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Annual Report

Fiscal Year 2000

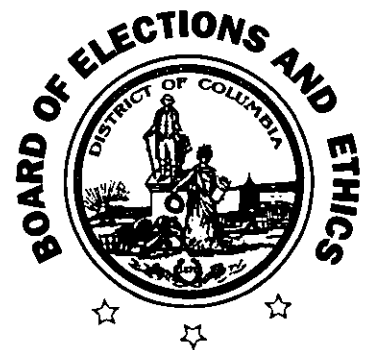
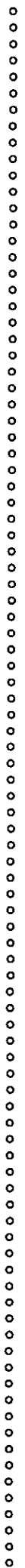


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INTRODUCTION

This is the second Annual Report of the D.C. Board of Elections and Ethics (Board) and the Office of Campaign Finance (OCF). It has been produced to provide some background information about the Board and OCF and the various activities conducted during Fiscal Year 2000 between October 1, 1999 and September 30, 2000.

Fiscal Year 2000 marked a milestone in the life span of the Board. It was the 45th anniversary of its establishment. Congress enacted Public Law 84-376 in 1955, which directed the Board of Commissioners, the governing body of the District of Columbia at the time, to appoint a Board of Elections composed of three Members, not more than two to be affiliated with any one political party. The Board had its first meeting on October 4 of that year.

Today, the Board is an independent charter agency. The Mayor, with City Council approval, appoints the three Members of the Board and the same requirement that no more than two can be affiliated with the same party is still in effect.

Since its establishment, the Board's mission has been to enfranchise eligible residents, conduct elections, and assure the integrity of the electoral process. This mission, mandated by federal and local statutes, has been executed through the operation of the District's voter registration system and by administration of the ballot accesses process for candidates and measures. Further, the Board's mission has been carried out through the delivery of comprehensive public, media, and voter information services and maintenance of technical systems to support voting, ballot tabulation, and electronic mapping of election district boundaries. Finally, the mission is effected through the planning

and implementation of each District of Columbia election and through the performance of legal counsel, rulemaking, and adjudication functions.

Over the years, the Board has implemented election systems that have achieved the status of a national model. For example, key electoral reforms pioneered in the nation's capital since 1985 have today become a nationwide mandate, under the landmark National Voter Registration Act (NVRA), Public Law 101-31, which became effective January 1, 1995.

OCF is an agency established within the Board. Its mission is to preserve the confidence of the public in the integrity of the District of Columbia government and to ensure trust by administering and enforcing the laws and regulations pertaining to campaign finance operations, citizen-service programs, and lobbying activities. Also, the Board resolves matters regarding conflicts of interest and the ethical conduct of public officials.

All of this is accomplished with three voluntary and dedicated Board Members; a small full-time staff; and thousands of District residents who serve as the Board's "election day workers" at the polls and in the central Counting Center.

We will continue to serve D.C. residents in a professional and caring manner that has become associated with the Board.

MEMBERS OF THE BOARD AND SENIOR STAFF

MEMBERS OF THE BOARD

Benjamin F. Wilson, *Chairman*

Stephen G. Callas, *Member*

Jonda R. McFarlane, *Member*

BOARD OF ELECTIONS AND ETHICS SENIOR STAFF

Alice P. Miller, *Executive Director*

Kenneth J. McGhie, *General Counsel*

Kathryn A. Fairley, *Registrar of Voters*

Marvin A. Ford, *Chief of Staff*

Darlene Lesesne-Horton, *Data Systems Manager*

William R. O'Field, Jr., *Public Information Officer*

OFFICE OF CAMPAIGN FINANCE SENIOR STAFF

Cecily E. Collier-Montgomery, *Director*

Jean S. Diggs, *Chief of Staff*

Kathy S. Williams, *General Counsel*

Richard A. Mathis, *Supervisory Auditor*

Michael R. Simpson, *Public Affairs Specialist*

VOTER REGISTRATION

Voter registration is maintained by a comprehensive data base system. The voter registration system is utilized to maintain information on over 450,000 registered voters (both active and inactive) and is made up of over 9 million total entries. Each entry is specific to each voter and is based on information explicitly provided by the registrant. The system allows the Board to maintain control over pertinent voter information such as voter history, changes of address, party affiliation (if any) and registration status (active or inactive). Essentially, the voter registry is the nucleus of the Board's operation since it provides the necessary data to direct all of the other avenues of the Board's responsibilities. The data retrieved by the registry allows the Board to determine such things as the logistics of polling sites, ballot distribution, pollworker assignments, verification of absentee voting eligibility, and canvass information. Simply put, the voter registration system dictates the mandate for the Board's processes.

D.C. residents can register to vote in one of three ways. They may apply in person at the Board's main office in room 250 of the One Judiciary Square building, through the "Motor Voter" program, or when applying for public assistance or District government services.

During Fiscal Year 2000, the Board received 162,219 documents for review and processing. Of these, 31.1% came to the Board by individuals who registered in person at the Board's main office or mailed their registration form to the Board. Also, out of the 162,219 documents, 19.1% were new registrants, 10.4% were voters changing their address on the voter roll, and 0.7% were incomplete or duplicate requests.

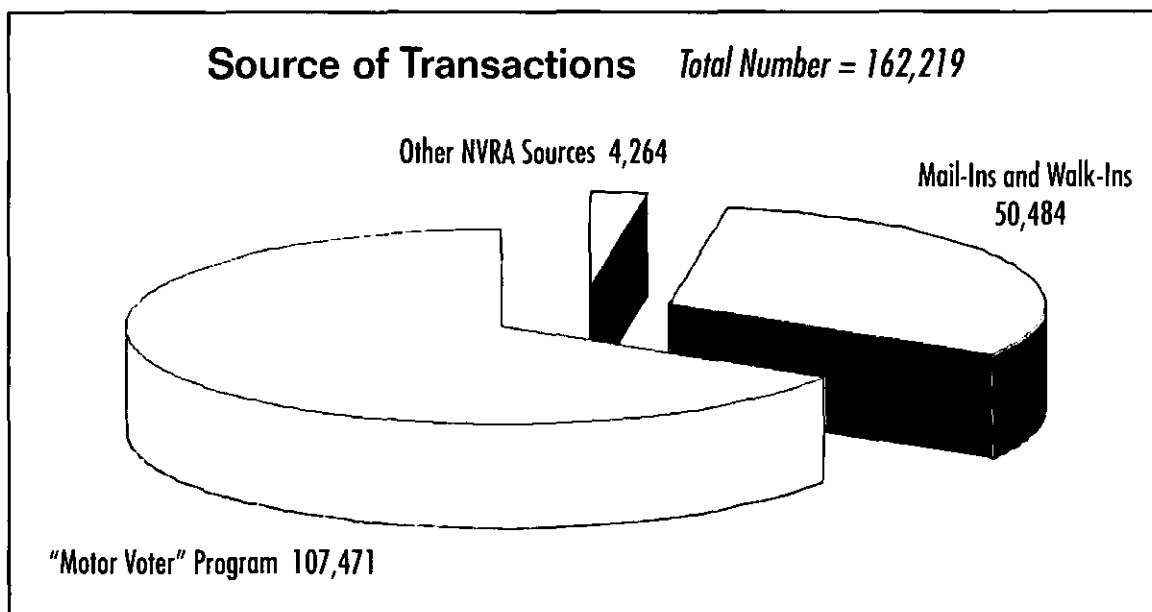
The majority of the documents, which comprised 66.2% of the documents received, came from the Bureau of Motor Vehicles under the "Motor Voter" program. This program permits applicants for District driving licenses, or non-driver ID's, to register to vote at the same time through the convenience of a multi-use form. However, 78.1% of the forms transmitted to the Board from the Bureau left the voter's registration portion of the form blank. This can be interpreted to mean that the applicant was already a registered voter in the District, had previously applied for a voter registration on one of the Board's forms, or chose to not register to vote in D.C.

Under Public Law 101-31, the *National Voter Registration Act* (NVRA), voter registration applications are made available to D.C. residents who are applying for public assistance or District government services. In addition to the Bureau of Motor Vehicles, other NVRA sources are the D.C. Department of Recreation and Parks Senior Citizens' Branch, D.C. Office on Aging, Income Maintenance Administration, Mental Retardation and Developmental Disabilities Administration, Rehabilitation Services Administration, the Supplemental Program for Women, Infants and Children, and divisions of the Armed Services. Of the total forms received from these sources, 33.7% were new registrations, 24.4% were address changes for individuals already registered to vote, and 0.9% were incomplete or duplicate registrations.

In 1998, the *Higher Education Act* was amended to require electoral jurisdictions to make a good faith effort to distribute mail voter registration forms to each student enrolled in a degree or certificate program. The Board's Registrar of Voters coordinates the distribution of the forms to the District's 21 institutions of higher learning.

As Chart 1 illustrates, the largest source of voter registration transactions comes from the "Motor Voter" program.

CHART 1



Voter roll maintenance is key to achieving an accurate voter roll. Methods used by the Board during Fiscal Year 2000 included use of the United States Postal Service National Change of Address program and the Social Security Administration's National Death Registry. Information was also provided by the Office of Vital Statistics, Bureau of Motor Vehicles, the D.C. Su-

perior and United States Courts, the Armed Services, and election entities of other jurisdictions. As a result of these various informational sources, there was a "net change" increase of 13,619 to the D.C. voter roll between October 1, 1999 and September 15, 2000.

Voter registration activity for Fiscal Year 2000 is described in greater detail in Table 1.

TABLE 1: Voter Registration Activity Overview

Type of Transaction	Mail Ins & Walk-Ins	Motor Voter	Other NVRA Sources	Total
New Registrations	16,701	12,898	1,437	31,036
Address Changes	10,379	5,531	1,044	16,954
Incomplete or Duplicate Requests	137	893	38	1,068
Blanks (No Registration)	0	83,938	0	83,938
All Transactions	50,484	107,471	4,264	162,219

ELECTIONS CONDUCTED

During Fiscal Year 2000, the Board conducted three citywide elections that included all eight wards and 140 precincts. There were two primaries and a special election. These primaries provided the four local major parties (Democratic, Republican, D.C. Statehood Green, and Umoja) the opportunity to select their nominees for President and Vice President of the United States, Delegate to the United States House of Representatives, and for local offices. There were four individual voter registration challenges and 49 challenges to candidates' nominating petitions filed with the Board during these election cycles. The special election was held to allow voters to vote for or against an amendment to the Home Rule Charter. For the special election, a challenge was filed with the Board based on alleged procedural irregularities in the amendment's adoption by the Council of the District of Columbia.

May 2, 2000 Presidential Preference Primary Election

For the District of Columbia, the Presidential Preference Primary Election always occurs on the first Tuesday in May of each presidential election year. This has traditionally been the most expensive election, in terms of ballot costs, in the four-year election cycle. By statute, the local major political parties, Democratic, Republican, D.C. Statehood Green and Umoja, are permitted to define the ballot layout. These "definitions" are passed to the Board by way of "Party Plans" submitted to the Board six months prior to the election. The plans define the layout of the ballot, the number of ballot contests, the number of candidates to be selected, and in effect, dictate the number of ballot cards required.

Because each party submits its own separate plan for the election, the ballots can be very different. For example, in the case of the Democratic Party, for this election a separate ballot card was required for each Presidential/Vice Presidential candidate team, because the party's plan required the candidates' names to be accompanied by slates of convention delegates associated with each team. There were 47 offices on the Democratic ballot and 83 offices on the Republican ballot as specified in the party plans. The D.C. Statehood Green and the Umoja parties did not select a nominee for

President and Vice President of the United States. However, the Umoja Party submitted a party plan that included the election of the party's 50 committee members. The only public office on the ballot in the May primary was Delegate to the United States House of Representatives. All four major parties conducted a primary election to nominate a candidate for Delegate to the House.

June 27, 2000 Special Election on Proposed Charter Amendment III

On March 28, 2000, in accordance with Section 303 of the District of Columbia Home Rule Act, the Chairman of the Council of the District of Columbia forwarded D.C. Act 13-295, the "School Governance Charter Amendment Act of 2000," to the Board. As District law mandates, the Board is vested with the authority to administer generally the provisions of the "Charter Amending Procedures Act" [Title III, "District Charter Preamble Legislative Power and Charter Amending Procedure," §303, District of Columbia Self-Government and Governmental Reorganization Act, P.L. 93-198, 87 Stat. 774, December 24, 1973.] Further, the Board is responsible for the conduct of elections to amend "Title IV, The District Charter." Pursuant to the Home Rule Act, any time there is a Charter amendment, the law requires that all registered qualified elec-

tors of the District of Columbia also ratify that amendment by election, voting for or against. Funding for this citywide special election was provided through the Financial Management Authority in the amount of approximately \$370,000.

The text of the Amendment as it was presented to D.C. voters follows:

The Charter Amendment, if passed, would amend the Home Rule Act by:

- ❖ *Reducing the number of Members of the Board of Education from 11 to 9;*
- ❖ *Combining eight election wards to create four new school election districts;*
- ❖ *Allowing voters to elect four Members from the new school election districts;*
- ❖ *Allowing voters to elect one Member at-large as Board President; and*
- ❖ *Allowing the Mayor to appoint four Members to be confirmed by the City Council.*

The Charter Amendment will allow the Board to hire, evaluate and remove the Superintendent, establish personnel policies for hiring principals, and approve an annual budget. This amendment allows the City Council to create a state education agency, and directs that the provision for the make-up of the

new Board and school election districts will end in four years. Thereafter, the selection and size of the Board shall be made according to local law.

September 12, 2000 Primary Election

As required by law, the District of Columbia conducted the September 12 Primary Election in order for the major parties in the District to nominate their candidates for the partisan public offices on the ballot in the November 7 General Election. Because the District has a closed primary system, only individuals registered in the Democratic, Republican, D.C. Statehood Green, and Umoja Parties were permitted to vote their party's ballot in the September 12 Primary.

The Democratic, Republican, D.C. Statehood Green, and Umoja Parties each nominated one candidate in the Primary for the following offices:

- ❖ At-Large Member of the D.C. Council
- ❖ Ward 2 Member of the D.C. Council
- ❖ Ward 4 Member of the D.C. Council
- ❖ Ward 7 Member of the D.C. Council
- ❖ Ward 8 Member of the D.C. Council
- ❖ United States Senator
- ❖ United States Representative

ELECTION WORKERS

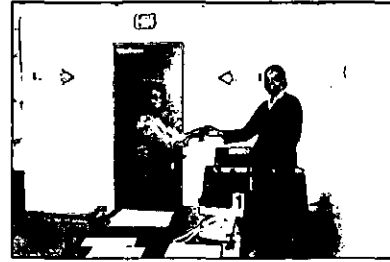
The Board greatly appreciates the committed support and continued dedication of our volunteers who are paid a stipend for their services. During Fiscal Year 2000, the Board recruited and trained 4,788 election day workers for the three elections and the November 7 Presidential General Election who serviced the Board's 140 voting precincts and counting center.

In preparation for the calendar year 2000 election cycles, the Board executed several initiatives to recruit election day workers and to retain those already trained and experienced. This process began in Fiscal Year 1999 and continued through Fiscal Year 2000. The drive included a public relations campaign coordinated by the Board's public affairs specialist through the distribution of news releases and public service announcements targeted at local media outlets. As a result of this effort, announcements appeared in several of the District's local newspaper publications and announcements were also made on local television and radio stations.

During Fiscal Year 2000, the Board launched a coordinated recruitment campaign for election day workers targeted at local businesses, community groups, sororities, fraternities, and non-profit organizations whereby a speakers bureau made up of the Board's staff encouraged citizens to become election day workers. In this regard, the Board established a community outreach team of 12 volunteer "Ambassadors," who, once trained by the Board's staff, represented the Board in the community and assisted with recruitment efforts. The "Ambassadors" recruited workers at community events, spoke at group and organ-



izational meetings, and distributed election worker applications and voter registration forms to District residents.



The recruitment drive also included a survey of the Board's active roster of pollworkers. The survey requested the pollworkers to recommend the names of D.C. residents who should be contacted by the Board to serve as election day workers, subject to Board orientation and testing. The survey also requested them to provide the names of contact persons for organizations and associations to which they belong so that the Board could make an appeal to the membership for pollworker recruitment. And finally, the survey requested that the pollworkers recommend local media outlets that they turn to for their information and the business establishments they frequented so that the Board could make contact with them.

In an effort to retain our experienced election day workers, the Board developed *Election Worker News*, a newsletter to communicate election-related news to its workers. During Fiscal Year 2000, there were two editions, and judging from the comments the Board has been receiving since the *News* was created in 1999, it appears it is welcomed and helpful to our volunteers. Also, to further acknowledge them the Board has designed and now mails birthday and holiday cards to all of its volunteers.

WEB SITE

The Board's Web site at www.dchoee.org continues to be a successful innovation serving the public seeking election-related information. During Fiscal Year 2000, the site was regularly updated with information about voter registration statistics, news releases, public service announcements, changes in Advisory Neighborhood Commissioners, and special notices about the meetings of the Members of the Board. It also included information about the three citywide elections conducted during this period, such as the election calendars, candidate guide, lists of candidates and challenges to candidate nominating petitions and voter registrations, voter instructions, sample ballots, election results including election night returns, and lists of names of individuals whose special ballots were rejected.

Some of the other information posted on the site includes the initiative, referendum, and recall processes, current and historical lists of D.C.'s elected public officials, and a history of voting in the District of Columbia. Further, the site contains the Board's mail-in voter registration form, absentee ballot request form, an emergency absentee ballot request form, an authorization for the release of a candidate's nominating petition, an election worker application, and a voter registration data request form that can be downloaded

and printed out. Most of these forms and other information are also provided in Spanish at the site.

The Board's Web site has a link to the Office of Campaign Finance Web page that includes information regarding campaign finance issues.

There were 71,239 visitors to the site during Fiscal Year 2000 who viewed 270,546 pages, or approximately 3.9 pages per visitor. On average, there were 195

TABLE 2: Web Site Activity

	Pages Viewed	Pages/Visitor	Visitors	Visitor/Day
October 1999	18,012	4.0	4,466	149
November 1999	17,123	3.6	4,748	153
December 1999	14,777	4.7	3,114	100
January 2000	12,212	3.7	3,318	107
February 2000	14,641	3.9	3,726	128
March 2000	26,087	3.0	8,692	280
April 2000	29,856	3.6	8,213	274
May 2000	34,156	3.6	9,565	309
June 2000	32,249	4.3	7,526	251
July 2000	18,745	4.1	4,523	146
August 2000	17,656	4.6	3,827	123
September 2000	35,032	3.7	9,521	317
	TOTAL 270,546	AVERAGE 3.9	TOTAL 71,239	AVERAGE 195

visitors per day. As the preceding table and following charts illustrate, most visits to the Web site occurred during the period leading up to and after the elections.

The most remarkable addition to the Web site during this reporting period was the Polling Place/Single Member District Locator. The Locator allows vot-

ers to find his or her Advisory Neighborhood Commission's Single Member District and their polling place, which is assigned to their residential address. Following a three-step procedure, the user can navigate the Locator from the Board's main page. See pages 10–11 for a graphical, step-by-step description of the Locator.

CHART 4

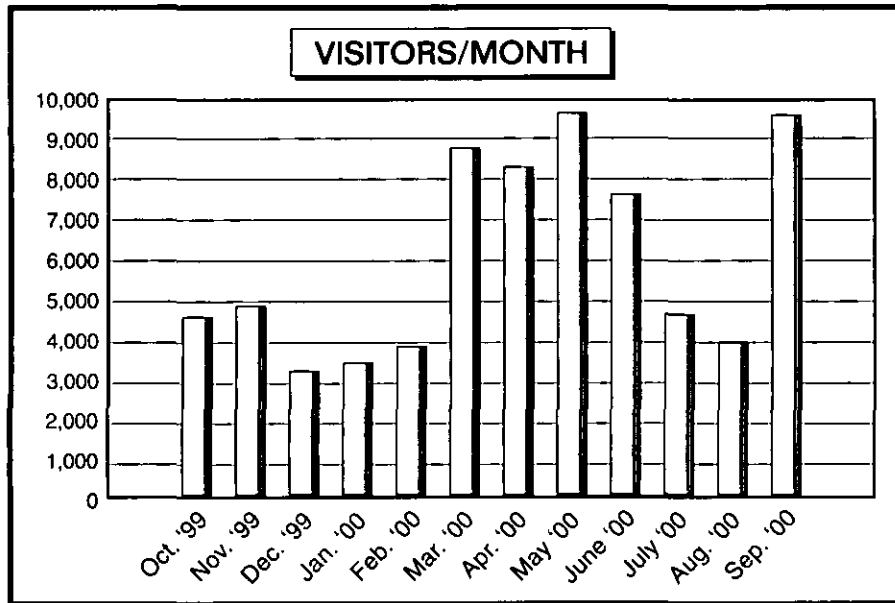
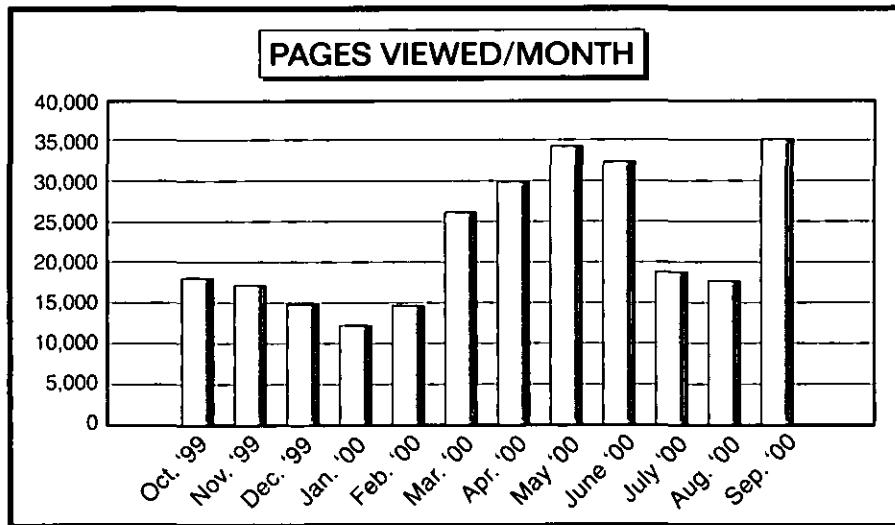


CHART 5



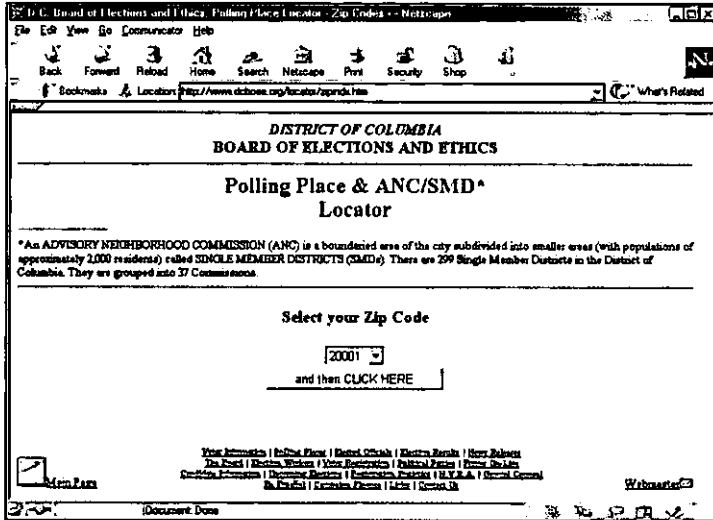


FIGURE 1. Polling Place & ANC/SMD Locator, Zip Code Page. Step 1: The user selects their zip code from the list of zip codes..

FIGURE 2. Polling Place & ANC/SMD Locator, Street Selector Page. Step 2: The user selects their street name from the list provided.

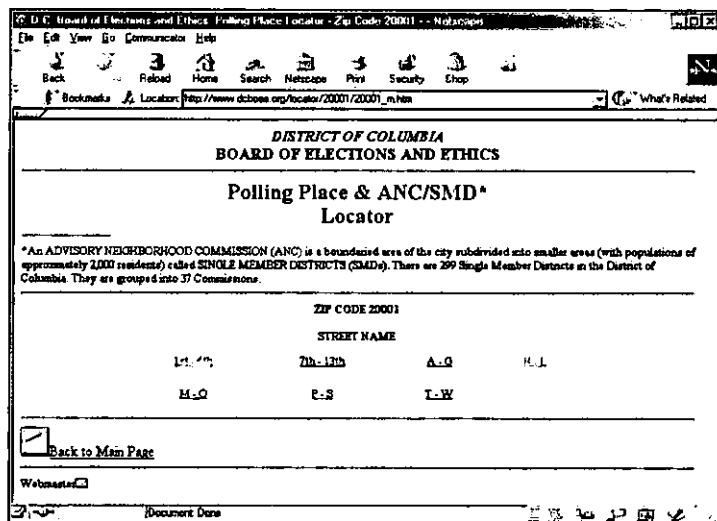


FIGURE 3. Polling Place & ANC/SMD Locator, Street Range Page. Step 3: The next screen brings the user to a list of street ranges and once there the user can scroll down to his or her address and can find the precinct number assigned to their polling place and their Single Member District.

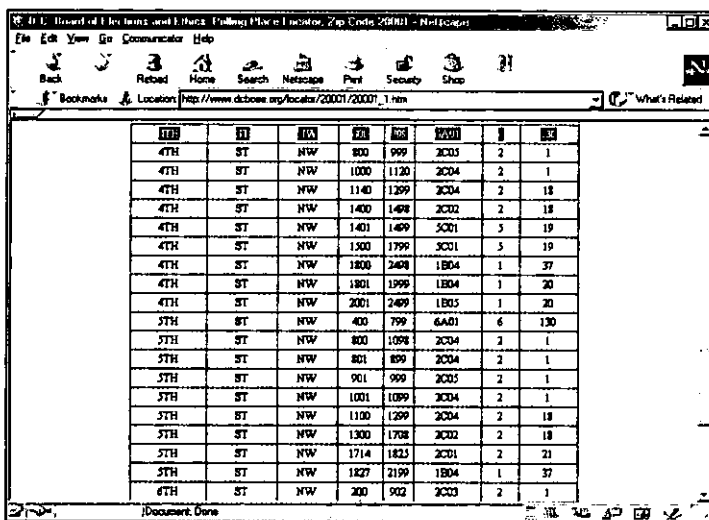


FIGURE 4. Polling Place & ANC/SMD Locator, Polling Place Map. From this page, the user can navigate to a map of their polling place by scrolling down to their precinct number and clicking on "Map."

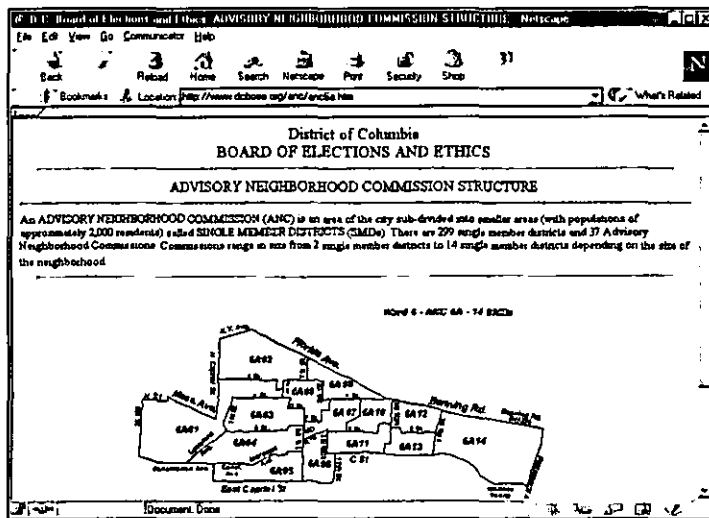
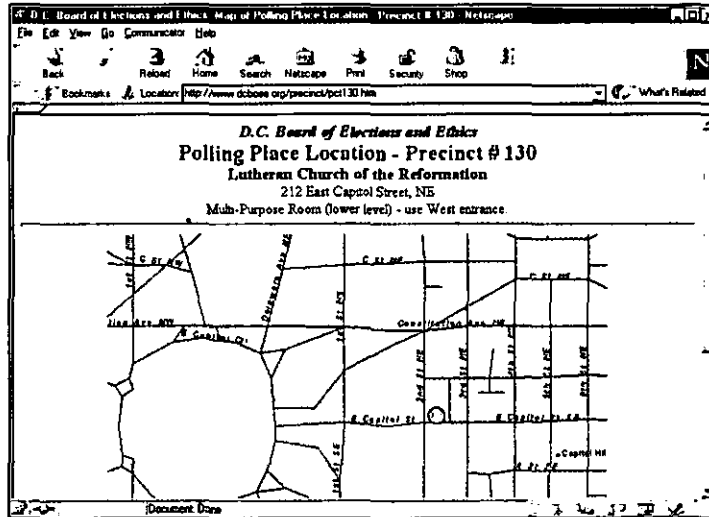
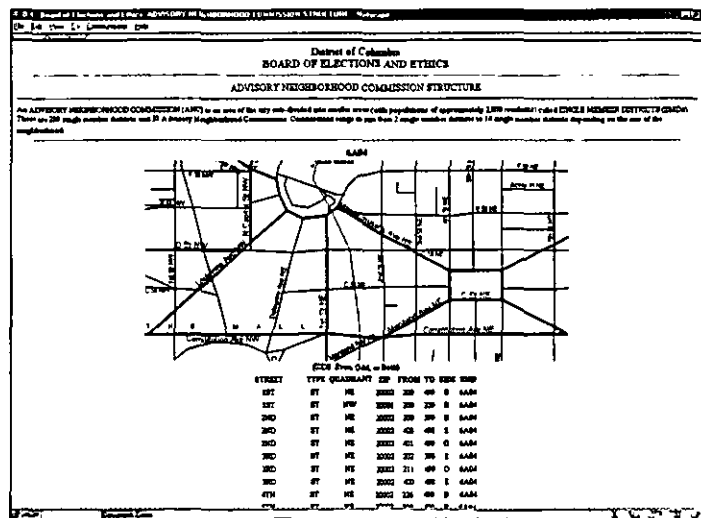


FIGURE 5. Polling Place & ANC/SMD Locator, Advisory Neighborhood Commission Map. Also, the user can view a map of his or her Advisory Neighborhood Commission from the previous page found (Figure 3) at Step 3 by clicking on the link "ANC/SMD Information." This will take the user to a list of Advisory Neighborhood Commissions and Commissioners. The user clicks on their Commission and a map will appear on the screen.

FIGURE 6. Polling Place & ANC/SMD Locator, Single Member District Map. At this point, the user can click on their Single Member District within the map of their Advisory Neighborhood Commission and their Single Member District map will appear on the screen.



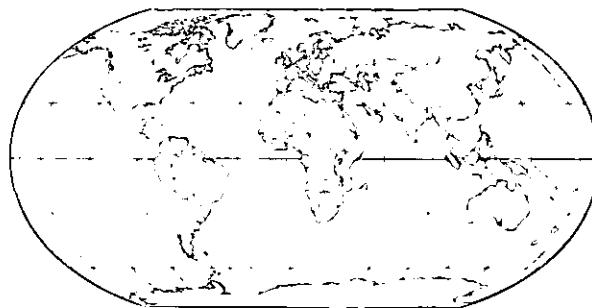
PUBLIC RELATIONS

The Board's Public Information Officer (PIO) serves as the Board's spokesperson and is responsible for handling press inquiries. During Fiscal Year 2000, the Board's PIO received approximately 1,000 calls from reporters, government officials, and other interested parties seeking information on election results, voter registration statistics, election law, and Board policies. The PIO also produced news releases, media advisories, and public service announcements throughout the fiscal year, which provided information on these topics to the press corps and the general public.

The Board's International Visitors Program, which is ongoing year round, is coordinated by the PIO. For the program, the PIO has prepared a slide presentation and compiled information packets about the election process, which is used and presented to the Board's international visitors. As the coordinator of the program, the Board's PIO has worked closely with foreign embassies located in Washington, D.C., the United States Information Agency, Federal Election Commission, International Foundation for Electoral Systems (IFES), Meridian International Center, the Institute of International Education, The Asia Foundation, Delphi International, and The Center for Democracy.

Also, on a larger scale, the Board has partnered with IFES in an ambassadors program. In the past, over 150 countries have participated in the program and have visited the District's polling places on Election Day. As part of the program's activities and in conjunction with the electoral boards in the two surrounding jurisdictions of Maryland and Virginia, the Board received ambassadors at selected polling places and at the Board's office. Some of the countries that have been

represented are Albania, Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Austria, Azerbaijan, The Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei, Bulgaria, Burkina, Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Comoros, Congo, Costa Rica, Côte D'Ivoire, Croatia, Cyprus, Czech Republic, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Ethiopia, Fiji, Finland, France, Gabon, The Gambia, Georgia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Korea, Kosovo, Kuwait, Kyrgyzstan, Laos, Lebanon, Lesotho, Liberia, Lithuania, Luxembourg, Macedonia, Madagascar, Malawi, Mauritius, Mexico, Micronesia, Moldova, Morocco, Mozambique, Namibia, The Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, The Philippines, Poland, Portugal, Qatar,



Romania, Russia, Rwanda, St. Kitts and Nevis, St. Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syria, Tanzania, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukraine, United Arab Emirates, United Kingdom, Uruguay, Uzbekistan, Venezuela, Vietnam, Yemen, Zambia, and Zimbabwe.

During Fiscal Year 2000, the Board's PIO participated in a roundtable discussion on the role of the media in the administration of elections for the Media and Elections Chapter of the Administration and Cost of Elections (ACE) Project electronic publication. The ACE Project is a joint endeavor of IFES, the Institute for Democracy and Electoral Assistance, and the United Nations. The ACE electronic publication, which is available on CD-ROM and on the Internet at www.aceproject.org, is the first-ever, globally accessible information resource on the administration of elections. It was created to support those who are faced with designing electoral systems and procedures, and those who furnish advisory assistance to election management bodies worldwide. Other target audiences include media representatives, educational institutions, students, and political parties. Among other topics, the roundtable discussion included the role of the media to encourage public participation in elections by educating voters on how to exercise their democratic rights.

24-Hour Telephone Service

During the Fiscal Year, the Board's 24-hour telephone information service, which was established during Fiscal Year 1999, provided another way that the members of the public could access information during a busy election cycle. The message line, which is ongoing year round, provides information about the Board's office hours, voter registration qualifications, and where to find a voter registration form. The message informs callers about the Board's Web site address and the availability of the Board's registration form online.

Annual Report

During Fiscal Year 2000, the Board published its first Annual Report which detailed the Board's activities during Fiscal Year 1999 between October 1, 1998 and September 30, 1999. The report also included the activities of the Office of Campaign Finance, which is an agency established within the Board. The report contained information about the election conducted in Fiscal Year 1999; the Board's automated systems; public information services; activities in the Office of the General Counsel and the Office of Campaign Finance; changes to Title 3 of the District of Columbia Municipal Regulations; legislative measures about which the staff of the Board and the Office of Campaign Finance provided testimony; and the budget for the Board and the Office of Campaign Finance.

GENERAL COUNSEL

The General Counsel serves as the Board's chief legal officer representing the Board in all civil actions in the courts of the District of Columbia. During Fiscal Year 2000, the Office of the General Counsel litigated 17 court cases and issued 36 administrative orders. A synopsis of the cases and administrative orders follows.

Court Cases

Patricia Scolaro et al. v. D.C. Board of Elections and Ethics

A complaint for injunctive and declaratory relief was filed in the United States District Court to enjoin the certification of the 1996 results for two Advisory Neighborhood Commission offices. The Board's Motion to Dismiss was granted and subsequently affirmed by the United States Court of Appeals.

Ronald Jackson v. D.C. Board of Elections and Ethics

A complaint for injunctive and declaratory relief was filed in the District of Columbia Court of Appeals to enjoin the Board from conducting further elections and challenging the taxation of District of Columbia residents without voting congressional representation. The case was dismissed per stipulation.

Sandra Seegars v. D.C. Board of Elections and Ethics

A Petition for Review of the Board's decision dismissing a complaint alleging inaccurate disclosure by the "Barry for Mayor in 94" Political Campaign Committee. The Board's decision was affirmed by the D.C. Court of Appeals.

David Marlin v. D.C. Board of Elections and Ethics

A complaint for declaratory and injunctive relief to permit the wearing of campaign buttons in the polling place was filed in the United States District Court. The Board's motion to dismiss was granted and, on appeal, was affirmed by the United States Court of Appeals and denied certiorari by the United States Supreme Court.

Ronnie Edwards et al. v. D.C. Board of Elections and Ethics

A Petition for Review of the Board's decision to waive a formal error in Ronnie Edwards et al. v. D.C. Board of Elections and Ethics et al. was filed in the District of Columbia Court of Appeals. The Court dismissed the Petition for Review for lack of jurisdiction.

Frank J. Zampatori, Jr. v. D.C. Board of Elections and Ethics

A petition for review of the Board's decision to waive a formal error in the matter of Frank Zampatori v. Ronald King was filed with the D.C. Court of Appeals. The Court granted the Board's Motion for Summary Affirmance.

D.C. Board of Elections and Ethics v. Bill Lewis

The Board filed a Petition for Enforcement with the Superior Court of the District of Columbia to force Mr. Lewis

to pay a fine levied as a result of filing a Report of Receipts and Expenditures 20 days after the deadline. The Court ordered Mr. Lewis to pay the fine, which he did.

D.C. Board of Elections and Ethics v. Paula Pyne-Hebron

The Board filed a Petition for Enforcement with the Superior Court of the District of Columbia to enforce Ms. Pyne-Hebron to pay a fine levied as a result of failure to file an Advisory Neighborhood Commission Summary Financial Statement. The matter was settled per the request of the Office of Campaign Finance.

Joseph Drudi v. D.C. Board of Elections and Ethics et al.

A complaint was filed with the District of Columbia Superior Court that alleged that Charter Amendment III, "School Governance Charter Amendment Act of 2000," should be declared void and not put before the voters in a special election. The complaint was based on alleged procedural irregularities in the Amendment's adoption by the Council of the District of Columbia. The Court dismissed the complaint and granted the Board's Motion for Summary Judgment. The decision was subsequently affirmed in the District of Columbia Court of Appeals.

Philip J. Blair v. D.C. Board of Elections and Ethics

The plaintiff filed a Petition for Review in the District of Columbia Court of Appeals to nullify the election results of the June 27, 2000 Special Election on Proposed Charter Amendment III based on alleged voting irregularities. The Court granted the Board's Motion to Dismiss for want of jurisdiction.

Elijah Gatewood v. D.C. Board of Elections and Ethics

The plaintiff filed a Petition for Appellate Review of the

results of the June 27, 2000 Special Election on Proposed Charter Amendment III in the District of Columbia Court of Appeals. The Court granted the Board's Motion to Dismiss for want of jurisdiction.

Shoshua Robinson v. D.C. Board of Elections and Ethics

The plaintiff appealed the Board's decision denying her ballot access to the D.C. Court of Appeals. The Court dismissed the complaint for lack of jurisdiction.

Kristiana Gomes v. D.C. Board of Elections and Ethics

The plaintiff appealed the Board's order denying petitioner's challenge to the nominating petition of Chris Ray for the office of At-Large Member of the Council of the District of Columbia with the District of Columbia Court of Appeals. The Court granted summary affirmance.

Donald Jackson v. D.C. Board of Elections and Ethics

The plaintiff requested judicial review of the results of the November 7, 2000 Advisory Neighborhood Commission Election in Single Member District 8E01 citing perceived election irregularities. The District of Columbia Court of Appeals granted the Board's Motion for Summary Affirmance.

D.C. Board of Elections and Ethics v. Edward Dunson

The Board sought a court order with the Superior Court of the District of Columbia to require respondent to comply with order issued from the Office of Campaign Finance imposing a fine for failure to file a financial statement. The Judge ordered respondent to pay the sum of \$500.00.

D.C. Board of Elections and Ethics v. Gloria Johnson

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National Coalition for Students with Disabilities v. Anthony Williams

The plaintiffs sued in the United States District Court for preliminary injunction ordering Mayor Williams and the Board to comply with the *National Voter Registration Act* statute by designating the Collegiate Disability Services Offices of the University of the District of Columbia as a voter registration site. The Corporation Counsel facilitated a settlement that would effectively designate the offices as a voter registration site for disabled persons and has further arranged for a voluntary dismissal of the suit.

Administrative Orders

Administrative Orders 00-001, 00-002, 00-03 and 00-04

The Board imposed fines for candidates for public office for failure to timely file a Report of Receipts and Expenditures with the Office of Campaign Finance.

Administrative Orders 00-005, 00-006, 00-007, 00-008, 00-011, 00-012, 00-013, 00-014, 00-015, 00-016, 00-017, 00-018, 00-019, 00-020, 00-021, 00-022, 00-023, 00-024, 00-026, 00-027, 00-028, 00-029, 00-030, 00-031, 00-033, 00-034, and 00-035

Electors filed challenges to nominating petitions of candidates for public office. The Board conducted hearings and determined the validity of the challenges.

Administrative Orders 00-009 and 00-010

Electors filed challenges to the determination of the eligibility of candidates for public office. The Board granted a waiver of formal error and the candidates were given ballot access.

Administrative Order 00-025

An appeal of an Order issued by the Office of Campaign Finance for a violation of the District of Columbia Standards of Conduct by an elected official. The Board upheld the Order issued by the Office of Campaign Finance.

Administrative Order 00-032

An elector appealed the determination of the Registrar of Voters that she was ineligible for the public office of Advisory Neighborhood Commissioner based on residency requirements. The Board upheld the Registrar's decision and denied the candidate ballot access.

Administrative Order 00-036

An appeal of a Rejection of Complaint by the Office of Campaign Finance was filed with the Board. The Board upheld the Order issued by the Office of Campaign Finance.

CAMPAIGN FINANCE

The Office of Campaign Finance (OCF) comprises three major divisions, which operate under the direction of the Office of the Director. The Office of the Director (OD) plans, directs and coordinates the administrative operations of the Board of Elections and Ethics pertaining to the campaign finance laws of the District of Columbia. Further, the OD issues interpretative opinions concerning the application of the D.C. Campaign Finance Act (Act) and its implementing regulations to factual circumstances. The Office of the General Counsel (OGC) conducts investigations and hearings of alleged violations of the Act, and drafts proposed legislation and regulations. The Reports Analysis and Audit Division (RAAD) conducts desk and field audits, develops and disseminates statistical reports and summaries compiled from the financial reports of required filing entities. Finally, the Public Information and Records Management (PIRM) Division processes documents required by law to be filed with the agency, and assures their availability for public inspection.

Interpretative Opinions

The Office of Campaign Finance (OCF) issued 13 interpretative opinions to qualified requestors in Fiscal Year 2000. The subject matter of these requests involved issues relating to conflicts of interest, volunteer services and in-kind contributions, fundraising activities, attendance at a victory celebration, the appropriate name for a statehood fund bank account, and acceptance of a contribution to the District Government. Over 61% of opinion requests concerned conflict of interest matters.

OCF regulations at 3 DCMR §3302 establish that any person subject to the D.C. Campaign Finance Reform and Conflict of Interest Act, as amended (Act), may request a written opinion concerning the Act and/or regulations promulgated to implement the Act. Each request should be addressed to the Director and include specific information about the transaction or activity of concern, as well as any supporting documentation. The Director is required, by regulation, to respond to each request within 30 days of receipt.

Interpretative Opinions may be viewed by visiting the OCF Web site at www.dcofc.org, or may be reviewed in person at OCF's public office located at the Reeves Municipal Building, 2000 Fourteenth Street, N.W., Suite 433, Washington, D.C. 20009.

Investigations, Informal Hearings, and Enforcement Petitions

The Office of the General Counsel (OGC), a division of OCF, is responsible for conducting investigations and informal hearings of alleged violations of the D.C. Campaign Finance Reform and Conflict of Interest Act, as amended (Act) as well as pursuing enforcement petitions against violators of the Act. During Fiscal Year 2000, OGC issued 296 Notices of Hearings, conducted 53 informal hearings, initiated 16 enforcement proceedings to pursue the collection of unpaid fines, and conducted and completed two preliminary investigations and one full investigation. A brief synopsis of OCF investigations follows.

Preliminary Investigation #2000-101

On June 20, 2000, OCF initiated a preliminary investigation of a complaint filed by a citizen against D.C. Agenda, an organization allegedly engaged in political activities, subject to the D.C. Campaign Finance Reform and Conflict of Interest Act, as amended. The issue presented was whether D.C. Agenda was required,

pursuant to D.C. Code §§-1414(a) and 1-1416(d), to file a statement of organization and Report of Receipts and Expenditures as a political committee organized to support Charter Amendment No. 3, "The School Governance Charter Amendment." On November 1, 2000, an Order of the Director was issued, which imposed a fine of \$420.00, and ordered D.C. Agenda to register as a political committee, and to file other required reports and statements.

Preliminary Investigation

#2000-102

On August 4, 2000, OCF initiated a preliminary investigation of a complaint filed by a candidate for the office of Member of the Council of the District of Columbia against a member(s) of the Committee to Re-Elect Sandy Allen. The issue presented was whether William Wright, a Capitol Cab driver and chairperson of the Taxicab Industry Group, violated D.C. Code §1-1433(3), when he allegedly reviewed the June 10, 2000 Report of Receipts and Expenditures of the Seegars for Council Committee for the purpose of soliciting a contribution from Vaughn Williams, manager of a local cab company. On November 21, 2000, an Order of the Director was issued to dismiss the matter.

Matter Under Review #00-01

On June 12, 2000, OCF initiated a full investigation of a complaint filed by a citizen against Mayor Anthony A. Williams alleging violations of the District of Columbia personnel regulations governing employee standards of conduct. The issue presented was whether Mayor Williams violated §§1803.1, 1804.1(b) and 1806.1 of the District Personnel Manual (Employee Standards of Conduct) by allegedly using District of Columbia government employees during normal work hours, government facilities and supplies to assist him in supporting Charter Amendment III, the "School Governance Charter Amendment Act of 2000," the subject of a June 27, 2000 special election. An Order of the Di-

rector issued on June 16, 2000 ordered Mayor Williams to terminate all action involving the use of District of Columbia government resources to influence the outcome of the special election. On September 6, 2000, this matter was appealed before the Board. On September 22, 2000, the Board affirmed the Order of the Director of Campaign Finance.

Financial Reports

Overall, in Fiscal Year 2000, there were 2,673 required filers, 2,476 actual filers, and 213 delinquent filers. The total number of actual filers represents an increase to 93% of the total required filers who voluntarily complied with the reporting requirements, as distinguished from 88.5% in Fiscal Year 1999.

Further, during Fiscal Year 2000, OCF's Reports Analysis and Audit Division (RAAD) conducted 1,006 desk reviews of Reports of Receipts and Expenditures filed by candidates and political committees and lobbyist financial reports. These reviews provided the public with a complete and accurate portrayal of campaign finance and lobbying activity during the fiscal year. RAAD's Audit Deficiency Notification Program facilitated compliance where reports contained errors or suggested violations of the law.

Special Projects

The Council of the District of Columbia enacted statutory amendments to the D.C. Campaign Finance and Conflict of Interest Act, which generated two major projects during the fiscal year. First, in the fall of 2000, D.C. Act 13-362, the "Campaign Finance Disclosure and Enforcement Amendment Act of 2000" (Act) became law. This Act required, among other things, the dissemination of a biennial report, commencing on January 31, 2001, summarizing the receipts and expenditures of candidates and political committees in the prior two-year period.

The reports describe specific data required by the Council, as well as any other information deemed appropriate by the Director concerning the receipts and expenditures of candidates for the offices of Mayor, Chairman and Members of the Council, President and Members of the Board of Education, and shadow Representative and Senator. The initial production of these biennial reports was delivered to the Mayor and the Council on January 31, 2001. The general public was able to access the reports via the OCF Web site (www.dcofc.org), or by visiting the agency's public office.

Second, on October 4, 2000, D.C. Act 13-163 became law, which required the Director of Campaign Finance to provide for the filing of certain financial disclosure reports via an electronic format. This project also entails further development and refinement of the OCF Web site. To implement this new law, the OCF promulgated electronic filing regulations, through the Board, including the solicitation of comments from candidates, political committees, and the general public.

OCF solicited bids from qualified vendors to implement the technical aspects of the electronic filing system. A vendor, selected via the competitive bid process, began work on the project in May 2001. OCF expects to thoroughly test the electronic filing system through various methods, including the use of focus groups, to ensure the general public finds the system user-friendly for filing and retrieval purposes.

Both of these laws are anticipated to have far-reaching effects on the administration and reporting of campaign finance and lobbyist financial activity.

Third, the OCF sought several statutory changes either to clarify an ambiguous statute or to improve the OCF's administration of the Act. OCF proposed clarifying the contribution limitations relative to the recall of elected public officials. Bill 13-879, the "Technical Amendments Act of 2000," addressed this ambiguity to clarify that contribution limitations apply to recall elections.

Further, OCF requested an extension of time to publish a listing of the names of public officials required to file Financial Disclosure Statements annually on May 15 from June 1 to June 15, thereby improving the accuracy of the listing. Bill 13-879 was approved by the Council on December 19, 2000, and forwarded to the Mayor for signature on January 4, 2001.

OCF requested an amendment to remove the requirement that the agency return Financial Disclosure Statements on file for longer than four years to within one year of the death or termination of service of any public official. Bill 13-829 was approved by the Council on December 19, 2000, and forwarded to the Mayor on January 5, 2001.

Finally, OCF pursued the amendment of the Campaign Finance Act through the enactment of D.C. Act 13-416, the "Board of Education Campaign Contribution Clarification Emergency Amendment Act of 2000," to correct statutory omissions resulting from differing, but companion legislation. Consequently, D.C. Code §1-1441.1 was amended to reflect that elections for school board would be conducted for the office of school board president; and that districts, instead of wards, would elect members.

D.C. MUNICIPAL REGULATIONS

Title 3 of the District of Columbia Municipal Regulations (3 DCMR) is the official code of the permanent rules and statements of general applicability and legal effect promulgated by the Board. From time to time, 3 DCMR has to be amended to bring the Board's regulations into compliance with the D.C. Code. A synopsis of the amendments made to 3 DCMR during Fiscal Year 2000 follows.

Chapter 10, "Initiative and Referendum"; Chapter 11, "Recall of Elected Officials"; Chapter 13, "Filling Vacant Seats on Advisory Neighborhood Commissions"; Chapter 14, "Candidates: Political Party Primaries for Presidential Preference and Convention Delegates"; Chapter 15, "Candidates: Electors of President and Vice President"; Chapter 16, "Candidates: Delegate of the United States House of Representatives, Mayor, Chairman and Members of the Council of the District of Columbia, United States Senator, United States Representative, Members of the Board of Education, and Advisory Neighborhood Commissioners"; Chapter 17, "Candidates: Members and Officials of Local Committees of Political Parties and National Committee Persons"

Amendments to Chapters 10, 11, 13, 14, 15, 16, and 17 provide for electors to challenge the validity of a nominating petition by citing the exact provision(s) in the Board's regulations upon which the challenge is based. For example, if the ground upon which a signature is challenged is that the signature is not dated, such challenge shall be expressed as follows: "3 DCMR 1009.9(d)".

Chapter 18, "Charter Amending Procedures"

An emergency amendment to Chapter 18 authorized the Board to either conduct a special election for the express purpose of presenting a proposed Charter amendment to voters, or to present the proposed Charter amendment to voters at the next primary, general, or previously scheduled citywide special election. The amendment also established that the proposed Charter amendment would be presented to the voters no sooner than 54 days after the Board certified the proposed amendment for the ballot. The emergency amendments to the regulations expired on September 1, 2000.

Chapter 30, "Organization of Political Committees"

An emergency amendment to Chapter 30 provided, pursuant to §3011.2, a \$500 campaign contribution limit for a candidate for President of the Board of Education, and increased the campaign contribution limit from \$200 to \$300 for a candidate for Member of the Board of Education elected from a school district.

Chapter 37, "Investigations and Hearings"

An amendment to Chapter 37 provided that the aggregate of the penalties imposed under the Director's authority, pursuant to §3711.2, may not exceed \$2000 for each violation.

LEGISLATIVE MEASURES

The staff of the Board and OCF provided testimony on the following legislation before the Council of the District of Columbia during Fiscal Year 2000.

Bill 13-469, "School Governance Act of 1999"; Bill 13-470, "School Governance Companion Act of 1999"; Bill 13-493, "Board of Education Charter Reform Amendment Act of 1999"; and Bill 13-494, "Board of Education Reform Amendment Act of 1999"

The purposes of Bill 13-469, Bill 13-470, Bill 13-493, and Bill 13-494 were to amend Section 495 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973 to decrease the number of Members of the D.C. Board of Education from 11 to nine and alter the manner in which Members are elected.

Bill 13-489, "Mail Ballot Feasibility Study Amendment Act of 1999"

The purpose of Bill 13-489 was to require the Board to conduct a feasibility study on the advantages and disadvantages of voting by mail in the District of Columbia. The issues presented for examination by the legislation were those which should be analyzed prior to implementing a mail ballot process in the District of Columbia.

Bill 13-829, "Freedom of Information Amendment Act of 2000"

The purpose of Bill 13-829 was to remove the requirement that OCF return Financial Disclosure Statements

on file with the office for longer than four years, within one year of the death or termination of service of any public official. This Bill authorizes the Director of Campaign Finance to dispose of Financial Disclosure Statements in accordance with the District of Columbia Public Records Management Act of 1985 for purposes of efficiency and cost-effectiveness.

Bill 13-879, "Technical Amendments Act of 2000"

The purpose of Bill 13-879 was to clarify that contribution limitations apply to recall elections. Further, this Bill changed the date by which OCF must publish a listing of the names of public officials who filed Financial Disclosure Statements annually on May 15 from June 1 to June 15. This was to provide OCF sufficient time to perform this task, thereby improving the accuracy of the listing.

Bill 13-783, "Board of Education Campaign Contribution Clarification Emergency Amendment Act of 2000"

The purpose of Bill 13-783 was to address OCF concerns by amending the Campaign Finance Act to correct statutory omissions resulting from differing, but companion legislation. Specifically, D.C. Code §1-1441.1 was amended to reflect that elections for School Board would be conducted for the office of School Board President, and that districts, instead of wards, would elect members.

BUDGET

The Board's funding level for Fiscal Year 2000 was \$3,238,000, which provided the necessary resources to support the Board's core staff, approximately 1,200 election day workers, and support staff. The Board's budget provided funding to effectively conduct the May 2, 2000 Presidential Preference Primary Election for Delegate to the United States House of Representatives, and delegates to the Democratic and Republican national conventions, and the national and local Democratic and Republican offices. Also, this budget provided funding for the September 12, 2000 Primary Election for the major parties to nominate their candidates for the partisan public offices on the ballot for the November 7, 2000 General Election. Those offices were At-Large Member of the Council; Wards 2, 4, 7, and 8 Members of the Council; United States Senator; and United States Representative. Funding for the citywide June 27, 2000 Special Election on Charter Amendment III, the "School Governance Charter Amendment Act of 2000," was sought and provided through the Financial Management Authority in the amount of approximately \$370,000.

The Fiscal Year 2000 approved budget for the Office of Campaign Finance was \$978,000, which provided funding for 15 continuing full-time positions. This funding was associated with the delivery of core mission and support functions directly related to monitoring, reviewing, and enforcement responsibilities for the May 2, 2000 Presidential Preference Primary Election, the June 27, 2000 Special Election on Charter Amendment III, "The School

Governance Charter Amendment Act of 2000," the September 12, 2000 Primary Election for the Offices of Ward and At-Large Members of the Council, and United States Senator and United States Representative; quarterly financial reports for Citizen-Service and Statehood Fund Programs; biannual financial reports of lobbyists; annual Financial Disclosure Statements; and Honoraria and Outside Income Disclosure Statements filed by public officials.

**Comments regarding this Report or requests
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