

MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
April 8, 2015

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, April 8, 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 10:33 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting (March 4, 2015) were moved for approval and adopted without objection.

Mr. Tatum requested the Board finalize the proposed polling place relocation. The Board published in the D.C. Register the proposed relocation of Precinct 115 for the Special Election by combining the precinct with Precinct 134, Allen AME Church, located immediately across the street. The Board received no public comment.

BOARD ACTION: The Board finalized the relocation of Precinct 115 for the Special Election by combining the precinct with Precinct 134, Allen AME Church.

Mr. Tatum announced the Board’s final preparations for the April 28, 2015 Special Election are proceeding according to schedule. The Board distributed over 800 absentee ballots to Ward 4 and Ward 8 voters. Poll worker training is ongoing with recruitment of over 364 poll workers and 60 additional poll workers on standby. The Board has successfully recruited over 50 student poll workers. Board staff has conducted 19 voter information and registration outreach programs with an additional 12 scheduled to occur prior to the election. Absentee Voting for incarcerated non-felons is scheduled for April 21 at the Dept. of Corrections Central Treatment Facility. Absentee Voting for senior citizen facilities, where the Board delivers absentee ballots to those requesting them, will commence on April 13. The Board’s pilot project demonstrating new voting equipment will give voters the opportunity to try out new voting equipment after they vote during the Special Election.

Chairman Nichols asked Mr. Tatum if the Board will employ additional technical rovers at the precincts, and he assured her that 19 technical rovers covering 37 precincts represented an increase in coverage from the prior election, and would allow for prompt response times.

Mr. Tatum confirmed that the provisions of supplies to the polling places are in order and packed with the exception of the paper ballots, which are expected from the vendor next week.

Mr. Tatum reported on the Board's efforts with regard to voter accessibility: The Board will employ a minimum of two Voter Assistance clerks at polling places with one stationed outside to accommodate voters with disabilities. The Board has supplied the precincts with multiple signs to highlight the accessible entrance. As an added precaution in addition to the upgraded doorbells, the Board has placed a telephone contact number on signs so that someone may call for assistance in the event the outside Voter Assistant Clerk is unavailable.

Mr. Tatum reported the Board has hired an ADA coordinator, to assess the Board's polling places for accessibility and develop a comprehensive plan to address any outstanding issues. The Board has generated a spreadsheet identifying accessibility issues raised in the audit report and the Board's action to address these concerns.

Ms. Denise Tolliver, Board Public Information officer, explained that the Board has deployed voter outreach signs in Wards 4 & 8.

Mr. Tatum reiterated the purpose of the pilot program is to look at other possible solutions for procuring new voting equipment from the two EAC certified vendors in the market.

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

Sewell v. the Board Mr. Sewell filed a complaint for harassment in the Superior Court with respect to OCF campaign finance violations assessed against him and their efforts to collect those fines, and the Board's motion to dismiss with prejudice was granted on March 6, 2015 and the Board awaits a written order from the court. Mr. Sewell immediately re-filed the action later that day under a different caption naming Staff Attorney Rudolph McGann and Hearing Officer Franklin Austin of OCF personally as co-defendants with the Board. The Board has 60 days to respond and is waiting for a written order from the prior dismissed case to submit to the court.

McMillan v. the Board concerns the Board disallowing the slate name, "The Rent is too Damn High" from appearing on the Primary Election ballot. Mr. McMillan filed an appeal and the Court ordered the Appellant to file his statement of the case by March 26, and dispositive motions are due on April 10.

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

- March 10th deadline for R&E reports from principal campaign committees (PCC) and political action committees (PAC). 39 PCCs and 49 PACs; 62 timely filers; 5 extensions granted; 8 late filers; 13 failures to file; 21 committees were referred to the General Counsel for initiation of the enforcement process.
- February 3rd deadline for summary financial statements for ANC candidates. 384 required filers; 341 timely filed; 43 failures to file.
- OCF held 2 entrance conferences: Ron Bonfilio, Public Accountability Safety Standards PAC on March 19, 2015, and Catherine Bellinger, Democrats for Education Reform-DC PAC on March 26, 2015.
- OCF Audit Branch conducted 104 desk audits and the full field audit of Gray for Mayor is ongoing. The ongoing periodic random audits are: Friends of Courtney R. Snowden, Ruth for Schools, and Brian Hart for D.C. The periodic random audits of the Continuing Committees are: The Republican Committee for the District of Columbia, Morgan for

District of Columbia, and Committee to Elect Eugene Puryear. The periodic random audits for the Office of Attorney General are: Lori masters for Attorney General and Smitty for Attorney General.

- OCF issued one audit: Firefighters Committees on Political Activities. The report is available for review by the public at OCF's Web site.
- OCF issued audit notification letters for the following committees: The Committee to Elect Natalie Williams for Ward 8, Barry for Council, Friends of Leon Andrews, Tengen for D.C., and D.C. Proud Inaugural Committee.

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

- The General Counsel received 71 referrals from the Reports Analysis Audit Division including 43 ANC candidates who failed to file financial statements.
- The Office issued 12 orders including the following: 3 orders for failure to timely file reports in which no fines were imposed. 1 order for failure to timely respond to a request for additional information, in which no fine was imposed. 8 orders to vacate prior orders after fines were paid or compliance was achieved.
- The OGC collected a total of \$350 in fines, and referred 10 petitions for enforcement to the OGC for the Board of Elections.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.
- OGC issued one interpretive opinion requested by Julius Terrell regarding whether a Ward 4 candidate can lend his voice to an independent private business voice-over while simultaneously announcing his candidacy. The office indicated that would be perceived as campaign literature and should include the requisite disclaimers and evaluated as an in-kind contribution.

There being no further business before the Board, the meeting adjourned at 11:08 a.m.