GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY
February 4, 2015

The Regular Board Meeting of the District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:30 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman
STEPHEN I. DANZANSKY, Member

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY
C O N T E N T S

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Adjournment
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(10:34 a.m.)

CHAIRMAN NICHOLS: Good morning. I hereby call to order the regular meeting of the Board of Elections for February 2015.

It is Wednesday, February 4th, 2015.
The time is 10:34 a.m. We are meeting in 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 this morning are Mr. Kenneth McGhie who is general counsel; Ms. Cecily Collier-Montgomery, the Board's director of Campaign Finance; and Mr. Clifford Tatum, the Board's executive director.

Without objection, the agenda for this morning's meeting is adopted, and unless there are corrections, the minutes of the regular meeting of January 7th, 2015, regular meeting of the Board, are adopted. Transcripts of the
meeting are available for review in the Office of the General Counsel.

Are there any public matters? Are there any matters that the Board members wish to bring before the public this morning?

MEMBER DANZANSKY: None here, Madam Chair.

CHAIRMAN NICHOLS: All right. I will now move to the Executive Director's Report. We will hear the report of our executive director, Mr. Clifford Tatum.

MR. TATUM: Madam Chair, I have two items on my report for discussion today. The first is preparations for the April 28th, 2015 special election, and the second is Other Matters.

As the Board's aware, we have a special election scheduled for April the 28th for Ward 4 and Ward 8. The challenge period of all the candidates who submitted petitions for the ballot began on January the 31st, and will end on February the 9th.
We have issued preliminarily letters of eligibility to 14 candidates in Ward 4, and to 16 candidates in Ward 8. We anticipate, if there are any challenges, that the Board may have to hear in between February the 17th and March the 2nd. March the 2nd is the final date for us to complete all challenge hearings, which would then allow us to conduct the ballot lottery on March the 5th, March the 6th. Ballot design actually begins today.

We will design a ballot for each of the 20 precincts in Ward 4, and the 17 precincts in Ward 8. Each of those 20 precincts will be open on election day in Ward 4, and the 17 precincts in Ward 8. We will open three early voting centers during the early voting period for this election, one in Ward 4 at Takoma Park Rec Center.

There will be 10 iVotronics there. Ward 8 will be the Malcolm X Elementary School. There will be 10 iVotronics there. And the One Judiciary Square, here, will be voting in the
accounting center, and there will be paper
ballots and three iVotronics for here.

Training for the special election
begins on March 24th, and we will train the
precincts by team, so each precinct will have
each of their poll workers come in together to
train as a team.

During this April 28th election, we
propose to conduct a pilot of e-Poll book
solutions, as well as a new voting system
platform, and we will conduct the pilot in two
precincts in each of those wards, two in Ward 4,
and two in Ward 8, and our team is discussing
what particular precincts that we will use. Right
now, we're thinking Precinct 51 and 54 in Ward 4,
and Precinct 118 and 125 in Ward 8.

On the general matters, we have
completed our after-action report of the November
2014 general election, and will make that report
available to the public after today's meeting.

We participated in a budget review
hearing on January the 30th for the 2016 proposed
budget.

We have a performance hearing scheduled for February the 12th with the Judiciary Committee. We will begin our canvas of the 2014 general election during the month of February and that is, the canvass is the process where we contact every voter who did not turn out to vote during the general election, and the count for that is over 286,000 voters.

During this canvass process, we will also conduct the ERIC analysis, which is a multistate comparison of voter rolls from out of state to our rolls, here, in the District.

We have begun the final development stages of our online signature exchange with the DMV office, and anticipate competing that project by the end of March. The project, obviously, is being conducted online - excuse me - offline, so this will not impact any voters who are registering now, or who are registering for the - who will register during the early voting period, or election day for the April primary.
For the April special. So that is moving along according to schedule.

Madam Chair, I believe that that is all the items I have for General Matters, which concludes my report.

CHAIRMAN NICHOLS: All right. Thank you, Mr. Tatum. Are there any questions for Mr. Tatum?

(No response)

CHAIRMAN NICHOLS: All right. Hearing none, we will go to the General Counsel's Report.

MR. MCGHIE: Okay. The first thing on my agenda is the initiative matter. It's the summary statement for an initiative I will submit to the Board entitled D.C. Character Development and Citizenship Education Initiative for 2014. I believe the proposer of the initiative is here, and could I ask you to please take a seat at the table.

And could you please state your full name and address for the record.

MR. POWELL: Edwin Jeffrey Powell, 1754
CHAIRMAN NICHOLS: All right. And at this meeting, the Board will conduct a hearing to formulate the short title and summary statement, and the legislative form of the proposed initiative entitled D.C. Character Development and Citizenship Initiative of 2014.

The draft formulation has been prepared. I will ask Mr. McGhie to read that in to the record.

MR. MCGHIE: In initiative Measure No. 75, the short title is Character Development and Citizenship Education Initiative 2014. The summary statement reads as follows:

This initiative, if passed, will establish a 15 member Character Development and Citizenship Education Council in the District of Columbia. The Character Development and Citizenship Education Council will develop a plan to identify issues impacting on the social and emotional outcome of youth, submit a report to District government officials, and address
disciplinary issues; submit a final report and recommendation to District government officials on how to implement a non-religious character development and citizenship education curriculum in the District's public and charter schools; and complete this work within 12 months after its creation.

CHAIRMAN NICHOLS: All right. Are there any suggestions from Board members, or interested parties?

(No response)

CHAIRMAN NICHOLS: All right. Mr. --

MR. POWELL: Powell.

CHAIRMAN NICHOLS: Powell.

MR. POWELL: Yes, ma'am.

CHAIRMAN NICHOLS: Is the summary statement acceptable to you, and the short title?

MR. POWELL: Yes, ma'am. It is.

CHAIRMAN NICHOLS: Do you have any problems with it? Any suggestions?

MR. POWELL: No, ma'am.

CHAIRMAN NICHOLS: All right. The
Board has five days from today to submit the short title, summary statement, and legislative form to the D.C. Register for publication.

If any registered, qualified elector of the District objects to the summary statement, short title, or legislative form of the measure, they may seek review in the Superior Court of the District of Columbia within ten calendar days from the date the Board publishes the short title, summary statement, and legislative form in the Register.

I would entertain a motion to adopt the short title, summary statement, and legislative form of the proposed initiative as read by the general counsel.

MR. MCGHIE: Yes, Madam Chair. I move that the Board adopt the summary statement of Initiative Measure No. 75 as read by counsel.

CHAIRMAN NICHOLS: All in favor, those in favor? Aye.

(Chorus of ayes)

CHAIRMAN NICHOLS: All opposed?
Hearing none, the motion carries.

Are there any other questions? Are there any questions?

MR. POWELL: No, Madam Chair.

CHAIRMAN NICHOLS: All right. Thank you, Dr. Powell.

MR. MCGHIE: Okay. The next thing on my agenda is a final rulemaking to amend 3 DCMR Chapter 9, Section 9-10, Special Elections, and the amendment to Chapter 9 established the timeframe in which the Board was to review special elections and fill vacancies. This was published in the D.C. Register as a proposed rulemaking. No comments were received. The 30 day period in which to receive comments is expired. So then I'm asking that the Board adopt this as a final rulemaking.

CHAIRMAN NICHOLS: I will entertain a motion to that extent.

MR. MCGHIE: Yes. Madam Chair, I move we adopt as final rulemaking the amendments to 3 DCMR Chapter 9, Section 9-10, Special Elections.
CHAIRMAN NICHOLS: The motion is before us. All in favor. Aye.

(Chorus of ayes)

CHAIRMAN NICHOLS: All opposed?

(No response)

CHAIRMAN NICHOLS: The motion carries.

MR. MCGHIE: Okay. The next thing I have is a OCF Petition for Enforcement, and I would ask that the Office of Campaign Finance, general counsel, and my staff attorney, Mr. McGann, come forward to the table.

These are fines imposed by the Office of Campaign Finance that have gone uncollected, and now they are asking for us to take the matter to Superior Court for a Petition for Enforcement.

CHAIRMAN NICHOLS: So would you read in to the record those cases.

MR. McGANN: Sure. Good morning.

Rudolph McGann, staff attorney for the Board of Elections.

The first case is OCF Docket No. 14C-055. The respondent's name is Darrell Gaston.
He's the treasurer of his own campaign, and he missed, he had a failure to timely file his August 10th reports of expenditures and receipts that was due on August 11th.

He subsequently filed untimely, on September 8th, 2014, and was assessed a penalty of $900. He did not appear before the Office of Campaign Finance to show cause why he was late in filing, and he also did not appear before the Board in the capacity of a prehearing conference to explain his deficiency.

He was notified by email correspondence, and first class mail, of today's hearing, on the 15th, and on the 26th, and he's not present today.

Would you like me to go -

CHAIRMAN NICHOLS: I'd like for you to -- let's do them all --

MR. McGANN: Sure.

CHAIRMAN NICHOLS: -- and then we will move them en bloc.

MR. McGANN: Sure. The next case is
OCF Docket No. 14C-058. The respondent's name is Martin Sterbil. He had a failure to file his August 10th report of receipts and expenditures that was due August 11. To date, he has not filed that report. He failed to appear before the Office of Campaign Finance, as well as before the Board in the capacity a prehearing conference. He was notified of today's hearing on January 15th and January 26th, and I do not believe he is present today.

The next matter is OCF Docket No. 14$-047. Bruce Majors is the respondent and treasurer of his campaign, and his violation was failure to submit a written response to a request for additional information, dated July 25th, 2014, by a deadline of August 9th, 2014. The fine amount is $1,700. He did not appear before the Office of Campaign Finance, nor did he appear before the Board in a prehearing conference. Again, Mr. Majors was informed of today's hearing on January 15th and January 26th, and I do not believe he is present.
The final matter is OCF Docket No. 14R-001. Terrance Jordan is the treasurer of the Nestor for Mayor campaign, and the violation was a failure to submit a written response to a request for additional info dated December 16th, 2013, by the deadline of December 31st, 2013.

The reason for the delay is that Mr. Jordan has met with Campaign Finance, and the Board's Office of the General Counsel numerous times, and has facilitated settlements. However, he hasn't followed through with the settlements. The fine in that case is $1,150. He was notified of this hearing on January 26, 2015, and he is not present.

Those are some of the cases that are before the Board for Petitions for Enforcement. CHAIRMAN NICHOLS: All right. Are there any questions? Mr. Danzansky?

MEMBER DANZANSKY: None from here, Madam Chair.

CHAIRMAN NICHOLS: So as I understand it, except for Mr. Gaston, these are not only
relate to the failure to submit a written
response to a request for additional info. They
have not filed certain reports either --

MR. McGANN: That's correct.

CHAIRMAN NICHOLS: - that are
required by law.

MR. McGANN: That's correct.

CHAIRMAN NICHOLS: So it is a broader
- it sounds very simple but it is a broader
problem with these cases than that.

MR. McGANN: Correct. The information
requested was to complete financial filings.

CHAIRMAN NICHOLS: Filings. Okay. All
right. I think we should probably, in the
future, clarify that, because it sounds like you
asked the for something, you know, to explain
something, and they didn't, and so because of
that - but, really, it is that the law indicates
that they are to file by a certain date, certain
reports, and they have failed to do so.

MR. McGANN: That's correct.

CHAIRMAN NICHOLS: And that's really
the crux of the matter.

All right. So I will entertain a motion to take these, for the general counsel to enforce these cases in the Superior Court.

MEMBER DANZANSKY: Madam Chair, I move that the Board instruct the general counsel to enforce the orders in Cases 14C-055, 14C-058, 14R-047, 14R-001, and 14R-0012.

CHAIRMAN NICHOLS: The motion is before us. All in favor. Aye.

(Chorus of ayes)

CHAIRMAN NICHOLS: All - yes?

MR. McGANN: I'm sorry. One of those cases was withdrawn by the Office of Campaign Finance, and that would be the last one that you mentioned - 14R-012.

CHAIRMAN NICHOLS: Okay. Well, let's restate the motion and not do that one.

MEMBER DANZANSKY: Not do the 1-2?

CHAIRMAN NICHOLS: Yes.

MEMBER DANZANSKY: I'm sorry. I apologize about that. Then my motion is that the
Board instruct the general counsel to enforce the orders in Cases 14C-005, 14C-0058, 14-R-047, and 14R-001.

CHAIRMAN NICHOLS: All right. The motion is before us. All in favor. Aye.

(Chorus of ayes)

CHAIRMAN NICHOLS: All opposed?

(No response)

CHAIRMAN NICHOLS: The ayes have it.

The motion carries.

MR. MCGHIE: Okay. The next matter I have is litigation status update. It's still two pending cases as from last month. There's been little change in those cases. This was a pretty much convoluted complaint filed by them, stating that the OCF is going about harassing him, and the complaint was originally dismissed on August 27th, but he was granted relief. He filed an amended complaint by September 15th, and then it was extended to September 27th, and the court has scheduled a status hearing on the case for February 6th, 2015.
And then we have MacMillan v. the Board of Elections and Ethics. This was the individual that had filed a complaint about the rent is too damn high. That was initially dismissed, I reported that last month, by Federal District Court, but he has now gone back in to the Court of Appeals and filed an appeal. So he didn't file his filing fees, and so the court ordered - by order dated January 13th, instructed the appellant to pay the filing fees, or file a formal motion by February 12th.

CHAIRMAN NICHOLS: All right.

MR. MCGHIE: And that would conclude by matters. The only other thing I would like to mention is that I would like to introduce Ms. Li. She is our new legal intern. She is a law student from American University.

CHAIRMAN NICHOLS: All right. Welcome, Ms. Li.

MR. MCGHIE: And that would conclude my matters.

CHAIRMAN NICHOLS: All right. Thank
you, Mr. McGhie. We will move to the Office of Campaign Finance. We'll hear the report of the Board's director, Ms. Cecily Collier-Montgomery.

MS. COLLIER-MONTGOMERY: Yes. Good morning. And before I report the statistics of the Office of Campaign Finance for the month of January 2015, I would just like to bring a couple of matters to the attention of the public.

The first is that on January the 31st, 2015, the provisions of the Campaign Finance Reform and transparency Amendment Act of 2013 became effective, and there are several significant provisions in that act. One is that training for treasurers and candidates is mandatory in the Office of Campaign Finance. Also, the filing of reports online is now a mandatory requirement as well, and the first report that will be affected by that requirement will be the March 10 Report of Receipts and Expenditures, which is due to be filed by candidates and principal campaign committees, as well as other committees participating in the
2015 election cycle.

The act will also mandate certain -- increase disclosure requirements, as well as it will increase civil penalty, and it will now make those penalties applicable to candidates, as well as any others who fail to comply with the reporting requirement.

We have been busy taking, preparing for the full implementation of the act. As you know, at last month's Board meeting, emergency regulations, which were proposed to fully implement the act. We have also revised our campaign finance, as well as our educational brochures, and the revised documents were placed at the Web site on January the 30th.

The other thing that we have done is with - we started training, offering at our entrance conferences, basically we started focusing on the requirements of the new law, and we also offered training, beginning in December, and through January, to specifically focus on the requirements of the new law, which again have
significant changes to our Campaign Finance Act.

I would also like to report, that on February the 2nd, 2015, we delivered the 2015 biennial report to the mayor, to the Councilmembers, and to the public, at the Martin Luther King, Jr. Memorial Library. We delivered the biennial report in the format, as well as in a print copy at the library.

The biennial report is available at our Web site. It reports the contribution and expenditures of liberal committees as well as principal campaign committees, and candidates, the exploratory committee, and the inaugural committee, their activity for the past two years, basically from January 2013 through December of 14, and again, that is available at our Web site.

In terms of our stats for the month of January, January 1st, 2015 was the reporting deadline for the reports of receipts and expenditures by constituent service and statehood fund programs. With the Constituent Service Program, there were twelve required filers, and
all twelve of the programs timely filed, as well
as electronically filed their reports.

With our senator/representative
statehood funds, two were required filing, and
two timely filed, and also one of the local
programs electronically filed their reports.

January the 31st, 2015 was the deadline
for the filing of the Report of Receipts and
Expenditures by a principal campaign committee
and political action committees. Because that
date fell on the weekend, the due date rolled
over to Monday, February the 2nd, 2015.

The total number of required filers
was 190, and that breaks down to 124 principal
campaign committees, and 64 political action
committees.

And the actual number of timely filers
is to be determined, as well as the number of
failures to file.

There were no referrals during the
month of January to the Office of the General
Counsel.
During the month of January, we conducted two entrance conferences, on January 14th, 2015, as well as January the 16th, 2015. On the January 14 date, we had 15 participants, and on the January 16th date, we had 18 participants, and in January, this was a voluntary attendance. This will become mandatory beginning in February, and basically what'll occur is that once our candidates register, and our committees register, they will be given dates upon which they will be required to appear for training in the Office of Campaign Finance.

During the month of January, in terms of new committees, we had nine new committees who registered in the office. The first committee was Trayon White. Trayon White for Ward 8 2015. He registered, the committee registered on January the 2nd, 2015. Keita Vanterpool, Dr. Vanterpool for Wad 8, Ward 8,m City Council, January the 5th, 2015. Sheila Bunn. Sheila Bunn for Ward 8, Ward 8, City Council, January the 7th, 2015. Leon Andrews. Friends of Leon T.
Andrews, Jr., Ward 4, City Council, January the 7th, 2015.

Marion Barry. Barry for Council, Ward 8, City Council, January the 7th, 2015.

Dwayne Toliver. Toliver for Ward 4, Ward 4, City Council, January the 9th, 2015.


Again, in the reminder letter that we mailed on January the 12th, with respect to the January 31st filing deadline, we once again nitrified all of our candidates, as well as our committees, of the changes in the new law, the requirement for electronic filing, and on January the 30th, we sent out a further mailing to specifically notify treasurers of the changes with respect to the receipt of contributions by business contributors, to let them know that
they're required to now obtain the certification
in which the business contributor will have to
detail who their affiliated entities are, who
also made contributions, as well as their owners,
and the dates of the contributions, and the
amount of the contribution.

With our Report Analysis and Audit
Division, the Audit Branch conducted 54 desk
reviews during the month of January. With respect
to full field audits, and with our ongoing
audits, the ongoing audit is Gray for Mayor. With
our periodic random audit with the candidates who
registered for the 2014 election, the periodic
random audits, which are ongoing, are Evans for
Mayor, Friends of Courtney R. Snowden, Ruth for
Schools, and Brian Hart for D.C.

The periodic random audits of the
Continuing Committee. Biddle 2012 is ongoing.

For the periodic random audits for the
Office of Attorney General, we have ongoing
periodic random audits of the principal campaign
committees of Lori masters for Attorney General,
During January, we issued three audits. District of Columbia State Federation Business & Professional Women's Club Political Action Committee, and that was issued on January 23rd, 2015.

The Evans Constituent Service Funds. That was issued on January 23rd, 2015. And Friends of Jim Graham. That report was issued on January 23rd, 2015. And the reports are available for review by the public at our Web site.

I would ask the general counsel to come forward, and to report the stats from the Office of the General Counsel.

MR. SANFORD: Good morning, Madam Chairman, and distinguished Board Member Danzansky. I'm William Sanford, general counsel.

During the month of January 2015, the Office of General Counsel received five referrals from the Reports Analysis and Audit Division. Three of those referrals were subsequently withdrawn.
The Office of the General Counsel conducted four informal hearings and issued nine orders, including the following. Three orders for failure to timely file reports in which no fines were imposed. One order for failure to timely respond to a request for additional information, in which no fine was imposed. Four orders for failure to timely file reports in which a total of $4,650 in fines were imposed. And one order for failure to timely respond to a request for additional information, in which a fine for $2,000 was imposed.

The Office of the General Counsel imposed fines against the following respondents. Christian Carter At-Large, $2,000. Beverly Wheeler for Ward 1, $2,000. Bruce Majors for Mayor, Liberation, fined the candidate $800. Citizens for Empowerment PAC, $1050. And Mark Jones, District of Columbia Board of Education, $800.

During the month of January 2015, the Office of the General Counsel carried seven open
investigations, and no new investigations were opened.

During the month of January 2015, the Office of the General Counsel conducted, issued orders in two show-cause proceedings, which include the following: OCF 2014-P-021. The complainant in this case was Adam Eidinger. The respondent was William Jones, the proponent of No On Initiative 71.

And the infraction is failure to include disclaimer information in campaign literature, and failure to file a Statement of Organization.

The order in this matter was issued on January 5th.

The second matter was OCF 2014-P-022. The complaint was Marie Drissel. The respondent was Elwood "Yango" Sawyer. The infraction was failure to file financial reports and failure to identify the sources of the expenditures, and failure to include disclaimers in campaign literature. The complaint originated on the 21st
of October 2014, and the order was issued on January 15, 2015.

And during the month of January, there were no requests for interpretive opinions received by the Office of the General Counsel.

And that should conclude my report.

CHAIRMAN NICHOLS: All right. Are there any questions of Ms. Collier-Montgomery or Mr. Sanford?

MEMBER DANZANSKY: None.

CHAIRMAN NICHOLS: All right. A couple of things. On page two of Ms. Collier-Montgomery's report, principal campaign committees and political action committees, I think she said that there were 190 filers, 124 of which were principal campaign committees. I think the number you gave was 64 and it should be 66. Just for the record. Although on the written record is - and I think you - or Bruce Majors, you called him the "Liberation" Party.

MR. SANFORD: Libertarian. Candidate
for mayor. I'm sorry.

CHAIRMAN NICHOLS: I just want to do that for the record, to reflect what is in writing.

Are there any - no questions. Thank you, Mr. Sanford. Thank you, Ms. Montgomery.

Are there any public matters to be brought before the Board this morning?

(No response)

CHAIRMAN NICHOLS: Hearing none, and there being no further business before us, this meeting is adjourned. The time is 11:10 a.m. It is still Wednesday, February 4th, 2015.

(Whereupon, at 11:09 a.m., the Regular Board Meeting was adjourned.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 02-04-15

Place: Washington, DC

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

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Court Reporter

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