

Board filed a summary judgment motion on Friday October 9, the Plaintiff's opposition was filed October 26, the Board's reply was filed November 9, and the Plaintiff's final reply was filed November 23. The matter was set for oral argument, but the Plaintiff requested and was granted a continuance, and the Court has not rescheduled the argument as of yet.

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

- The Drew Franklin committee, Drew for D.C. at Large on the City Council, registered to participate in the 2015-2016 election cycle on November 13, 2015. The entrance conference for that committee and treasurer is scheduled for December 3, 2015.
- OCF Audit Branch conducted 25 desk reviews (15 PACs and 10 CSFs), and sent out 11 requests for additional information, and the full field audit of Gray for Mayor is ongoing.
- The full field audit of the D.C. Proud Inaugural Committee is ongoing.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.
- The periodic random audits of the continuing committees Morgan for D.C.; Citizen's Outreach Fund; and Yvette Alexander CSF are ongoing.
- OCF issued audit reports for the following cases: Barry for Council (11/11/15); Charles Allen for Ward 6 (11/20/15); Eric Jones, 2014 (11/23/15); Fresh PAC (11/23/15); and Libertarian Party of D.C. (11/30/15). All audit reports are available for review at OCF's website.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 1 referral from the Reports Analysis and Audit Division.
- The Office completed 5 informal hearings and issued 10 orders including the following: 3 orders for failure to timely file a report in which no fines were imposed; and 7 failure to timely file reports in which \$8,750 in fines were imposed. The General Counsel referred 22 petitions for enforcement to the Office of the General Counsel for the Board.
- The Office imposed fines against the following respondents: \$2,000 Beverly Wheeler, Ward 1 candidate; \$2,000 Martin Sterbal, candidate U.S. Senate 2014; \$200 Renee Bowser, candidate Ward 4 Special Election; \$100 John LaBeaume, candidate for Council; \$1,650 James Caviness for mayor; \$1,800 Carter at large; and \$1,000 Ward 5 Democrats.
- OCF collected \$225 in fines from the following respondents: \$100 from D.C. Latino Caucus; and \$125 Ward 6 Democrats.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.
- OGC issued an interpretive opinion to Brandon Todd, member of the Council for Ward 4, on November 3, 2015. The opinion affirmed that Mr. Todd could reimburse himself for expenditures for constituent services, but he could not reimburse for expenditures made prior to the establishment of his CSF.

Chairman Nichols put on the record that Mr. Tatum will be moving on to assume the role of General Counsel of the Election Assistance Commission, and she thanked him for his service.

There being no further business before the Board, the meeting adjourned at 11:09 a.m.



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



DEBORAH K. NICHOLS, CHAIRMAN
STEPHEN I. DANZANSKY, MEMBER

Regular Board Meeting
Wednesday, December 2, 2015 10:30 AM
One Judiciary Square, Room 280 North

AGENDA

- 1) Adoption of Agenda
- 2) Adoption of Minutes:
Regular Board Meeting - Wednesday, November 4, 2015
(Transcripts are available for review in the Office of the General Counsel)
- 3) Board Matters
- 4) Executive Director's Report – Clifford D. Tatum
A. General Matters
- 5) General Counsel's Report – Kenneth J. McGhie
A. Litigation Status
 1. Harry Wingo v. D.C. Board of Elections
- 6) Campaign Finance Report – Cecily Collier-Montgomery
- 7) Public Matters
- 8) Adjournment



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
December 2, 2015

The District of Columbia Board of Elections ("the Board") held its Regular Monthly Meeting on Wednesday, December 2, 2015 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, Deborah K. Nichols, was present, as was Board Member Stephen Danzansky. 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 Clifford Tatum, the Board's Executive Director.

Chairman Nichols called the meeting to order at 10:36 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on November 4, 2015 were moved for approval and adopted without objection.

Mr. Tatum presented the calendar for the 2016 Board meetings for approval and adoption.

BOARD ACTION: The calendar for 2016 Board meetings was approved without objection.

Mr. Tatum reported on the status of the Board's response to the D.C. Auditor's observations of the 2014 general election. The report is finalized, and it will be forwarded to the Auditor. Chairman Nichols requested the report be sent as soon as possible—if not today, tomorrow at the latest.

Mr. Tatum reported that the Council will hold a hearing on Board preparedness for the upcoming election cycle, and confirmation hearings for newly nominated Board members on December 16, 2015.

Mr. Tatum reported that the Board's conversion to a Voice Over Internet Protocol telephone system is complete, and he acknowledged the work of the Board's CTO Shawn Fagan seeing this project to fruition. The Board has also completed the build-out of office space for voter services and data services personnel. The Board has also completed updating the online voter registration system wherein the Board can transfer signatures of new applicants from DMV databases. The Board has published an RFP for a new e-poll book acquisition, and responses are due December 16.

Mr. Tatum updated the Board on the report of voter registration status. As of the end of November, there are a total of 433,183 registered voters in the District of Columbia.

Mr. McGhie presented the litigation status of cases involving the Board:

Wingo v. D.C. Board of Elections involves a challenge to the Board's formulation of the short title and summary statement for Initiative 76, the District of Columbia Minimum Wage Act. The

Board filed a summary judgment motion on Friday October 9, the Plaintiff's opposition was filed October 26, the Board's reply was filed November 9, and the Plaintiff's final reply was filed November 23. The matter was set for oral argument, but the Plaintiff requested and was granted a continuance, and the Court has not rescheduled the argument as of yet.

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

- The Drew Franklin committee, Drew for D.C. at Large on the City Council, registered to participate in the 2015-2016 election cycle on November 13, 2015. The entrance conference for that committee and treasurer is scheduled for December 3, 2015.
- OCF Audit Branch conducted 25 desk reviews (15 PACs and 10 CSFs), and sent out 11 requests for additional information, and the full field audit of Gray for Mayor is ongoing.
- The full field audit of the D.C. Proud Inaugural Committee is ongoing.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.
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- OCF issued audit reports for the following cases: Barry for Council (11/11/15); Charles Allen for Ward 6 (11/20/15); Eric Jones, 2014 (11/23/15); Fresh PAC (11/23/15); and Libertarian Party of D.C. (11/30/15). All audit reports are available for review at OCF's website.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 1 referral from the Reports Analysis and Audit Division.
- The Office completed 5 informal hearings and issued 10 orders including the following: 3 orders for failure to timely file a report in which no fines were imposed; and 7 failure to timely file reports in which \$8,750 in fines were imposed. The General Counsel referred 22 petitions for enforcement to the Office of the General Counsel for the Board.
- The Office imposed fines against the following respondents: \$2,000 Beverly Wheeler, Ward 1 candidate; \$2,000 Martin Sterbal, candidate U.S. Senate 2014; \$200 Renee Bowser, candidate Ward 4 Special Election; \$100 John LaBeaume, candidate for Council; \$1,650 James Caviness for mayor; \$1,800 Carter at large; and \$1,000 Ward 5 Democrats.
- OCF collected \$225 in fines from the following respondents: \$100 from D.C. Latino Caucus; and \$125 Ward 6 Democrats.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.
- OGC issued an interpretive opinion to Brandon Todd, member of the Council for Ward 4, on November 3, 2015. The opinion affirmed that Mr. Todd could reimburse himself for expenditures for constituent services, but he could not reimburse for expenditures made prior to the establishment of his CSF.

Chairman Nichols put on the record that Mr. Tatum will be moving on to assume the role of General Counsel of the Election Assistance Commission, and she thanked him for his service.

There being no further business before the Board, the meeting adjourned at 11:09 a.m.



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
January 6, 2016

The District of Columbia Board of Elections ("the Board") held its Regular Monthly Meeting on Wednesday, January 6, 2016 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, Deborah K. Nichols, was present, as were Board Members Stephen Danzansky and 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 Terri Stroud, the Board's Acting Executive Director.

Chairman Nichols called the meeting to order at 10:37 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on December 2, 2015 were moved for approval and adopted without objection.

Ms. Stroud reported on the Board's preparations for the 2016 election cycle. Candidates can begin picking up nominating petitions for ballot access on January 22, 2016. The Board has received party plans for the conduct of the Presidential Preference Primary from the Democratic Party. The Republican Party transmitted plans to conduct their elections for Republican National Committee man and woman, and Ward Chairpersons for the D.C. Republican Committee. The Board is currently reviewing and updating forms that will be included in candidate packets, and also in absentee ballot package mailings.

Ms. Stroud reminded the Board that the Council enacted the Primary Date Alteration Act, which moved the District's primary elections to June, from April for 2016, and to September, beginning in 2018. The most significant changes resulting from this legislation are that same-day registrants with proper residence verification will vote a regular ballot as opposed to a special ballot; voters can no longer vote outside of their assigned precinct; all absentee ballots must be received no later than the close of polls on Election Day; and the time frame for the post-election review of special ballots will be condensed.

Mr. McGhie called Mr. McGann and Mr. Sanford to present petitions for enforcement from the Office of Campaign Finance:

- **Christian Carter At-Large.** The missing filing is Report of Receipts and Expenditures for December 10th. The fine amount is \$2,000; Bruce Majors, Libertarian for Mayor. The missing report is the December 10th Report of Receipts and Expenditures. The order date was February 26, 2015, in the amount of \$2,000; Martin Sterbal for U.S. Senate. Missing the December 10th Receipt Expenditures Report. The OCF order was effective on February 26th of 2015. The fine amount was \$2,000; Bell for Ward 8. The report missing was a January 31st Report of Receipts and Expenditures. The order date was April 1st, 2015, in the amount of \$2,000; Gaston 2015. The report that was missing was

a January 31st Report of Receipts and Expenditures. The fine amount is \$2,000; and Whitaker 4 Ward 4. The missing report was a January 31st Report of Receipts and Expenditures. The amount of the fine was \$2,000

BOARD ACTION: The Board's motion to authorize the Board's Office of the General Counsel to enforce the Office of Campaign Finance's Orders of Enforcement was approved without objection.

Mr. McGhie presented the litigation status of cases involving the Board:

- ***Wingo v. D.C. Board of Elections*** involves a challenge to the Board's formulation of the short title and summary statement for Initiative 76, the District of Columbia Minimum Wage Act. The Board filed a summary judgment motion on Friday October 9, the Plaintiff's opposition was filed October 26, the Board's reply was filed November 9, and the Plaintiff's final reply was filed November 23. It is before Judge Ross, and Judge Ross has scheduled a status hearing, to report on his conclusion, on January 29th.

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

- During the month of December in the Office of the Campaign Finance, there was one reporting date, the December 10th due date for the filing of Reports of Receipts and Expenditures. There were 88 required filings, (29 PCCs, and 59 PACs). 75 committees who timely filed. One request for an extension, and that was granted. One late filer. The total number of failures to file was 12, and 13 referrals to the Office of the General Counsel.
- Committees registered to participate in the 2015-2016 election cycle during December include the following: Robert White, Robert White At-Large 2016, At-Large City Council Member, December the 11th, 2015; LaRuby May, Reelected LaRuby May Ward 8 City Council, December the 14th, 2015. Jill Homan, Homan for D.C. NCW, Republican National Committeewoman, registered 12/15/2015. The Higher Ground PAC, registered on December the 14th, 2015. The entrance conferences for these new registrants are scheduled on January the 12th, 2016.
- OCF conducted Entrance conferences on December the 3rd and include the following: Ed Pottillo, Candidate, Pottillo for Council, Carlton Rectland, Treasurer, Pottillo for Council; Drew Franklin, Candidate, Drew for D.C., Danielle Sigwalt, Treasurer, Drew for D.C.; Gabriela Mossi, Chairperson, D.C. Latino Caucus, Jaime Alonso, Treasurer, D.C. Latino Caucus, and Claudia Barragan, official of the D.C. Latino Caucus.
- OCF Audit Branch conducted 75 desk reviews, and sent out 21 requests for additional information, and the full field audit of Gray for Mayor is ongoing.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.; and Elissa 2014.
- The Periodic random audits of the continuing committee Morgan for D.C. is ongoing.
- The audit of 1 constituent service program, concerning the October 1st, 2015 filing is the Yvette Alexander Constituent Service Fund.
- OCF issued audit reports for the following cases: the D.C. Proud Committee, December 14th, 2015; Eric Jones 2014, November 23rd, 2015; Fresh PAC, November 25, 2015; the Libertarian Party of D.C. on November 30th, 2015; and the Citizens Outreach Fund Constituent Service Fund, December 17th, 2015. All audit reports are available for review at OCF's website.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 13 referrals from the Public Information and Management Division.
- The Office completed 2 informal hearings and issued 3 orders including the following: two orders for failure to timely file, reports in which no fines were imposed, and one order was issued pursuant to a motion for reconsideration, in which a fine of \$500 was imposed.
- The Office imposed fines against the following respondent: \$500 fine against Darrell Gaston, a candidate for ANC in the 2014 election.
- OCF collected fines from the following respondents: \$225 from Mark Jones, from the Mark Jones Reelection Committee for School Board; \$125 from the Ward 6 Democrats; \$200 from Beverly Wheeler, Beverly Wheeler for Ward 1; and \$100 from John LaBeaume, for the Ward 1 candidacy for the Counsel.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

Ms. Dorothy Brizill expressed concerns regarding two pending pieces of legislation under consideration by the Council: Bill 21-0193, the Ballot Access Modernization Amendment Act of 2015, and Bill 21-0194, the Automatic Voter Registration Amendment Act of 2015.

- With regard to Bill 21-0193, the Ballot Access Modernization Amendment Act, what it would do, in essence, would allow signatures to be gathered by candidates and initiative and referendum proponents on a tablet. She has concerns with regard to how this witness signature requirement would be met. The legislation also requires a mobile app to be developed, and an outside party or a third party having access to the voter database raises security questions. It calls for the Board to provide candidates with tablets, as well as to develop an app, and all of this is supposed to be done within 180 days of passage of the legislation, which would put us in the middle of an election year.
- Bill 21-0194, the Automatic Voter Registration Amendment Act of 2015, which would substantially amend the process by which the Board receives new voter registrations from the Department of Motor Vehicles, by generating and immediately transferring to the Board of Elections, unless an individual did an opt-out on the application. It would require the DMV to capture all sorts of information, and she has concerns about privacy issues.
- **Mr. McGhie** reported that the Board was not consulted on this legislation by the D.C. Council before they introduced it, nor given an opportunity to testify on it. The Board plans on testifying on the legislation and shares her concerns.
- **Ms. Stroud** assured Ms. Brizill that the Board is researching what other jurisdictions are doing.

Mr. William Taft is attempting to get a song he co-wrote adopted via resolution as the official song of the Board to use as a voting registration tool.

- Board member Lewis asked whether Mr. Taft has any actual data that shows the correlation of voter turnout with the playing of this song, and he referred her to his YouTube metrics during the 2008 election of President Obama.

There being no further business before the Board, the meeting adjourned at 11:18 a.m.



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
February 3, 2016

The District of Columbia Board of Elections ("the Board") held its Regular Monthly Meeting on Wednesday, February 3, 2016 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, Deborah K. Nichols, was present, as were Board Members Stephen Danzansky and 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 Terri Stroud, the Board's Acting Executive Director.

Chairman Nichols called the meeting to order at 10:40 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on January 6, 2016 were moved for approval and adopted without objection.

Ms. Stroud reported on the Board's preparations for the June 14, 2016 Primary Election. Candidates began picking up nominating petitions for ballot access on January 22, 2016. To date, 24 candidates have picked up nominating petitions, and their names are posted on the Board's website in the Newsroom section and updated daily. February 16th is the last day to submit a petition in support of an initiative measure for the primary. February 22nd is the first day that any nominating petition may be filed. March 16th is the deadline for filing nominating petitions for all candidates.

There are 438,373 voters registered in the District as of January 31st. Based upon information received from EIRC, the Electronic Registration Information Center, the Board mailed notices to 13,650 individuals who appear to be registered both in the District and another jurisdiction. The Board asked the voters to give information about their voter registration status by no later than February 18th, 2016, in order to update the Board's records.

Mr. McGhie presented the litigation status of cases involving the Board:

- ***Wingo v. D.C. Board of Elections*** involves a challenge to the Board's formulation of the short title and summary statement for Initiative 76, the District of Columbia Minimum Wage Act. The Board filed a summary judgment motion on Friday October 9, the Plaintiff's opposition was filed October 26, the Board's reply was filed November 9, and the Plaintiff's final reply was filed November 23. There was a status hearing on last Friday, January 29th, at which time the Judge ruled from the bench and the judge denied The Board's and the intervener's motions for summary judgment, and granted the plaintiff's motion for summary judgment on the sole ground that the Board was not properly constituted because of a D.C. code statute that put a limitation of 180 days on the hold-over provisions for boards and commissions. The Board filed a motion to amend the judgment yesterday, and the Attorney General also filed a motion to intervene, and both of those motions are pending.

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

- During the month of January in the Office of the Campaign Finance, there were three reporting dates: the January 1st due date for the filing of Reports of Receipts and Expenditures for the Constituent Service Program and Statehood Fund Programs. There were 12 required Constituent Service Program filers and 3 Statehood Fund Programs filers, and they all timely filed. January 31st due date for the filing of Reports of Receipts and Expenditures for Principle Campaign Committee and Political Action Committees. There were 147 required filers; however, the reports were due February 1st because January 31st fell on a weekend. OCF is still in the process of collecting data with respect to timely filings and those who failed to file.
- Committees registered to participate in the 2016 election cycle during January include the following: Delmar 15 Chesley, Chesley for D.C. Council Ward 7, 1/4/16; Aaron Holmes, Holmes of Ward 8 1/14/2016; Robert Kabel, Kabel 2016, Republican National Committeeman, 1/21/2016; Walter Deleon, Deleon 2016 for At-large State Board of Education, 1/28/2016.
- OCF held three entrance conferences for new registrants in January.
 - **January 12, 2016:** David Satterfield, Treasurer for Homan for DC NCW and Oberting 2016; Samuel Hughes, Treasurer for Chesley for D.C. Council, Ward 7; and DeLmar Chesley, Candidate Chesley for D.C. Council, Wart 7. **January 19, 2016:** Robert White, Candidate, Robert White At-Large 2016; Christy White, Treasurer, Robert White At-Large 2016; and George Jonathan Caley, Treasurer of Jack Jacobson for School Board. **January 27, 2016:** Ruby Z. May, Candidate for Reelect LaRuby May; Monica Tahlisha Ray, Treasurer for Reelect LaRuby May; and Jakarya Branch, Assistant Treasurer Reelect LaRuby May.
- OCF Audit Branch conducted 30 desk reviews of financial reports that have been filed.
- The Periodic random audit of the continuing committee Morgan for D.C. is ongoing.
- The audit of Yvette Alexander Constituent Service Fund is ongoing.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.; and Elissa 2014.
- With respect to the investigative audit of Gray for Mayor, the audit report was issued on January the 29th, 2016 and is available at the OCF website for review.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 5 referrals from the Reports Analysis and Audit Division.
- The Office completed 5 informal hearings and issued 4 orders including: two orders for failure to timely file reports in which no fines were imposed; one motion for reconsideration, in which no fine was imposed; and one motion for reconsideration, in which a fine against the committee Treasurer was vacated.
- OCF collected fines from the following respondents: \$200 from Mark Jones, from the Mark Jones Reelection Committee for School Board; \$200 from Beverly Wheeler, Beverly Wheeler for Ward 1; \$250 from a Committee to Elect Ron Molten, a candidate for Ward 7; and \$50 for the Latino Caucus.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

There being no further business before the Board, the meeting adjourned at 11:18 a.m.



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
March 2, 2016

The District of Columbia Board of Elections ("the Board") held its Regular Monthly Meeting on Wednesday, March 2, 2016 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, Deborah K. Nichols, was absent, and Board Member Stephen Danzansky presided as acting Chairman with Board member Dionna Lewis in attendance. Also present on the dais were Kenneth McGhie, the Board's General Counsel, and Terri Stroud, the Board's Acting Executive Director.

Chairman Danzansky called the meeting to order at 10:42 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on February 3, 2016 were moved for approval and adopted without objection.

Mr. Danzansky noted for the record that this may well be his and Ms. Nichols' final Board meeting as their successors are scheduled to be confirmed on March 10. He publicly thanked our chairman for her dedicated and tireless service to the board, to the citizens of the District of Columbia, and to our city, and likewise, his former colleague, Devarieste Curry who left the Board several months ago.

Mr. McGhie thanked the Board members on behalf of the staff for their service.

Ms. Stroud introduced the Board's Support Services Specialist, Mr. Arlin Budoo, to present precinct relocations: **Precinct 13**—relocate from Our Lady Queen of Americas Church to St. Margaret's Episcopal Church located at 1820 Connecticut Avenue; **Precinct 36**—relocate from Latin American Youth Center to Columbia Heights Community Center; **Precinct 51**—combine Lafayette Elementary School with Precinct 52, St. John's College High School as a temporary combination due to ongoing renovations; **Precinct 88**—combine Thankful Baptist Church with Precinct 89, Eastern Market North Hall; **Precinct 92**—Kenilworth Elementary School relocated to Caesar Chavez Public Charter School; **Precinct 101**—relocating Beyond the Veil Worship Center back to River Terrace Elementary School; **Precinct 115**—relocate back to Seventh District Police Station; **Precinct 119**—relocate Matthews Memorial Baptist Church to Barry Farms Recreation Center; **Precinct 131**—relocate Van Ness Elementary School to the newly developed Community Center located at 1005 5th Street S.E.

BOARD ACTION—the Board approved the relocation of the aforementioned polling places

Mr. Budoo identified the early voting centers. One Judiciary Square will serve as the initial early voting center beginning on May 31, 2016 and serve as the Ward 2 Early Voting Center. The satellite sites will begin on June 4, 2016 and include the following: Ward 1 early voting center will be the Columbia Heights Community Center, located at 1480 Girard Street, Northwest; Ward 3 will be the Chevy Chase Community Center located at 5601 Connecticut Avenue; Ward 4 will be the Tacoma Community Center located at 300 Van Buren Street Northwest; Ward 5 will be the Turkey Thicket Recreation Center located at 1100 Michigan Avenue Northeast; Ward 6 will be using the King Green Recreation Center located at 201 N. Street Southwest; Ward 7 will be using the Adobe Heights Lending Library located at 3935 Benning Road, Northeast; Ward 8 will be using the former Malcolm X Elementary School located at 1351 Alabama Avenue Southeast.

Ms. Stroud reported on the Board's election preparation: to date, 39 individuals have picked up nominating petitions for 41 contests. February 22nd was the first day to file nominating petitions and 2 candidates have filed to date. March 16th is the deadline for filing nominating petitions. All nominating petitions will be posted for inspection on the commencement of the challenge process on March 19th, and the ten-day challenge period will end on March 28th. The Board has taken delivery of new voting equipment as an upgrade to the technology used since 2010. There are 435,537 registered voters as of February 29, 2016.

Mr. McGhie introduced Staff Attorney McGann and OCF General Counsel William Sanford to present OCF petitions for Enforcement: **15R-008**, Morgan for D.C. \$2200.00; **15R-003**, Morgan for D.C. for \$350.00; **15P-034** Youth Action Pac for \$1400; **15-P-033**, Gertrude Stein, Democratic Political Account, for \$1400; **15P-029**, Action-Pac for \$1900; **15P-026**, Gertrude Stein, Democratic Political Account, the fine is in the amount of \$600; **15P-024**, Youth Action Pac for \$1700.00; **15C-046**, Whitaker for Ward 4 for \$2500; **15C-045B**, Bell for Ward 8, for \$2500; **15C-045A**, Whitaker for Ward 4 for \$2000; **15C-039**, Bell for Ward 8 for \$2000; **15C-9036**, Whitaker for Ward 4, for \$2500; **15C-033**, Gaston 2015 for \$2500; **5C-13 031**, Bell for Ward 8, for \$2500; **15C-016**, Bruce Majors, Libertarian for Mayor for \$1400; and **15D-013**, Committee to Elect Villareal Johnson, for \$1400. All of these fines are as a result of failure to file, reports of receipts and expenditures.

BOARD ACTION—the Board approved a motion to enforce these petitions in Superior Court.

Mr. McGhie presented the litigation status of cases involving the Board:

- **Wingo v. D.C. Board of Elections** involves a challenge to the Board's formulation of the short title and summary statement for Initiative 76, the District of Columbia Minimum Wage Act. The Board filed a summary judgment motion on Friday October 9, the Plaintiff's opposition was filed October 26, the Board's reply was filed November 9, and the Plaintiff's final reply was filed November 23. There was a status hearing on last Friday, January 29th, at which time the Judge ruled from the bench and the judge denied The Board's and the intervener's motions for summary judgment, and granted the plaintiff's motion for summary judgment on the sole ground that the Board was not properly constituted because of a D.C. code statute that put a limitation of 180 days on the hold-over provisions for boards and commissions. The Board filed a motion to amend the judgment yesterday, and the Attorney General also filed a motion to intervene.

There is a status hearing set on March 3rd at 10:30 a.m. in front of Judge Ross and at that time it is expected that he will make a decision.

Mr. Sanford, on behalf of Ms. Collier-Montgomery, announced the statistics for OCF as follows:

- At the month of January in the Office of the Campaign Finance, there was the January 31st reporting date for the filing of Reports of Receipts and Expenditures for Principle Campaign Committees and Political Action Committees. There were 147 required filers; 99 filers timely filed (64 PCCs, 55 PACs), and 26 failed to timely file, (23 PCCs, 3PACs) and they were referred to the office of General Counsel.
- Committees registered to participate in the 2016 election cycle during February include the following: Ryan Austin and the Committee to Elect Ryan Austin for city council; Leon T. Andrews Jr., Friends of Leon T. Andrews candidate for city council; Franklin Garcia, Franklin for D.C. 2016 U.S. Representative; Anita Kurtz, 2016 Ward A City Council; Calvin Gurley, Calvin Gurley 2016 Ward 4 City Council; candidate, Vincent Gray, Vincent Gray 2016; Vincent Gray for Ward 7 City Council; Trayon White, Treon White for Ward 8, City Council candidate; Gertrude Aikin US representative; Gertrude Aikin again at Large City Council; Gertrude Aikin again Ward 2 City Council; Oliver Johnson, We are Ward 8; Oliver Johnson Ward 8 City Council candidate; Michael McHugh, Ward 1 D.C. Republican Committee; Gary Kraiss Ward 2 City Council; and Robert Hyman, Ward 3 D.C. Republican Committee. Also during the month of February, there were an exploratory committee and that was established by Shakira Hemphill, Family and Friends of Shakira Hemphill for Ward 8; state member of the Board of Education and that committee was established on the 18th of February 2016.
- OCF held two entrance conferences for new registrants in February.
 - **February 12, 2016:** Michael Zack on behalf of Paul Cavill, candidate for Republican National Committee; Chris Royster Junior, Treasurer; the committee to elect Ron Austin; Walter Deleon candidate for Deleon 2016.. **February 24,** Ronald Austin, Candidate; Renita Marcellane Finance Director for Tierra Jolle, a Ward 8 candidate for the State Board of Education; Nichole Spritz, Treasurer for Treon White Ward 8 for Ward 8 council member from that ward, Treon White, Candidate, Ward 8; Calvin Gurley, Candidate Ward 4; and Renita Kurt, Candidate Treasurer for Renita Kurt Ward 8, 2016.
- OCF Audit Branch conducted 126 desk reviews of financial reports that have been filed and conducted 3 periodic random audits.
- The audit of Yvette Alexander Constituent Service Fund is ongoing.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.; and Elissa 2014.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 26 referrals from the Public Information Division: (23 PCCs 3 PACs).
- The Office completed 5 informal hearings and issued 5 orders including: 4 orders for failure to timely file reports in which no fines were imposed; and 1 order for failure to timely file a report in which a fine of \$100 was imposed against the SEIU Political Action Committee.

- OCF collected fines from the following respondent: \$200 from the Committee to Elect Ron Moten, a candidate for Ward 7.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

Mr. Michael Sindram raised the matter of the Board scheduling a hearing regarding a rescinded grant that occurred in Advisory Neighborhood Commission 4A. Mr. Sindram also raised allegations concerning the actions of ANC Commissioner Dwayne Tolliver entering into contracts on behalf of his Advisory Neighborhood Commission.

Mr. Sindram also complained that an elected official, LaRuby May, owes Disabled Veterans \$163 for services rendered in delivering craft kit tchotchke. Ms. Lewis confirmed that the Board is taking delivery of new voting equipment and that Ms. Alice Miller has been hired by the Board as an Election Management Advisor.

There being no further business before the Board, the meeting adjourned at 11:13 a.m.



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
April 6, 2016

The District of Columbia Board of Elections ("the Board") held its Regular Monthly Meeting on Wednesday, April 6, 2016 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 were Board Members Dionna Lewis and Michael Gill. 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 Terri Stroud, the Board's Acting Executive Director.

Chairman Bennett called the meeting to order at 10:45 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on March 2, 2016 were moved for approval and adopted without objection based upon the General Counsel's attestation as to the accuracy and completeness of the minutes.

Mr. McGhie presented the General Counsel's report.

- The first matter was the approval of petitions for the initiative measure "District of Columbia Minimum Wage Amendment Act of 2016. The proposer, Mr. John Hanson, reviewed the petition and approved it.

BOARD ACTION—the Board approved a motion to approve the petition form adopted by the proponent of initiative measure number 76.

- Mr. Hanson's legal Counsel, Jessica Krupke, clarified that the word "Amendment" was to be placed before the word "Act" in the short title.
- The Registrar, Ms. Karen Brooks, gave her approximate calculation of the number of signatures the proponent would have to collect for ballot access, which includes 5% of the registered voters in each of five or more wards.
- The next matter was a challenge filed by Mr. Robert Brannum to the Democratic Party Presidential filing. The D.C. Democratic Party and the Sanders Campaign Committee wished to respond to the challenge.
 - Mr. Brannum challenged the presidential preference filing of candidate Bernie Sanders. Mr. Sanders' certification papers to get his name on the ballot in the District of Columbia were filed late by the D.C. Democratic State Committee. While Mr. Brannum acknowledges that Mr. Sanders was not at fault, and that the Council of the District of Columbia has passed emergency legislation to address the delinquency of the filing, he stands by his challenge but does not object to the Board acting in accordance with the pending legislation.
 - Mr. Donald Dinan, legal counsel for the D.C. Democratic State Committee, testified that the Council has passed bill 21-559, "The Presidential primary Ballot

Access Emergency Clarification Act” which clarifies that the state party has 24 hours to make transmittal to the Board of who timely filed their declarations of candidacy. Consequently, the legislation would make the challenge moot upon the Mayor’s signature, and she has already indicated she would sign. The transmittal occurred on March 17th, which is within 24 hours of the March 16th deadline.

- Mr. Brad Deutsch, legal counsel for the Sanders campaign, reiterated that Mr. Sanders’ filing was not untimely. He noted that Mr. Brannum did not notarize his challenge as required by the Code. He added that timelines of nominating papers is not the proper basis of a nominating petition challenge as contemplated in the Code.
- Mr. Brannum responded by asserting that the committee’s rule cannot supersede the D.C. Code, and his lack of notarization was immaterial. He maintains that the fault does not lie with Mr. Sanders; rather, the filing on his behalf by the state committee did not occur in a timely manner as has been readily admitted.

Mr. McGhie presented the litigation status of cases involving the Board:

- ***Wingo v. D.C. Board of Elections*** involves a challenge to the Board’s formulation of the short title and summary statement for Initiative 76, the District of Columbia Minimum Wage Act. The Board filed a summary judgment motion on Friday October 9, the Plaintiff’s opposition was filed October 26, the Board’s reply was filed November 9, and the Plaintiff’s final reply was filed November 23. The Judge ruled from the bench and the judge denied The Board’s and the intervener’s motions for summary judgment, and granted the plaintiff’s motion for summary judgment on the sole ground that the Board was not properly constituted because of a D.C. code statute that put a limitation of 180 days on the hold-over provisions for boards and commissions. The Board filed a motion to reconsider the judgment, and Judge Ross reversed himself and found that the Board was properly constituted allowing the measure to proceed.

Ms. Stroud gave the Acting Executive Director’s report.

- The deadline to file nominating petitions for the June 14 primary was March 16, 2016. 2 challenges were filed against nominating petitions during the 10-day challenge period in addition to Mr. Brannum’s challenge to the nominating certification of Mr. Sanders.
- The Board has received new voting equipment, and staff training on the new equipment is complete.
- The new equipment will allow for faster processing times for election results due to a single tabulation process and wireless transmission of results from precincts to the Board’s office on Election Night. There will be a public logic and accuracy test performed on May 2.
- Poll worker training begins on April 18, and the Board has hired 31 temporary staffers that will serve as ward education and outreach coordinators.
- The Board was asked to finalize precinct relocations raised at the previous meeting: (Precinct 13 to St. Margaret’s Episcopal Church; Precinct 36 to Columbia Heights Community Center; Precinct 51 to St. John’s College High School as a temporary combination due to ongoing renovations; Precinct 88 to Eastern Market North Hall; Precinct 92 to Caesar Chavez Public Charter School; Precinct 101 to River Terrace Elementary School; Precinct 115 to Seventh District Police Station; Precinct 119 to Barry Farms Recreation Center; Precinct 131 to Arthur Capper Community Center).

- **BOARD ACTION—the Board approved a motion to adopt the relocations of all polling places except precinct 92.**
- Mr. Budoo received a relocation recommendation for Precinct 92 within SMD boundaries, and wishes to table acceptance of Zion Baptist as an alternative pending confirmation from the Office of Disability Rights (ODR) regarding the site's accessibility fitness.
 - **BOARD ACTION—the Board approved a motion to table the relocations of precinct 92 pending discussions with the ANC and the ODR.**
- The voter registry as of March 31, 2016 stands at 430,858 voters registered in the District of Columbia.

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

- During the month of March in the Office of the Campaign Finance, there was the March 10th reporting date for the filing of Reports of Receipts and Expenditures for Principle Campaign Committees and Political Action Committees. There were 76 required filers; 72 filers timely filed, 1 request for extension, which was granted, 3 late filers and 1 failure to file (1 PCCs, 3PACs) were referred to the office of General Counsel.
- 14 Committees registered to participate in the 2016 election cycle during March and the names of those committees are posted at OCF's website.
- OCF held two entrance conferences for new registrants in March.
 - **March 9, 2016:** 11 participants. **March 23,** 8 participants. The names of the participants will be posted at OCF's website.
- OCF Audit Branch conducted 85 desk reviews of financial reports that have been filed.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.; and Elissa 2014, and there is one ongoing periodic random audit of Local 25 General Political Account.
- OCF has initiated new periodic audits by letters issued on March 24th to the following committees: Potillo for Council, 2016; Trayon White for Ward 8 2016; Robert White At-Large 2016; Re-Elect Vincent Orange 2016; and Grosso At-Large 2016.
- The audit branch issued 4 final audits. Higher Ground Political Action Committee, March 14; DC First PAC, March 14; ABC of Metro PAC, March 14; and the Alexander Constituent Fund, March 16.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 7 referrals: 4 from the Public Information Division, and 3 from the Reports, Analysis and Audit Division.
- The Office completed 12 informal hearings and issued 17 orders including: 10 orders for failure to timely file reports in which no fines were imposed; and 5 orders for failure to timely file a report in which fines totaling \$8,950 were imposed; and 2 orders for failure to timely respond to requests for additional information in which fines totaling \$3,300 were imposed.
- OCF collected fines from the following respondent: \$200 from the Committee to Elect Ron Moten, a candidate for Ward 7.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

Ms. Dorothy Brizill inquired who the FOIA officer is for the agency, and Mr. McGhie responded that all requests can be addressed to him. Ms. Brizill noted she has sent several inquiries regarding the acquisition and associated costs of new voting equipment and the process being used to hire a new Executive Director, but only received a response via email on March 23 from a public relations firm indicating that all future requests for information are handled by the firm. Ms. Stroud informed Ms. Brizill that the agency engaged the services of CD Global Communications Strategy through a competitive bidding process to assist with voter education and outreach. Ms. Stroud went on to clarify that any inquiries should be directed to the Board's acting Public Information Officer, Ms. Margarita Mikhaylova. Chairman Bennett assured Ms. Brizill that the Board would make sure she gets a full response to her inquiries.

Ms. Brizill sought further elaboration on the blended voter tabulation system. Ms. Stroud informed her that the new precinct scanners have modem capability, and the Board intends to wirelessly transmit precinct counts to the Board on Election Night, and the Board intends to test the capability of the machines to ensure proper functionality. The electronic poll books also have wireless technology and the backup in the event that system fails is to employ the standard paper poll books. Chairman Bennett suggested that further elaboration would be more productive in a formulated response by the Board. Ms. Stroud provided the names of permanent staffers that are supervising the voter education and outreach staff: Tamara Robinson and Shirley Jackson. Chairman Bennett assured Ms. Brizill that the Board is looking into filling all vacant senior staff positions as soon as possible.

Mr. Michael Sindram raised the matter of the Board scheduling a hearing regarding a rescinded grant that occurred in Advisory Neighborhood Commission 4A. Mr. Sindram also raised allegations concerning the actions of ANC Commissioner Dwayne Tolliver entering into contracts on behalf of his Advisory Neighborhood Commission.

Mr. Sindram also complained that an elected official, LaRuby May, owes Disabled Veterans \$163 for services rendered in delivering craft kit tchotchke.

Mr. Sindram raised an issue regarding purported campaign finance violations of Council Chairman Phil Mendelson which he intends to detail in writing.

There being no further business before the Board, the meeting adjourned at 12:15 p.m.



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
May 4, 2016

The District of Columbia Board of Elections ("the Board") held its Regular Monthly Meeting on Wednesday, May 4, 2016 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 were Board Members Dionna Lewis and Michael Gill. 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 Terri Stroud, the Board's Acting Executive Director.

Chairman Bennett called the meeting to order at 10:40 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on April 6, 2016 were moved for approval and adopted without objection.

Ms. Stroud gave the Acting Executive Director's report.

- On April 12, the Board posted notice of the contests to appear on the primary election ballot.
- Poll worker training began Monday April 18, for early voting workers, and Monday April 25 for Election Day workers. All Ballot access challenges were resolved on April 18.
- The Board conducted the ballot lottery on April 22, and ordered the ballots in sufficient time for the election. The voter guide was mailed April 25 to each registered voter registered with one of the District's 3 major parties: the Democratic, Republic, and Statehood Green Parties.
- On April 29, the Board complied with the MOVE Act by sending absentee ballots to each voter who validly requested one at least 45 days before the election.
- Logic and accuracy testing of the voting equipment was conducted on April 30 and open to the general public via notice posted to the Board's website on April 22.
- May 2nd, 2016, the Board published District and ward-based registered voter listings in the District's public libraries, and the Board also published sample ballots on its website.
- May 16 is the deadline for postmarked voter registration applications, electronically transmitted military and overseas registration applications, and it is the last day to update party registration.
- Early voting begins at One Judiciary Square on May 31, and city-wide on June 4, and ends on June 11.
- The Board is launching a vigorous public information campaign, with radio and TV spots, and posting information on the website, so that the public is aware of what is going on in connection with the June election.

- As of April 30th, there are a total of 434,961 voters, and 361,473 of those voters are eligible to participate in the June primary.

Mr. McGhie presented the General Counsel's report.

- The first thing on his agenda was a proper subject matter determination on an initiative entitled the "Limited Gaming Initiative of 2016."
 - The following opponents of the measure testified in opposition:
 - Marie Drissel testified that any attempt to define the measure as limited would be fatally flawed as casinos would pop up all over Washington and the title would be misleading.
 - Norman Smith testified with background and experience as a gambler. He believes the proposed measure would appropriate funds, and conflicts with the Home Rule Act.
 - Dorothy Brizill was troubled that although notice was sent through the proper statutory channels, neither the Chief Financial Officer nor the ANC 8A, where the proposed gaming site would be located, were informed of the hearing. She believes that this initiative is not a proper subject because it would appropriate funds and would negate or limit a budget act.
 - Anthony Muhammad concurred with Ms. Brizill's assessment that the measure would appropriate funds and would negate or limit a budget act.
 - Mary Buckley testified that her neighborhood has no knowledge of the proponent's intentions, and that the measure should not be considered until the residents have an opportunity to review the proposal, but even then she generally objects to the proposal.
 - Paul Tranton testified as the ANC Commissioner for 8B01. He asserted that the proposal would affect the SMD, and bring an element of crime.
 - Chairman Bennett commented that the record would be left open until close of business on May 11.
 - Staff Attorney Rudolph McGann presented the position of the Office of the General Counsel. The former iteration of the Lottery Control Board is defunct, and every reference to said Board would require formation of a new board necessitating appropriations. The measure recommends revenue allocations, which have been found to be permissible by the Court of Appeals because the measure does not mandate allocation of said revenues. There is an unfunded mandate that would thwart the purpose of the measure because it has no mechanism to pay for the expanded powers and duties of the Gaming Board. In conclusion, the Gaming Act presents an improper subject for initiative because it improperly appropriates funds by establishing an unfunded program that cannot function as intended without forcing the Council to appropriate for an unknown expense.
 - Mr. McGhie summarized the opinion of the Attorney General and requested it be a part of the record: "We conclude that it is not a proper subject because it would violate the Home Rule Act. In addition, the measure would raise a significant Fifth Amendment concern. "
 - Mr. Jeffrey Robinson testified on behalf of the proposer. He asserted the initiative merely authorized a new program subject to Council funding as found to be a proper use of the Initiative. Mr. Robinson presaged an evisceration of the

voters' right to initiative if the Board accepted the opponents' contentions. He elaborated by noting that any prospective initiative involving government action would necessarily be deemed invalid because any requisite funding would preclude a proper subject finding. Mr. Robinson went on to request an opportunity to respond fully in writing to the opposition's contentions.

- Board member Lewis inquired how a defunct Board would carry out the regulatory function of the measure without funding. Mr. Robinson replied that the fact that there might be subsequent funding necessary to make the measure work in practice is not reason to claim that it's not a proper subject.

Mr. McGhie presented the litigation status of cases involving the Board:

- ***Wingo v. D.C. Board of Elections*** concerns a qualified elector challenging the short title and summary statement of Initiative Measure No. 76, "The District of Columbia Minimum Wage Act of 2016." On April 4, 2016, Judge Ross issued an order granting the Defendant's motion for reconsideration in favor of granting ballot access for Initiative Measure No. 76. The Plaintiff filed notice of appeal on April 22, 2016, and we are currently awaiting a briefing schedule from the court.
- ***John Cheeks v. the Board*** concerns an appeal of the Board's decision to deny the proposed PASS Act initiative as not a proper subject of Initiative. The Board denied the measure on February 9, 2016, and Mr. Cheeks filed in the Court of Appeals on March 9, 2016. The Board is waiting for a briefing schedule from the court.

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

- During the month of April in the Office of the Campaign Finance, there was the April 1st reporting date for the filing of Reports of Receipts and Expenditures for Constituent Service Programs. There were 12 required filers; 11 filers timely filed; and 1 late filer was referred to the office of the General Counsel to initiate enforcement proceedings. There was also the April 1st reporting date for the filing of Reports of Receipts and Expenditures for Senator/Representative Statehood Funds. There were 3 required filers; all 3 filers timely filed.
- 1 Committee registered to participate in the 2016 election cycle during April: Manley Collins, MMC Foundation for Mayor. Registered on April 12, 2016. He subsequently withdrew on April 28, 2016.
- OCF held two entrance conferences for new registrants in April.
 - **April 7, 2016** and **April 20, 2016**. The names of the participants will be posted at OCF's website.
- OCF Audit Branch conducted 24 desk reviews of financial reports that have been filed.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.; and there is one ongoing periodic random audit of Local 25 General Political Account.
- OCF has ongoing periodic audits of the following committees: Potillo for Council, 2016; Trayon White for Ward 8 2016; Robert White At-Large 2016; Re-Elect Vincent Orange 2016; and Grosso At-Large 2016.
- OCF has ongoing periodic audits of the following two Constituent Service Programs: The Office of Ward 8, Council Member LaRuby May, CSF; and the R-4, Our Ward for constituent service fund.

- The audit branch issued 4 final audits. Elissa 2016 was issued on April 25, 2016; Local 25 General Political Account was issued on April 5, 2016; Our Ward 5 was issued on April 21, 2016; and Phil's Fund for Citizen Service was also issued on April 28, 2016.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 6 referrals: 1 from the Public Information Division, and 5 from the Reports, Analysis and Audit Division.
- The Office completed 5 informal hearings and issued 23 orders including: 11 orders for failure to timely file reports in which no fines were imposed; and 11 orders for failure to timely file a report in which fines totaling \$18,300 were imposed; and 1 order regarding a motion for reconsideration in which a fine of \$300 was imposed.
- OCF collected fines from the following respondent: \$500 from the Ward 5 Democrats.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

Ms. Dorothy Brizill requested the Board make Election Night viewing for observers less cumbersome and more transparent. She also raised the fact that a staffer made a disparaging comment about her at an outreach event within earshot. Chairman Bennett was aware of the occurrence and apologized on behalf of the Board for whatever was said that was offensive. The Chairman also assured Ms. Brizill that the Board will take her comments under advisement and try and make sure that those matters are addressed.

There being no further business before the Board, the meeting adjourned at 12:01 p.m.



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
June 1, 2016

The District of Columbia Board of Elections ("the Board") held its Regular Monthly Meeting on Wednesday, June 4, 2016 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 were Board Members Dionna Lewis and Michael Gill. 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 Terri Stroud, the Board's Acting Executive Director.

Chairman Bennett called the meeting to order at 10:25 a.m.

The meeting agenda was approved and adopted.

The minutes of the last regular meeting on May 4, 2016 were moved for approval and adopted without objection.

Ms. Stroud gave the Acting Executive Director's report.

- As of Tuesday, May 31, the Voter Registry stands at 441,163 registered voters. 367,018 of these voters will be eligible to vote in the June 14 primary.
- Early voting began yesterday at One Judiciary Square, downstairs in the old council chambers. Early voting will expand Saturday, June 4 to include voting at the satellite early voting centers and it will take place every day, including Sunday, June 5, and it will end on Saturday, June 11.
- Monday, May 16 was the deadline for mail voter registration applications to be postmarked and the deadline for receiving military overseas voter registration applications and change of party affiliation requests.
- On Thursday, May 19, the Board mailed a bilingual Spanish/English voting informational mailer to each voter registered in one of the District's three major parties.
- Thursday, May 26, the Board published sample copies of the official ballot in the Washington Post and in El Tiempo magazine.
- Between Tuesday, June 7 and Thursday June 9, the Board will post in our office and on our website a list of all prospective voters who submitted requests for absentee ballots, for a three-day challenge period during which any registered voter can challenge the qualifications of these voters to participate in the primary.
- The Board's tentative vote tabulation schedule is as follows:
 - Early Voting results will be tabulated at noon on Election Day.
 - Absentee ballots will be tabulated and published on Thursday, June 16.
 - Accepted special ballots will be tabulated and published on Friday, June 17.

- Special ballot voters can contact the Board's toll free number 1-866-DCVOTES or by accessing our website beginning on Wednesday, June 15 to learn whether or not their ballots have been counted or rejected.
- The Board is tentatively scheduled to certify the results of the election on June 23.

Mr. McGhie presented the General Counsel's report.

Mr. McGhie presented the litigation status of cases involving the Board:

- ***Wingo v. D.C. Board of Elections*** concerns a qualified elector challenging the short title and summary statement of Initiative Measure No. 76, "The District of Columbia Minimum Wage Act of 2016." On April 4, 2016, Judge Ross issued an order granting the Defendant's motion for reconsideration in favor of granting ballot access for Initiative Measure No. 76. The Plaintiff filed notice of appeal on April 22, 2016, and a motion for substitution of plaintiff, and we are currently awaiting a briefing schedule from the court.

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

- Six new candidates and committees registered with OCF during the month of May:
 - Unite Here, Local 23 DC, Independent Expenditure Committee, registered on April 28, 2016.
 - Jacques Patterson/Committee to Elect Jacques Patterson, School Board at Large, registered on May 6, 2016.
 - Committee to Preserve Ward Five, Recall Committee/Kenyan McDuffie, registered on May 10, 2016.
 - Mary Lord/Mary Lord 2016, School Board at Large, registered on May 17, 2016.
 - Ward Eight Matters, Political Action Committee, registered on May 17, 2016.
 - W. Randy Short, Committee to elect W. Randy Short, City Council at Large, registered on May 20, 2016.
- OCF held two entrance conferences for new registrants in May.
 - **May 5, 2016:** George Iverson, Treasurer for Carolina 2016; and Jill Homan, candidate for the Republican National Committee Woman.
 - **May 18, 2016:** Adam Yalowitz, Treasurer, Unite Here, Local 23 DC Independent Expenditure Committee; William Hunt, Treasurer, Committee to Preserve Ward Five; and Robert Richards, Candidate Ward Seven, DC Republican Committee.
- OCF Audit Branch conducted 7 desk reviews of financial reports that have been filed.
- The ongoing full field audits of newly elected officials are as follows: LaRuby May 2015; Brandon Todd for Ward 4; Brianne for D.C.
- OCF has ongoing periodic audits of the following committees: Potillo for Council, 2016; Trayon White for Ward 8 2016; Robert White At-Large 2016; Re-Elect Vincent Orange 2016; and Grosso At-Large 2016.
- The audit branch issued 2 final audits. Office of Ward Eight, Council Member LaRuby May, Constituent Service Fund issued May 3, 2016; and Ward Four, Constituent Services Fund issued on May 13, 2016.

Mr. Sanford presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 2 referrals from the Reports, Analysis and Audit Division.

- The Office completed 5 informal hearings and issued 18 orders including: 8 orders for failure to timely file reports in which no fines were imposed; and 9 orders for failure to timely file a report in which fines totaling \$17,100 were imposed; one order for Failure to
- Timely Respond to a Request for Additional Information was issued in which no fine was imposed.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

Ms. Dorothy Brizill thanked the Board and the Staff for their decision in the Gambling Initiative case. She requested Ms. Collier-Montgomery to give some indication on where things stand in terms of closing out the Gray for Mayor 2010 audit. Ms. Collier-Montgomery responded by acknowledging the audit was complete in January with findings referred to the General Counsel for further investigation. Mr. Sanford responded that the committee was represented by Counsel during hearings on the matter and that the office would issue an order at the time of completion of the review of those hearings.

There being no further business before the Board, the meeting adjourned at 10:43 a.m.