GOVERNMENT OF THE
DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY

FEBRUARY 5, 2014

The Board met in Suite 280 North,
One Judiciary Square, 441 4th Street, N.W.,
Washington, D.C., at 10:30 a.m., Deborah K.
Nichols, Chairman, presiding.

BOARD MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman

STEPHEN I. DANZANSKY, Member
ALSO PRESENT:

CLIFFORD D. TATUM, Executive Director

KENNETH J. MCGHIE, ESQ., General Counsel to the Board

CECILY COLLIER-MONTGOMERY, Director, Office of Campaign Finance

WILLIAM SANFORD, ESQ., General Counsel, Office of Campaign Finance
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CHAIRPERSON NICHOLS: Good morning. I am hereby calling to order the Regular Meeting of the Board of Elections for February 2014.

It is Wednesday, February 5th, 2014. The time is 10:38 a.m. We are meeting in Room 280 North at One Judiciary Square.

I'm Deborah K. Nichols, chairman of the Board of Elections. Present with me this morning is Board Member Stephen Danzansky. Also present on the dias are Mr. Kenneth McGhie, the Board's general counsel, Mr. Clifford Tatum, the Board's executive director, and Ms. Cecily Collier-Montgomery, the Board's director of the Office of Campaign Finance.

Without objection, the agenda for today's meeting is adopted.

Also without objection, the minutes of the Regular Meeting of January 8th,
2014, are adopted.

MR. DANZANSKY: No objection.

CHAIRMAN NICHOLS: Okay. Are there any public matters to be brought before the Board?

[No response]

CHAIRMAN NICHOLS: Hearing none, are there any members of the Board who wish to raise any matters in this public meeting?

[No response]

CHAIRMAN NICHOLS: There are none.

We will move to the Executive Director's Report.

Mr. Tatum.

MR. TATUM: Thank you, Madam Chair. In my report today, we will discuss precinct relocations and preparations for the April 1st primary, and general matters. The first is a relocation of five--the new polling places, and I'd ask Arlin Budoo to come forward to make that presentation to the board.
MR. BUDO: My name is Arlin Budoo, Support Services for the Board of Elections and Ethics. Good morning.

CHAIRMAN NICHOLS: Good morning, Mr. Budoo.

MR. BUDO: This morning, I have five proposed relocations. The first relocation is for Precinct No. 3, which currently we're at School Without Laws. We were previously at St. Mary's Court, and upon further review and surveys, we deemed that the site was not feasible to accommodate the board's requirements to use as a polling place. So we relocated in a combined Precinct No. 3, which was at St. Mary's Court with Precinct No. 2 as School Without Walls.

So we have Precinct No. 2 and Precinct No. 3 in School Without Walls.

Previously, prior to me being at the board, we were using St. Paul's Parish, located at 2430 K Street, but we did relocate out of that location because that site was not
accessible. It has now been fully renovated, and I am proposing that we relocate back to St. Paul's Parish.

The next precinct will be Precinct 101. As you know, River Terrace Elementary School has served as a polling place for the District of Columbia, and is scheduled for renovations, and would not be available for the upcoming 2014 regular primary election, thus requiring relocation as a polling place. I propose that we move to The Chateau, located at 3439 Benning Road, N.E. This will be a temporary relocation. The site will be renovating, and should be available in the fall of 2014.

The next relocation is Precinct 116, New Image Community Baptist Church, which has served as a polling place, but would not be available for the upcoming 2014 mayoral elections. The church, they sent a written correspondence stating that the church would not be available. They are looking to utilize
the space that we use on election day for some
other church-related activities. So will not
be available.

Therefore, I proposed that we move
to The Ark, located at 1901 Mississippi
Avenue, S.E.

The next relocation is Precinct
117, Douglas Community Recreation Center. We
previously relocated to Douglas Community
Recreation Center after renovations were
started at Turner Elementary School. Since
then, the renovations have been completed, and
I am proposing that we relocate back to Turner
Elementary School located at 3264 Stanton
Road, S.E.

And the last relocation is
Precinct 118, Garnet Wilkinson Elementary.
Garnet Wilkinson has been closed for several
elections, but the board was afforded the use
of the site as a polling place, while the
renovations were still being completed at the
new site, where they actually relocated the
kids to Moten Elementary School.

And the reason we did not use it for the April 2013 special election is because even though the school was open and renovated, the accessible entrance was not complete yet. So we did stay at Garnet Wilkinson for the special, but it has been fully renovated, is now complete, so therefore I propose that we relocate to Moten Elementary School, located at 1565 Morris Road, S.E.

CHAIRMAN NICHOLS: So Moten has been fully renovated?

MR. BUDO: Yes.

CHAIRMAN NICHOLS: And is accessible?

MR. BUDO: Yes, ma'am.

CHAIRMAN NICHOLS: Okay. Now on The Chateau, let's just make it clear why we're going to The Chateau.

MR. BUDO: Okay. The reason that we chose The Chateau is, you are well aware of the area. In that area, there are no other
locations within the Precinct boundaries. Now, in the past, we have combined precinct relocations, but to combine that, you would either have--there are a large number of seniors in that area, and they would either have to walk over the bridge on Benning Road to go to the next available site, which is the Benning Library, or they would have to come all the way out, and walk up Benning Road to either St. Benedict's, or Brown Junior High School. Either/or.

And I did reach out to the ANC commissioner for that area, and ask her for help. There is a church in that location, but that church is not accessible. There are no other locations within the precinct boundaries.

Upon speaking with the ANC commissioner, she did recommend The Chateau. I did go and speak with the owner of The Chateau, and look at the space available, and it's a pretty good space for us to use.
CHAIRMAN NICHOLS: Okay.

MR. TATUM: Mr. Budoo, would you speak to the status of The Chateau on election day, whether it's open, closed.

MR. BUDOO: Okay. The facility--

The Chateau is actually closed on election day. So they will come and open up the facility for us. They will have a supervisor, on site, at the location, along with our precinct captain and poll workers, just to open up, and just to stay there, to monitor, you know, that nobody else comes in and walks through, you know, in the back of the bar, and things like that during the day. So I have worked that out with the location as well.

MR. DANZANSKY: Mr. Budoo, let me just--first of all, thank you, and thank you for what you do for the board, and the citizens of this city, to make voting places accessible and available to them, and to notify folks in communities that there have been changes.
Just to make sure I understand the terminology. Several of these are returns to previous polling places, aren't they?

MR. BUDOO: Yes.

MR. DANZANSKY: And there are about six of those; is that correct? In other words, places that have been renovated or changed, and they're returning to a previous polling place.

MR. BUDOO: Right; right. A few of these, yeah, we are.

MR. DANZANSKY: And you said five of them are actually relocations, which is different from returning to some place that people know. It's sort of finding a new place; is that correct?

MR. BUDOO: Well, with these here, one--

MR. DANZANSKY: And the third category would be those that are moved for this election because the normal polling place wasn't available.
MR. BUDOO: Yes. With these provisions here, there are three that I presented today, where they are new locations.

MR. DANZANSKY: Okay.

MR. BUDOO: That we're relocating back to a location that we were actually using. I'm sorry.

MR. DANZANSKY: So it's a return.

MR. BUDOO: Right. It's pretty much a return, but not going to say it's a return because we were not there the last election cycle. It may have been maybe two or three election cycles ago.

MR. DANZANSKY: I see. I see. All right.

MR. BUDOO: So when I say return, I say return because it was a previous site, and some of the residents who were there at the time may know of the site. But I am relocating back to the site because of renovations have been completed.

MR. DANZANSKY: Okay. Okay.
CHAIRMAN NICHOLS: Is there any way for us to denote, and would it be appropriate for us to denote which of these are temporary, and which permanent?

MR. BUDOO: Temporary, right now, would just be Precinct 101.

CHAIRMAN NICHOLS: Okay. So River Terrace.

MR. BUDOO: For River Terrace to The Chateau. That would be a temporary relocation.

CHAIRMAN NICHOLS: Okay. But all the others are--

MR. BUDOO: All the others were--these relocations will be permanent. We will move forward with these ones presented today.

CHAIRMAN NICHOLS: Okay.

MR. TATUM: Which means that they will, for each election thereafter--

MR. BUDOO: Each election thereafter, we will be at that location.

CHAIRMAN NICHOLS: Unless some
MR. BUDO: Right.

CHAIRMAN NICHOLS: Okay.

MR. DANZANSKY: Now if we're--you say there's one place that may just be changed for this election?

MR. BUDO: Yes.

MR. DANZANSKY: Okay.

MR. BUDO: That's Precinct 101.

MR. DANZANSKY: That's Precinct--okay.

MR. BUDO: Precinct 101.

MR. DANZANSKY: And then we would move back--

MR. BUDO: Then we will move back to Precinct--we will move back to--

MR. DANZANSKY: River Terrace.

MR. BUDO: --River Terrace for--

MR. DANZANSKY: If it's available.

MR. BUDO: If it's available for the general election. The schedule for it to be completed--according to DCPS, they say that
it will be open for the fall of 2014.

CHAIRMAN NICHOLS: Oh, okay.

MR. BUDOON: But once again, if it's available.

CHAIRMAN NICHOLS: Okay.

MR. DANZANSKY: Okay.

CHAIRMAN NICHOLS: All right.

MR. DANZANSKY: And that might require a different notice to the neighbors, saying for this election we're going to move to here, but--

MR. BUDOON: Right.

MR. DANZANSKY: It's a different message, is that correct? for that--

MR. BUDOON: But I will still come and have to present it in front of the board as a relocation. So I will do the same procedure prior to the general election in the fall.

MR. DANZANSKY: Okay. All right.

CHAIRMAN NICHOLS: All right. Then I will entertain a motion to post these
proposed voting site relocations in the
Register for a period of public comment.

MR. DANZANSKY: So move, Madam Chair.

CHAIRMAN NICHOLS: All in favor,
aye.

(Chorus of ayes)

CHAIRMAN NICHOLS: All opposed.
Ayes have it.

MR. BUDOO: Now we have the five
relocations from the last board meeting--

CHAIRMAN NICHOLS: Yes.

MR. BUDOO: --that just need to be
separate and made final.

CHAIRMAN NICHOLS: Can we go
through the--which ones are permanent and
which ones are temporary.

MR. BUDOO: For the previous?

CHAIRMAN NICHOLS: Yes. The previous.

MR. BUDOO: Okay. Precinct No. 4,
which currently is the West End Public
Library, is being relocated to the Francis-
Stevens Education Campus. That will be a
permanent relocation. West End will be closing
for renovation, and that site was inaccessible
due to the size of the elevator. It did not
meet the ADA requirements.

Precinct No. 5. We pretty much--
because of the scheduling of the primary day,
because of the scheduling of the special
election in April, there was a conflict with
their normal--they have a art exhibit/auction
that they do every year, and there was a
conflict with the schedule.

So we were pretty much going back
to--we were pretty much relocating to the
Georgetown Community Library, and then coming
back in the fall, between Christ Episcopal and
Georgetown. But this will be a permanent
location, Christ Episcopal Church.

The next relocation is Precinct
No. 31, which is St. Columba's Church. We did
relocate aand combine at Janney due to a
scheduling conflict for the April special
election. But this is a permanent location as
well.

Precinct No. 70 is Burroughs
Elementary School. We did relocate the
precinct, and combined with Precinct 69 at
Perry Street Preparatory, because the school
was under renovations for the special election
schedule.

And the last relocation is
Precinct 139.

CHAIRMAN NICHOLS: Hold on. So this
is permanent?

MR. BUDO: Yes. This will be
permanent. I'm sorry. Precinct 70 will be
permanent.

CHAIRMAN NICHOLS: And 139.

MR. BUDO: And the last one is
Precinct 139, which was the Thurgood Marshall
Elementary School in the Fort Lincoln area. We
are relocating to the Cultural Arts Center of
Fort Lincoln. It's part of, you know,
Department of Parks and Recreation portfolio.
Right now, this is a temporary relocation, because speaking with the ANC, Thurgood Marshall will be under the Y, YMCA, and they would like for us to relocate back to Thurgood Marshall School once--you know, YMCA has that, but they have not actually gotten in to the building yet.

CHAIRMAN NICHOLS: Now what about Precinct 38, Park View Recreation?

MR. BUDOO: Oh. I'm sorry. Park View Recreation is--that was a temporary relocation because of the D.C. CAS testing that was conducted in the April primary election, and we will be relocating back to the Cesar Chavez. But that's a permanent location.

CHAIRMAN NICHOLS: So this is--

MR. BUDOO: So that will be permanent; yes.

CHAIRMAN NICHOLS: Okay. Thank you.

All right.
MR. DANZANSKY: Is that a--are we returning there, or--

MR. BUDOO: Yes. We're returning back to Cesar Chavez.

MR. DANZANSKY: Returning back to Cesar--okay.

MR. BUDOO: Cesar Chavez; yes.

MR. DANZANSKY: Chavez. Okay. And that will be a permanent return?

MR. BUDOO: Yes.

MR. DANZANSKY: Okay. I just want to get--

MR. BUDOO: Yes. I understand.

CHAIRMAN NICHOLS: Okay. I will entertain a motion to finalize these precinct relocations for the April 1st primary election.

MR. DANZANSKY: So move, Madam Chair.

CHAIRMAN NICHOLS: All in favor. Aye.
(Chorus of ayes)

CHAIRMAN NICHOLS: Ayes have it.

Okay. Thank you, Mr. Budoo.

MR. BUDOO: All right. Thank you.

CHAIRMAN NICHOLS: Appreciate it.

MR. TATUM: Madam Chair, the second item on my report is the candidate qualifying period. As the board is aware, the challenge period ended on January the 13th of 2014, and as a result of that challenge period, eight candidates were removed from the ballot. Four of those candidates were challenged and removed as a result of the challenge, and after the four particular candidates were challenged, and withdrew after being challenged. We have two additional candidates who withdrew their name from the ballot, simply on their own accord. So as a result of after the challenge period, we have removed ten candidates from the ballot itself.

I'm prepared to name those candidates in to the record, or I can offer...
the document as an attachment.

MR. DANZANSKY: Why don't you do that, just to

MR. TATUM: Offer the document, or read them?

MR. DANZANSKY: No. Just read them in to the record.

MR. TATUM: Okay. For for the mayor, the Office of the Mayor of the District of Columbia, Christian Carter was challenged and withdrew.

For the Ward 1 Member of the Council, Mr. Bryan Weaver withdrew.

For Ward 1 Member of the Council, Beverley Wheeler withdrew.

For the U.S. Senator office, Glenda J. Richmond was challenged and withdrew.

For the U.S. Senator office, Martin Sterbal was challenged and withdrew.

For the National Committeeman for the Democratic State Committee, State Party,
Jacque Patterson was challenge and withdrew.

And for the At-Large Member of the Democratic State Committee, State Party Offices, Damian Bascom, Lenwood Johnson, Villareal Johnson, and Alicia Swanson-Canty were challenged and the challenge was successful before the board, so those candidates' names were removed from the ballot.

CHAIRMAN NICHOLS: Thank you.

MR. TATUM: The ballot lottery will take place on February the 7th at noontime, at which point the order in which the candidate's name will appear on the ballot will be established on that particular date. The Democratic State Party submits the order in which those committee officers will appear on the ballot.

The third item on the report is the ballot design. We have preliminarily designed the ballot, short of arranging the names in a particular order. The last date to
finalize the ballot design is February the 7th, which is the ballot lottery day. We will propose or start a draft, start logic and accuracy testing on the absentee ballots on February the 11th, which is the final date that we would be able to make any changes to the ballot. And L&A will begin on the voting machines, for election day voting machines, on February the 18th, and is scheduled for three days, or until completed. And once we complete the logic and accuracy, we will order ballots for election day use.

CHAIRMAN NICHOLS: Before you proceed with the rest of your report on ballot design, in the last election we had complaints about the circle that you filled in to denote which candidate you selected, was too light, especially for those who were visually challenged.

So I know you and I have talked about assembling a--what did we call it? like a panel, an advisory panel to review, to look
at the ballot for us, which includes, you
know, those seniors, disabled--

MR. TATUM: Sight-impaired.

CHAIRMAN NICHOLS: Sight-impaired.

And, you know, any variety of voter that we
might have to serve, just to get their
feedback on whether they find any problems
with the ballot design. So if you wanted to
put that, you know, on the record, to let
those that we serve know, that if they would
be interested in participating, outside of the
individuals that we've identified, to let us
know. So we'd like to do that soon.

MR. TATUM: In fact we discussed
that we would propose to do that before--on
February the 11th, so that we can proceed
forward with the final election ballot. We
did speak with our vendor about the darkness
of the oval to ensure that it is as dark as it
can be, given the needs of the community but
we need to reach out to some of the
stakeholders that always participate in panels
that have them come in to work with us.

CHAIRMAN NICHOLS: Right. Okay.

MR. TATUM: The military and overseas absentee ballots, absentee kits have been prepared, mailing kits have been prepared, and we're on schedule to mail those, to meet that military deadline. On February the 14th, we're mailing the absentees to UOCAVA to overseas and military voters.

Poll worker recruitment is proceeding as scheduled. We have our call center team that's calling the scheduling our workers for election day. We have identified 1780 workers and assigned them to polling places at this point. 1500 of those workers are actually--actually have an e-mail and we will be communicating with them by e-mail, which is a milestone for our office, and for this cycle.

We have identified trainers who will participate in training those classes, and some of those trainers are actually, are
here, in the board meeting today. And the first day of early voting is February the 10th, and we will start—the first day of early voting. Training.

CHAIRMAN NICHOLS: Oh, okay.

(Laughter)

CHAIRMAN NICHOLS: Training. It's training. Okay.

MR. TATUM: First day of early voting training is February the 10th, which will be—which is next Monday. And then we'll be full onslaught from Monday, moving forward. And the last day to register by mail is March the 3rd. And we've given you voter registration statistics in your folder.

CHAIRMAN NICHOLS: When is the last day to register in person?

MR. TATUM: Election day.

CHAIRMAN NICHOLS: Oh. That's right.

MR. TATUM: So we have folks we have same-day registration.
CHAIRMAN NICHOLS: All right. Are there any questions of Mr. Tatum?

[No response]

CHAIRMAN NICHOLS: All right. Thank you, Mr. Tatum.

Moving on, we will now receive the Report of the Director of Campaign Finance, MS. COLLIER-MONTGOMERY: Yes. Good morning. I would like to report, during the month of January, the first thing would be that the Revised Office of Campaign Finance Guide, and our educational brochures, were made available at our Web site on January the 27th, 2014.

And as you know, the link to the campaign finance guide, and to the educational brochures, had been under construction, so that all of these documents could be revised, consistent with the changes in the campaign finance laws.

The educational brochures are the Candidate program, and the Principal Campaign
Committee brochure, the Political Action Committee brochure, the Constituent Service program brochure, the Statehood program brochure, the Exploratory Committee program brochure, and the Initiative Referendum Recall and Proposed Charter Amendment Committee's brochure.

And then with the campaign finance guide overall, it includes a summary of all of the reporting requirements, as they pertain to all of the potential filers with the Office of Campaign Finance, under the Act, the Campaign Finance Act.

On January the 16th, 2014, the Office of Campaign Finance established the agency's Facebook page, and the Facebook page was basically introduced for the purpose of providing the community with brief postings of news in the Office of Campaign Finance.

We will provide reminders with respect to filing deadlines, training seminars, the release of orders, audits, and
regulations, and also the effective date of
any legislation that may affect the campaign
finance laws.

    And we will also link the members
of the public with those reminders to our Web
site, where they can receive more detailed
information.

    During the month of January,
January the 1st, 2014, was the deadline for
the filing of the report of receipts and
expenditures by our Constituent Service
program. We had twelve, was the number of
required filers, twelve timely filed. Also,
all twelve electronically filed their reports
and certified their e-filings.

    Also I would note, for the record,
that Council Member Cheh filed a termination
report on 11-8-2013. With our
Senator/Representative Statehood Fund, January
the 1st, 2014, was the deadline for the filing
of the reports of receipts and expenditures.
We had two required filers, two timely filed,
and all of the filers electronically filed, as well as certified their e-filings.

With our principal campaign committees and our political action committees, January the 31st, which was the last day of this reporting period, was the filing deadline for the report of receipts and expenditures.

We have 137 required filers, 76 of those are principal campaign committees, and 61 are political action committees.

With respect to the number of timely filers, and the numbers who failed to file, or who may have requested extensions, and electronically filed, those numbers are to be determined, and I will report on those in the report for the month of February.

Also during the month of January, we had 17 new candidates and committees who registered to participate in the 2014 election cycle. The names of those candidates will be made available their stats at our Web site
following this meeting.

There were no referrals by the Public Information and Records Management Division, during the month of January, to the Office of the General Counsel. We also, on January the 23rd, 2014, held our entrance conference for newly-registered candidates and committees. Thirteen committees, with their treasurers, appeared and participated, and we will be publishing the names of those participants at our Web site.

MR. DANZANSKY: Is that thirteen of the seventeen new, not--

MS. COLLIER-MONTGOMERY: These are actually committees that registered during the month of December.

MR. DANZANSKY: December. Okay.

MS. COLLIER-MONTGOMERY: Yes.

MR. DANZANSKY: So by "new," you mean Janu--the seventeen new--

MS. COLLIER-MONTGOMERY: Yes.

Thirteen. In terms of--
MR. DANZANSKY: Thirteen signed up?

MS. COLLIER-MONTGOMERY: Yes, to participate in the entrance conferences.

MR. DANZANSKY: Okay.

MS. COLLIER-MONTGOMERY: Yes.

With the Reports Analysis and Audit Division, during the month of January, the Audit Branch conducted 67 reviews of the reports of receipts and expenditures that had been filed with us. They reviewed the financial reports of 23 political action committees. They reviewed 23 reports filed by constituent service funds, and that includes amended filings. They also reviewed, conducted desk reviews of two reports filed by our Statehood Fund Program. They desk reviewed 18 reports of principal campaign committees, and that includes amended filings, and they reviewed the exploratory committee report of Catania.

They issued thirteen requests for additional information, and basically those
were directed to the registrants with respect
to any omissions or deficiencies which may
have been noted on the financial reports.

They referred four cases to the
Office of the General Counsel.

In terms of our audits, we have
ongoing audits. We have full field audits--
Gray for Mayor, Bonds for Council. In terms of
periodic random audits, we have three--Mara
2013, Brianna for D.C., and Reta Jo Lewis for
Mayor. And at this time, I would ask the
General Counsel to provide the legal report.

MR. SANFORD: Good morning, Madam
Chair and distinguished Board Member
Danzansky. My name is William Sanford. I'm the
General Counsel for the Office of Campaign
Finance. During the month of January, the
Office of the General Counsel received four
referrals from the Reports Analysis and Audit
Division, and conducted eight informal
hearings, and issued four orders.

Of the four orders that were
issued, three were orders that were issued for
failure to timely file reports, in which no
fines were imposed, and one order was issued
for failure to respond, adequately respond to
a request for additional information, in which
a fine of $500 was imposed. And that fine was
imposed against the Committee to Elect Perry
Redd, who was a candidate for at-large council
in the 2012 election.

Additionally, the Office of the
General Counsel collected $4,300 in fines, and
they included the following. A $200 fine from
the Committee to Reelect Yvette Alexander, and
a $3,000 fine from the Yvette Alexander
Constituent Service Fund. And finally, a fine
in the amount of $1,100 from Pete Ross 2014.

During the month of January, the
Office of the General Counsel carried four
active investigations. They include the
following.

Sulaimon Brown for Mayor, 2010
election period. Gray for Mayor, 2010
election cycle. Lee Calhoun and Stanley Straughter.

Due to criminal investigations related to all of these investigations, they are--they remain active and ongoing investigations in the Office of the General Counsel.

During the month of January, there were no show cause proceedings conducted by the Office of the General Counsel, and there were no requests for interpretive defendants. And that should conclude my report.

CHAIRMAN NICHOLS: Are there any questions of Mr. Sanford?

[No response]

CHAIRMAN NICHOLS: Thank you, Mr. Sanford.

MR. SANFORD: Thank you.

CHAIRMAN NICHOLS: All right. We will move to the report of our General Counsel, Mr. McGhie.

MR. McGHIE: The only thing I have
to report is a litigation status update. The board currently has only two matters that are pending in court, and the board is familiar with both of those matters. The first one is the Libertarian Party v. the D.C. Board of Elections. As you recall, that matter dealt with Libertarian Party filing a complaint based on what was then the District's regulations or law that dealt with the petition circulators. That matter was handled by the Office of the Attorney General, and for all purposes, that matter is moot.

They were challenging the constitutionality of our circulator law, that had required that registered, qualified electors be--that you had to be a registered qualified elector to circulate. The law is now changed, but there is still a question of attorney fees, and both parties now have filed dispositive motions with the court, and so it's--those motions then are pending, and so a decision will be made by the court with
respect to attorney fees.

The second matter is Zuckerberg v. the D.C. Board of Elections and Ethics. Mr. Zuckerberg filed a complaint for declaratory and injunctive relief to prohibit the board from removing the attorney general contest from the 2014 ballot.

As the board is aware, the council enacted legislation that would delay the election of the elected attorney general until 2018.

Mr. Zuckerberg has filed in court to prohibit that, and motions, dispositive motions have been filed, back and forth, between the attorney general's office and Mr. Zuckerberg, and currently, a hearing is scheduled for February--well, tomorrow, February 6, at 9:30, before Judge Codero, to entertain those motions.

So hopefully we will have a decision soon thereafter on whether or not the board will be required to have that contest on
its April 1st ballot.

CHAIRMAN NICHOLS: But that has been briefed.

MR. MCGHIE: Yes.

CHAIRMAN NICHOLS: That's so the judge could possibly render a decision tomorrow?

MR. MCGHIE: Yes.

CHAIRMAN NICHOLS: Are there any other questions of Mr. McGhie?

[No response]

CHAIRMAN NICHOLS: All right.

Hearing none, thank you, Mr. McGhie. What I'd like to do is to bring Eric Olsen to the table to make a brief presentation about our early voting sites. Good morning. Please identify yourself for the record.

MR. OLSEN: Yes. My name is Eric Olsen. I'm the election training coordinator for the D.C. Board of Elections. I'm just going to talk a little bit about the location selection process that we had for the early
voting sites.

We were looking to expand early voting options for D.C. voters, and looking to expand beyond eight sites, and last year we did some analysis of some of the data and voting patterns of D.C. voters, to try to figure out how many centers we needed, what would be sort of an ideal number, and where those centers would ideally be located.

Not surprisingly, as we looked at the data, people, they tended to participate more in early voting when there was a center immediately within their precinct, or right around it. In those areas, voters tended to vote in the 25 to 30 percent range for early voting. If there was a early voting center far away, they tended to not go early voting very often, usually only around 8 to 12 percent.

So we identified some different areas in the city that were really being underserved by the early voting process, where the voters either didn't have an opportunity,
where the transportation options to the
centers that existed weren't there, or they
were just too far away, that it seems
obtrusive to people, to go out and take
advantage of early voting.

So the areas that we found--we
found about five areas basically. One in the
H Street and Trinidad area, which is sort of
the borderline of Wards 5 and 6. Another in
the Dupont Circle and Logan Circle area. And
this is, these have a lot of very large
precincts in those areas as well, so there's
a lot of voters that weren't using early
voting there.

Another in the Garfield
Heights/Naylor Gardens area. That's along the
border of Wards 7 and 8. The Petworth area in
Ward 4. And sort of a lot of Ward 3 centered
around in the Glover Park area.

These were all areas where voters
were not participating in early voting very
much, usually very small participation rates,
and they were a significant distance from the 
early voting centers that existed. So we 
identified five locations from there that sort 
of fit within those areas.

The only one that was really 
difficult was Dupont Circle, and Logan Circle, 
where there just aren't as many facilities, 
but we were able to find the Kennedy 
Recreation Center, which is close to those 
areas.

In the other four areas, we found 
sites that were all right where we found there 
was the most need.

CHAIRMAN NICHOLS: So Mr. Olsen, 
does the law require us to have these centers 
in specific geographical locations within the 
ward, or is there some formula that we have to 
follow in terms of selecting sites to place 
early voting centers?

MR. OLSEN: No. I don't think 
there's any legal restrictions, that I'm aware 
of. Mr. McGhie might be able to answer that
MR. MCGHIE: No.

CHAIRMAN NICHOLS: Mr. McGhie, can you answer that--

(Laughter)

MR. OLSEN: And the ward lines don't matter that much for early voting, because voters can vote at any early voting center. We have a lotta voters that come down and vote in Judiciary Square, despite the fact that there's not a lot of residential areas immediately around us. A lot of people are going to work location. So a number of our centers are more towards downtown, because we catch people at, you know, that both live in the area but also are coming down for shopping opportunities, for going to work, and things like that.

So, for example, the Sherwood Recreation Center which is over at H Street and Trinidad areas, it's just over--it's in Ward 6 but it's just over the border of Ward
6. So Ward 5 residents that live in Trinidad and Ivy City could go down there to vote, as well as residents that live in Ward 6 on Capitol Hill or in the H Street Corridor.

So really, we're trying to center them around where the most need was, and knowing that the centers are going to serve people--and each center's going to serve people in multiple wards.

CHAIRMAN NICHOLS: Why didn't we put an additional center in Ward 1?

MR. OLSEN: In Ward 1? Well, Kennedy Recreation Center, the new one that's in-- 2? No. Six. I think it's in six--is located--I mean, it's within a few blocks of both Ward 2 and Ward 1. So even though it technically is within 6, it's within 6 by about a block.

CHAIRMAN NICHOLS: Okay.

MR. OLSEN: So a lotta people in the southern part of Columbia Heights, U Street area, some of those areas, can go over
to Kennedy Recreation Center as well. Ward 1 is also small. It's not very big. It's the smallest, geographically, in the city. So--

CHAIRMAN NICHOLS: But what about the density of the population--

MR. OLSEN: Well, there is a great density there, so--and I know that a lotta those voters come down to Judiciary Square to vote.

CHAIRMAN NICHOLS: Okay.

MR. OLSEN: Kennedy will be another location that they can vote in.

CHAIRMAN NICHOLS: Okay.

MR. OLSEN: And if you're in the northern part of Ward 1, the Emory Recreation Center, the new one, in Ward 4, is also another option. So when you're looking at early voting, I think it's better to look without the ward lines, and more to better look at centers, transportation options, and having a good geographic dispersion of centers that meet those needs.
MR. DANZANSKY: Madam--sorry.

CHAIRMAN NICHOLS: Go right ahead.

MR. DANZANSKY: Is that okay?

CHAIRMAN NICHOLS: No problem.

MR. DANZANSKY: Mr. Olsen, I guess this is more for the future than the present, and I guess at some point--and there has been some mild criticism leveled at the additional early voting sites, saying it's overkill, you don't need that much, you don't need all these people out on election day for primaries, and so forth.

My sense is that the purpose of early voting really is twofold. It's to relieve pressure on election day, and we experienced that, obviously, in the November 2012 election, where there were long lines, and so on and so forth.

And it also is for convenience of folks who--to engage the public. Now some of those statistics are measurable, like voting, voter turnout, and voter engagement. I know it
varies from primary election to general

election, and so forth.

But it seems to me, that over
time, we ought to be able to at least begin to
gather some data as we're going through these
different configurations of more votings,
early voting sites, fewer voting sites. I
mean, technically, absentee ballot is an early
vote, if you really consider what that is.

And one day people might ask:
Okay, is this the best way to use taxpayer
money? Does this make sense?

So I'm just wondering whether
we're beginning to gather some data, so that
as we go along, we'll be able to say to the
appropriators of funds, and to the D.C.
taxpayer, yes, this is effective because it
increases voter turnout by X percent.

I guess, just mentally, have you
thought about this, and is this something we
can begin to measure as we go along?

MR. OLSEN: Well, you know, we've
looked at this, we've looked at a lot of different statistics. This is still--we're still early in the process.

MR. DANZANSKY: I know that.

MR. OLSEN: That we've only been doing it for--

MR. DANZANSKY: Exactly; exactly.

MR. OLSEN: Since 2010.

MR. DANZANSKY: Exactly.

MR. OLSEN: So our data is somewhat limited, and it really changes from election to election. For special elections, our early voting turnout's usually very low.

MR. DANZANSKY: Right.

MR. OLSEN: We only have the one location.

MR. DANZANSKY: Right.

MR. OLSEN: So we only have a few elections to go on. But we have put together a lot of data on that, to kind a look at, you know, how cost-effective it is, where voters are turning out.
It does definitely help the precincts on election day, in terms of if getting down lines is a goal overall, right now we have--getting to the 2012 general and presidential election, we have precincts where we had 40 percent of the voters that are early voting. And that was a large precinct. It really helped on election day for those voters. But then we have other precincts where only 6 or 7 percent of their voters went out to use early voting. Their precincts had really long lines.

So it's one a the reasons we're trying to sort of even out the early voting centers, and reach some of these underserved areas, is that if there's a more even distribution of the voters going to early voting, it means a more even distribution of voters on election day, which helps us for planning purposes, in terms of staffing, in terms of equipment.

And as we gather more data, and
can more predict better where people are going
to be, that enables us to serve them better,
and make sure they're not, you know, waiting
in line a long time.

MR. DANZANSKY: Okay. But you're
consciously gathering this data, so that over
time--because all we can do is project. I
mean, this is a funny business. It's comprised
of surges, and as some of our witnesses told
us in our hearings, after election day, our
public hearings, from other jurisdictions, you
just can't predict these things.

MR. OLSEN: Yes. That's--

MR. DANZANSKY: I mean, you might
as well realize that these are emotional
events, they're public--but there is some
predictability, and certainly, when we go to
the council for our budget and ask for
additional polling places, we ought to have,
begin this collection process.

So I'm glad that you're beginning
to do that, cause I think in the future it'll
be useful to us.

MR. OLSEN: Okay.

CHAIRMAN NICHOLS: Thank you, Mr. Danzansky. Thank you, Mr. Olsen.

Are there any other matters to come before this board?

[No response]

CHAIRMAN NICHOLS: Hearing none, this meeting is adjourned. It is 11:22 a.m., Wednesday, February 5th.

[Whereupon, at 11:22 a.m., the Board of Elections Regular Board Meeting was adjourned]
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| collection | 51:20 |
| Collier-Montgo... | |
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Regular Board Meeting

Before: Board of Elections

Date: 02-05-2014

Place: Washington, D.C.

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter