GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY

SEPTEMBER 2, 2015

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

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Campaign Finance Director
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10:33 a.m.

CHAIR NICHOLS: Good morning.

Welcome. I hereby call to order the regular meeting of the Board of Elections for September 2015.

It is Wednesday, September 2nd, 2015.

The time is 10:35 a.m. We are meeting in Room 280 North of One Judiciary Square.

I am Deborah Nichols, Chairman of the Board of Elections. We do not have a quorum this morning. One of our Board Members is away attending a World War II event which commemorates soldiers who fought in the Philippines and his wife's father fought in World War II in the Philippine theater. So, he is not with us this morning.

But, present with us on the dais are Mr. Clifford Tatum, the Board's Executive Director, Ms. Cecily Collier-Montgomery, the Board's Director of Campaign Finance and Mr. Kenneth McGhie, the Board's General Counsel.
Do I need a quorum to adopt the agenda? So --

MR. MCGHIE: Yes. Go ahead. Yes.

CHAIR NICHOLS: So, we're going to just receive this morning the reports of our officers. We will adopt the minutes of our August 5th, 2015 meeting at our October 2015 regular meeting.

There are no matters that the Board wishes to address this morning.

So, we will move to the Executive Director's report. Mr. Tatum, please.

MR. TATUM: Madam Chair, on my report agenda is general matters and I just wanted to bring to the Board's and to the public's attention that September the 22nd will be National Voter Registration Day. The month of September is National Voter Registration Month and Secretaries of State and election agencies across the national will be commemorating that day and will be conducting registration activities and the Board of Elections here will
be participating in the activities here within the District.

Of note, the Pope arrives on that same day into the District of Columbia. So, I'm not sure that we'll get him to register, but --

CHAIR NICHOLS: I don't think he qualifies, of course.

MR. TATUM: I don't think he qualifies, but we will be out in full force on that day.

CHAIR NICHOLS: That's sounds --

MR. TATUM: That's all I have.

CHAIR NICHOLS: Thank you. All right. We will then move to the General Counsel's report. Mr. McGhie.

MR. MCGHIE: Okay. The only thing I have is a new matter that got filed this month -- this past month. It was Harry Wingo versus the Board of Elections.

This involves a challenge to the Board's formulation of a short title and summary statement for Initiative 76 which is the District
of Columbia Minimum Wage Act. A complaint was
filed in Superior Court on August 21st
challenging the language that the Board
formulated as being misleading. The Board
entered its appearance and answer on August 27th.
The proposer of the initiative filed a motion --
a consent motion to intervene which was granted
on August 28th and so, now, we're just waiting
for the briefing schedule from the court in order
to file our briefs.

Also, a matter that I indicated last
month. McMillian which was dismissed. Mr.
McMillian has now filed a motion for
reconsideration. So, that may or may not come
back up on the agenda.

CHAIR NICHOLS: Okay. All right.

Thank you, Mr. McGhee.

All right. We will not receive the
report of the Board's Director of Campaign
Finance, Ms. Montgomery.

MS. COLLIER-MONTGOMERY: Yes. Good
morning.
During the month of August, we were able to produce the statistics for the July 31st, 2015 Report of Receipts and Expenditures which was filed by our principal campaign committees and our political action committees.

The total number of required filers was 88. That represents 70 principal campaign committees and 18 political action committees. Seventy-one of our filers timely filed. There were no extensions requested. There were no late filers.

The total number of failures to file was 17 and that is broken down to 16 principal campaign committees and one political action committee and those referrals were made to the -- those late filings were referred to the General Counsel for the initiation of the enforcement process.

With respect to our timely filers, all 71 of those electronically filed their reports. Because, as you know, the law has changed and in the District of Columbia now with respect to the
Office of Campaign Finance, the online filing is mandatory.

Also during the month of August, we had the August 10th report of receipts and expenditures. We had 69 required filers. That is broken down to 25 principal campaign committees and 44 political action committees. We had 53 timely filers. One extension was requested and granted. We had eight late filers and we had eight failures to file.

Sixteen filers of the -- I'm sorry. Sixteen required filers, and that would be the late filers as well as the failure to file, were referred to the General Counsel for again the initiation of the enforcement process.

With respect to the timely filers and also the late filers, we had a total of 61 who electronically filed their reports.

The names of the committees who are being referred to the Office of the General Counsel, the names of those committees will be posted at the website of the Office of Campaign
Finance when our stats are posted later on this afternoon.

During the month of August, we had three new candidates and committees who registered to participate in the 2016 election cycle. David Garber/David Garber for D.C. Council, At-Large City Council, registered on August the 3rd, 2015. The Committee for Fair Employment Laws Initiative opposing Initiative Number 76 registered on August the 21st, 2015. David Oberting/Oberting 2016, At-Large City Council, registered on August the 26th, 2015.

Entrance conferences were held for two of the persons who registered with the office on August the 13th, 2015. David Garber, Candidate David Garber for D.C. Council, Robert Summersgill, Treasurer for David Garber for D.C. Council.

And I would mention again that training is mandatory under the new law for any candidates who newly register as well as the treasurers of any political committees which
register with the Office of Campaign Finance.

With respect to the Audit Division during the month of August, the Audit Division conducted 97 desk reviews of reports which were filed with the office.

In terms of our ongoing audits with -- we have a full field audit which is an investigative audit which is ongoing and that is Gray for Mayor.

With respect to our periodic random audits, candidates registered for the 2015 election cycle, we have one periodic random audit of the financial report which was filed January 31st, 2015 which is ongoing and that's Barry for Council.

With full field audits of our Inaugural Committees 2015, we have one which is ongoing: The D.C. Proud Inaugural Committee.

Periodic random audits continuing committees of the January 31st, 2015 filing, the Morgan for D.C. Periodic Random audit is ongoing.

Full field audits of newly elected
officials, we have four: LaRudy May 2015, Brandon Todd for Ward 4, Brianne for D.C., Charles Allen for Ward 6.

Periodic random audits of PACs and continuing committees with respect to the July 31st, 2015 filing, we have four: Holness for D.C., Eric Jones 2014, Fresh PAC, Libertarian Party of D.C.

We issued one audit report on August the 5th, 2015 and that was of the Committee to Elect Natalie Williams and that audit report is available at the website of the Office of Campaign Finance for public review.

I would ask the General Counsel William Sanford to give the report of the Office of the General Counsel.

MR. SANFORD: Good morning, Madam Chairman.

My name is William Sanford, General Counsel for the Office of Campaign Finance.

During the month of August 2015, the Office of the General Counsel received 33
referrals from the Public Information and Records Management Division. All referrals were for failure to file reports. Received 17 referrals for failure to timely file their July 31st, 2015 report of receipts and expenditures and 16 referrals for failure to timely file the August 10th report of receipts and expenditures.

The Office of the General Counsel completed seven informal hearings and issued seven orders which included the following. Five orders were issued for failure to timely file in which fines totaling $9,500 were imposed against the respondents. One order for failure to timely respond to a request for additional information was issued in which no fine was imposed and one order affirming a previous decision and a motion for reconsideration was issued in which a fine of $100 were imposed.

The Office of the General Counsel imposed fines during the month of August against the following respondents: Youth Action PAC $1,900, Gertrude Stein Democratic Club $600, Bell
for Ward 8 Council $2,500, Whitaker for Ward 4 $2,500 and Flenning 2015 for $2,000.

The Office of the General Counsel collected $100 in fines from Vanetta Dumars who was a candidate for an Advisory Neighborhood Commission position in the November election.

During the month of August, the Office of the General Counsel made a referral of ten petitions for enforcement to the Office of the General Counsel at the Board of Elections and during the month of August, the Office of the General Counsel maintained seven open investigations from prior months and no new investigations were opened.

There were no requests for interpretive opinions during the month of August and no show cause proceedings were conducted during the month of August 2015.

And that should conclude my report.

CHAIR NICHOLS: All right. Thank you, Mr. Sanford.

MR. SANFORD: Thank you.
CHAIR NICHOLS: All right. Are there any public matters to be brought before the Board this morning? Members of the public.

Yes, sir. Would you please come forward? And would you identify yourself for the record please?

MR. THOMAS: My name is Benjamin E. Thomas, Jr. I'm a 57 -- 77-year resident of the District of Columbia. Also, a 57-year resident of the same house in Ward 7.

My purpose today for being here -- I thank you all for allowing me an opportunity to come before you. I've been fighting for months and I'm almost at the point of death because I haven't got any results.

A vacancy occurred in ANC-7E01 because of the death of our commissioner on December the 21st, 2014.

According to the laws of the Board of Elections and the ANC laws for filling the vacancy, all of the laws were violated which caused 7E01 to be denied the right to elect a
person of their choice to represent them.

On behalf of the registered voters of 7E01, I requested an explanation as to why those was allowed to happen from the following branches of our government on the dates listed below: The Office of the Mayor February 6th and 12th, 2015; the Office of Council Member Bonds who is Chair of the committee with oversight over the ANCs February 6th, 12th and 17th, 2015; Chair of the City Council February 14th, 2015; the Board of Elections on several occasions. I asked to appear at the Board meeting to voice my concern and was denied the right to get on the calendar to speak.

None of the above responded to my requests for an answer as of today. This letter was dated April 11th.

I just found out on Monday of this week that the reason why is because they no longer respond to anything except emails or texting. I have neither one and cannot afford to get one at this time.
And that is my purpose for coming here today and I have documents to prove my concerns and I also brought along a copy of the home rule and also the home rule for the District of Columbia in case we had some young people that didn't understand what our laws were.

I'm a staunch believer in the history and hanging with the past.

CHAIR NICHOLS: Me, too.

MR. THOMAS: So, if you have any questions and I also sent a packet, complete packets of all my complaints and the laws pertaining to them to the General Counsel in April.

CHAIR NICHOLS: Okay. Okay.

MR. THOMAS: The full packet. Like I said, I got no response from not a single person and it's very upsetting for me being in this community and working in the community for the many years that I have worked.

I also worked for the Board of Elections as an area rep for a number of years.
Served as ANC Commissioner for 18 years and I just felt that I was ignored and insulted as being a citizen of this city.

CHAIR NICHOLS: Well, let me say on behalf of the Board that I -- if that, in fact, occurred, I apologize to you sincerely because that never should have occurred --

MR. THOMAS: Thank you.

CHAIR NICHOLS: -- at all. I think you and I have crossed paths many times in the past.

MR. THOMAS: I met -- many, many, many, many times, Ms. Nichols.

CHAIR NICHOLS: Many, many times in the past.

MR. THOMAS: And I met you and Mr. Tatum at a meeting in Ward 7 a year or so ago.

CHAIR NICHOLS: That's right. We had a long conversation --

MR. THOMAS: Yes, we did.

CHAIR NICHOLS: -- at the precinct realignment or either on election day. One of
those.

MR. THOMAS: One --

CHAIR NICHOLS: Yes, we have talked many times. I do apologize if that was the case and I will certainly look into your issues and make sure that you get a response with supporting documentation as to what occurred with regard to how that office was filled and to make sure that it was done according to law. Which I do believe that it was, but I want you to see what evidence there is out there that it was.

My apologies again and don't abandon us. Okay. Please don't.

MR. THOMAS: Okay. Um-hum.

CHAIR NICHOLS: All right. And let me say this too before you leave. Anytime you have a concern about this Board don't wait for an invitation. That's why we have public matters on the agenda.

MR. THOMAS: Right.

CHAIR NICHOLS: You don't need an invitation. You don't need to get an okay to
come. You just come.

MR. THOMAS: Okay.

CHAIR NICHOLS: And you bring your matter to this Board and we'll be happy to respond to it.

MR. THOMAS: Right. And the reason why I was -- because I didn't know about the timing of the meeting. See.

CHAIR NICHOLS: Okay. Okay.

MR. THOMAS: Although I worked as an area rep for a number of years and a couple with Ward 8 for many, many years, but I had no -- you know, meetings and I found it only in April when the meeting day was and would call --

CHAIR NICHOLS: First Wednesday every -- every month, 10:30.

MR. THOMAS: Yes. And of course -- of course, when I called, the lady said let me see if I can -- if you can get on the agenda and then she -- she was going to the phone. Said let me call General Counsel. So, she came -- she came back and asked me what was my purpose and when I
told her my purpose was the fact that we were
denied the right to elect our own ANC
Commissioner, then she came -- went back to the
General Counsel and she came back and said I
couldn't get on the agenda. So --

CHAIR NICHOLS: You can get on the
agenda. That was not --

MR. THOMAS: -- yes, so -- so, I --
you know, I -- that was my problem.

CHAIR NICHOLS: Yes, that was not
appropriate --

MR. THOMAS: Okay.

CHAIR NICHOLS: -- nor correct
information. You can always get on this agenda.
You have a right to be heard and that's why we
have the public matters section.

And before we go, I'll give you my
phone number and anytime you want to get on the
agenda, you call me and let me know.

MR. THOMAS: Okay.

CHAIR NICHOLS: And I'll get you on
the agenda. Okay.
MR. THOMAS: And while you -- while you're looking over the situation the laws are in this book. That's got all the laws pertaining to the filling of a vacancy as it -- members in this book and on the -- in the book. I have copy.

CHAIR NICHOLS: You submit? Okay. All right.

MR. THOMAS: Yes. And if you need to, I could -- well, he has -- he has all the laws.

CHAIR NICHOLS: Okay.

MR. THOMAS: But, and while you're at it, ma'am, the person -- that we didn't have an opportunity to elect the person, but the person was appointed by the Ward 7 democrats and sworn in by our council member at the Ward 7 democrats' meeting which also is a violation of the law according the government, you know, charter.

But, and I'd for you to look at that because we don't have a Commissioner -- ANC Commissioner now. Suppose to -- suppose to have lived across the street from me and I knew he brought a property over there some years ago, but
I hadn't see him in almost two years until the night before he was going to the first meeting that he's ever attended since he's been in the city and came across and knocked on my door to let me know that he was my ANC Commissioner and I said oh, I didn't even know we had an election yet. Oh, I wasn't elected. I was appointed.

CHAIR NICHOLS: Okay.

MR. THOMAS: So, and that was a long -- now, I haven't seen him. I only see him once a month. He owns the property I know, but he has a new name and different name than what he had when he registered with the Board of Elections and the Board of Elections can verify that. He is -- he's registered as a member of the Board of Elections I think it was 2010 or something like that on the one name and he became an ANC Commissioner by being appointed by the Board Chairman Democrats under another name and like I said, I live directly across in front of him and if I live there and my wife lives there and I been living there 57 years and I haven't -- I see
him once a month when he comes to collect his rent.

I think it's unfair to us to have somebody appoint somebody that don't even represent us. The last time I saw him was in the June meeting -- at the June meeting and -- and I haven't seen him since.

CHAIR NICHOLS: Very interesting. I think that's what we talking about.

MR. THOMAS: And I'd like to leave this with you.

CHAIR NICHOLS: All right. Thank you.

Yes, sir, please. Please do.

MR. THOMAS: Thank you very much.

CHAIR NICHOLS: Thank you, sir. Thank you. All right. Anybody else?

There being no further business before this Board, the meeting is adjourned. The time is 10:57 a.m. It is still Wednesday, September 2nd, 2015.

(Whereupon, the above-entitled matter went off the record at 10:57 a.m.)
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In the matter of: Board Meeting

Before: DC BOE

Date: 09-02-15

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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