2019.
- Entrance conferences for new candidates and committees were held on the following dates with the participants indicated:
 - October 9, 2019:
 - Michael Talley, Treasurer Ward 5 Democrat's Committees.
 - Ethan Bishop, Treasurer of DC, Libertarian Party.
 - Ylin Zhang, Candidate, Ylin Zhang for Ward 2.
 - October 23, 2019:
 - Edward Ertel, Treasurer of Chandler for Council.
 - Dawn Slonnezer, Assistant Treasurer, Chandler for Council.
 - Chandler Jayaraman, Candidate, Chandler for Council.
 - William A. Martin, Jr., Treasurer of Food Service, Political Action Committee.
 - Stuart Anderson, Candidate Committee to Elect Stuart Anderson.
 - Regina Summers, Treasurer of Committee to Elect Stuart Anderson.
- **Reports Analysis and Audit Division (RAAD)**
 - Conducted 88 desk reviews of financial reports.
 - Two ongoing full field audits:
 - The Committee to Elect Zachary Parker 2018, initiated on March 5.
 - Emily for Education, initiated on March 4.
 - There are five periodic random audits of the following:
 - Re-elect Brandon Todd 2020 PCC, initiated September 4.
 - D.C. Democratic State Committee PAC, initiated September 10.
 - Phil's Fund Constituent Service Fund, initiated November 7.
 - Ward 3 Constituent Service Fund, initiated October 7.
 - Evans Constituent Service Fund, initiated October 25.
 - One audit report issued:
 - Gertrude Stein PAC, issued October 24.

- **OCF Office of the General Counsel (OCF OGC)**
 - There were 8 referrals from PIRM.
 - There were 6 hearings and 6 orders issued:
 - 3 orders for failure to timely file reports; no fines were imposed.
 - 3 orders vacated notices of hearings and statements of violations.
 - \$100 in fines was collected.
 - \$100 from Gayle Carley.
 - OCF retained one open investigation into a complaint filed by ANC Commissioner Edward Hanlon on September 5 alleging that the following ANC Commissioners used the government ANC Twitter account to promote the candidacy of a candidate for Ward 2, City Council:
 - Daniel Warwick, SMD 2B02
 - Aaron Landry, SMD 2B04
 - Randy Downs, SMD 2B05
 - Matthew Sampson, SMD 2B01
 - Mike Silverstein, SMD 2B06
 - Kari Cunningham, SMD 2B07
 - There were no requests for opinions.
 - There were no show cause proceedings.

- **Fair Elections Program (FEP cont'd)**
 - 21 of the 28 candidates who are registered to participate in the 2020 Election cycle are registered in the FEP.
 - The FEP has initiated a requisition for the second phase of the Fair Elections E-Filing System, E-Filing and Disclosure System, and the second phase will focus on the public reports as well as other administrative reports.
 - Ms. Collier-Montgomery will provide a status update on the procurement process during the December Meeting.
 - Chairman Bennett complimented OCF leadership and staff for their work to ensure the success of the FEP.

EXECUTIVE DIRECTOR'S OCTOBER 2019 REPORT (EXECUTIVE DIRECTOR MILLER)

- **Report of proposed polling relocations for final approval (Mr. Arlin Budoo)**
 - Precinct No. 14 had been relocated from St. Thomas Episcopal Church to the M.A.A. Carriage House meeting space due to construction. We propose relocating back to the multipurpose room at St. Thomas (1517 18th Street, NW). The building is accessible with slight modifications. There is no push-button door to enter the facility, but that can be addressed through poll worker training.
 - Precinct No. 27 must be relocated from Eaton Elementary School due to renovations. We propose relocating to the multipurpose room at Cleveland Park Library (3310 Connecticut Avenue, NW). The facility is accessible.
 - Precinct No. 40. Bancroft Elementary School. We propose relocating back to the gymnasium at Bancroft Elementary School (1755 Newton Street, NW), now that

scheduled renovations are complete. The site is accessible with some slight paving modifications at the entrance.

- Precinct No. 54 must be relocated from West Education Campus due to construction. We propose relocating to the church hall at St. Luke's Baptist Church (1415 Gallatin Street, NW). It is accessible with a few modifications. Mr. Budoo noted that ULS visited Precinct 54 and has concerns with the proposed site with which BOE ADA Coordinator Terrica Jennings concurs. However, there are no other public buildings in the area suitable for the voting program, and the site can be improved with some modifications. He also noted that the affected ANC Commissioners approve of the proposed location.
 - Precinct No. 57 must be relocated from the Hattie Holmes Senior Wellness Center due to construction. We propose relocating to the gymnasium at Washington Latin Public Charter School (5200 Second Street, NW). It is accessible with slight modifications. The double door entrance requires temporary removal of the center bar for accessible access.
 - Precinct No. 89 had been combined with Precinct No. 88 at Eastern Market because no location in the latter precinct meets the Board's polling place requirements. We propose relocating Precinct No. 89 to the fellowship hall at Capitol Hill United Methodist Church (421 Seward Square, SE)
 - The notices regarding Precincts 14 and 54 were resubmitted to the D.C. Register due to typographical errors in the previous publication.
 - Notices of the relocations will be sent to all affected voters.
 - **BOARD ACTION** All relocations of precincts and proposed polling places were approved unanimously. The proposed relocation of precincts 14 and 54 were resubmitted for public comment for an additional 30 days.
 - The Board commended Mr. Budoo for his diligent work with regard to polling place maintenance.
- **Continuing Poll Worker Training (CPT)**
 - We have completed continuing poll worker training for this year and all stipends have been processed for the second round of training.
 - **Voter Education and Outreach Division (VEOD)**
 - In the month of October, VEOD staff coordinated and attended 14 events including:
 - Ballou High School Homecoming
 - DC Office of Youth Programs
 - Disability Diversity Expo at UDCVEOD events are designed to identify and register eligible voters, recruit poll workers, and provide targeted outreach to underrepresented populations including returning citizens, incarcerated eligible voters, and high school students.
 - **Voter Registration List Maintenance**
 - The Board mailed 2,788 ERIC cross-state match letters to determine eligibility of those voters who remain on our rolls.

- We also mailed 833 letters to individuals who remain registered on the rolls with a birth year of 1800 requesting that they update their date of birth.
- **Voter Registration System Update**
 - The staff has completed training on how to perform the various functions that they will be responsible for completing with the new upgrades with the new system.
 - Staff has begun user acceptance testing to verify compliance of features with the RFP with respect to functionality and readiness.
- **Ward 2 recall updates**
 - Carrie Kemp has withdrawn her recall effort, and the remaining petition proposed by Mr. Adam Eidinger is due Monday, November 18, 2019 by 5 p.m.
- **Board testimony before the Council regarding legislation**
 - Ms. Miller provided testimony regarding 2 pieces of legislation
 - Restore the Vote Amendment Act (giving incarcerated felons the right to vote)
 - Vote by Mail Amendment Act (requires Board to mail ballots to all eligible voters)

BOE OGC OCTOBER 19 REPORT (GENERAL COUNSEL STROUD)

- **LITIGATION STATUS**
 - **William Hunt v. the D.C. Board of Elections.** This matter was filed in US District Court on October 18, 2018 and is a complaint regarding the counting of write-in votes cast in the November 6, 2018 General Election. Mr. Hunt was a Mayoral write-in candidate in that election, and he filed a complaint asking the court to require the Board to count the write-in votes cast in the Mayoral contest.

Briefing in the case is complete and we are awaiting the court's order on the Board's motion to dismiss.
 - **James Butler v. the D.C. Board of Elections.** This is an action to compel the Board to accept the DC Term Limits Campaign Initiative and treat it as a proper subject. A conference for this matter took place on July 19. Dispositive motions are due on November 21, 2019, at which time both parties will file cross-motions for summary judgment.
 - **Graham v. the D.C. Board of Elections.** This matter involves the Board's appeal of a permanent injunction that was entered by the D.C. Superior Court on December 12, 2018 prohibiting the Board from taking any action on Referendum 8. Briefing in the case is complete, and the Court of Appeals has ordered the case be scheduled for oral argument as soon as the calendar permits.

- **Phillip Hammond v. the D.C. Board of Elections.** This is an appeal of Board Order 19-32, upholding the resolution issued by ANC 7B which found no vacancy in the office of Advisory Neighborhood Commissioner for ANC SMD 7B04. On September 6th, the Court of Appeals consolidated this case with **Robin Marlin v. the D.C. Board of Elections** (see below). On October 9, 2019, the Court issued a briefing schedule ordering the Appellants to file the appendix and their brief on November 18th, and the Board's response would be due on December 18th in both of these matters.
- **Robin Marlin v. the D.C. Board of Elections.** This is an appeal of Board Order 19- 33, upholding the resolution issued by ANC 7B which found no vacancy in the office of Advisory Neighborhood Commissioner for ANC SMD 7B05.
- **RULEMAKING**
 - **Final Rulemaking**
 - To amend Title 3 DCMR Chapter 30, “Campaign Finance Operations: Committees, Candidates, Constituent Service Programs, Statehood Funds,” Chapter 37, “Investigations and Hearings,” Chapter 38, “Legal Defense Committees,” Chapter 39, “Campaign Finance Operations: Inaugural Committees,” Chapter 40, “Campaign Finance Operations: 8 Transition Committees,” Chapter 41, “Campaign Finance Operations: Exploratory Committees,” and Chapter 99, “Definitions.” (Regulations in Support of the Campaign Finance Reform Act)

BOARD ACTION: The Board adopted the rulemaking as final.

BOARD MATTERS

- Chairman Bennett announced that the Board would set a time limit for persons to speak on public matters in future meetings, and would also likely respond to questions raised in meetings in writing rather than during meetings so as to allow for more thorough responses.

Adjournment (11:36 a.m.)