GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

PUBLIC MEETING

WEDNESDAY

MARCH 5, 2014

The Public Hearing 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, Chairperson, presiding.

BOARD OF ELECTIONS AND ETHICS MEMBERS
PRESENT:

DEBORAH K. NICHOLS, Chairperson
STEPHEN I. DANZANSKY, Board Member

BOARD OF ELECTIONS AND ETHICS STAFF PRESENT:

KENNETH J. MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Director of
Campaign Finance
TAMARA ROBINSON, Public Information
Officer
WILLIAM SANFORD, General Counsel,
Office of Campaign Finance

The transcript constitutes the
minutes from the Special Board Meeting held
on March 5, 2014.
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10:32 a.m.

CHAIR NICHOLS: Good morning.

Welcome.

I hereby call to order the March 2014 Regular Meeting of the Board of Elections. It is Wednesday, March 5th, 2014. It is 10:33 a.m. And we are meeting in Room 280 North, of One Judiciary Square.

I'm Deborah K. Nichols, Chairman of the Board of Elections. Present with me this morning is Mr. Stephen Danzansky.

Also present on the dias this morning, Mr. Kenneth McGhie, General Counsel to the Board, Ms. Cecily Collier-Montgomery, the Board's Director of Campaign Finance and Ms. Tamara Robinson who is sitting in for our Executive Director this morning, Mr. Clifford Tatum.

Without objection, the agenda for today's meeting is adopted. And without objection, the minutes for the regular meeting
of the Board on February 5th, 2014, are
adopted but I'll inquire of Mr. Danzansky
whether he has any corrections or
representations.

MEMBER DANZANSKY: No, they're just
fine as corrected.

CHAIR NICHOLS: All right. Then
those minutes are adopted.

Are there any public matters to be
brought before the Board this morning?
Hearing none.

Are there any matters which Board
Members wish to raise in this public meeting?

MEMBER DANZANSKY: None, Madam
Chair.

CHAIR NICHOLS: None.

Yes, ma'am?

MS. WELLS: I have a matter that
I'd like to bring to the Board's attention.

CHAIR NICHOLS: And what would that
be, Ms. Wells?

MS. WELLS: I have a case for a
furlough dock payment

    CHAIR NICHOLS: A what?

    MS. WELLS: A court case, Octavia Wells v. Barack Obama for furlough dock and I'm asking that that case be endorsed.

    CHAIR NICHOLS: That is not

    MS. WELLS: by somebody on the Board.

    CHAIR NICHOLS: within the Board's jurisdiction, Ms. Wells. That's not within our jurisdiction to handle

    MS. WELLS: To get a case endorsed?

    CHAIR NICHOLS: No.

    MS. WELLS: There's nobody in this room that can endorse the case?

    CHAIR NICHOLS: No. No, ma'am, not on this Board.

    MS. WELLS: To get the U.S. Senate it makes no sense. To get the U.S. Senate and the U.S. Representative position paid?

    CHAIR NICHOLS: No, ma'am. Not on this Board.
All right. We will move on now to the Executive Director's Report, Ms. Robinson.

MS. ROBINSON: Good morning, Madam Chair and Board Members.

Once again, Mr. Tatum asked that I submit the Executive Director's report on his behalf, in his absence today.

I have a few brief notes regarding preparation for the primary and other general matters. To begin, just a quick update that our mobile app, DC BOE Vote successfully launched last week, Wednesday, February 26th. The app is available at Votefordc.com and can be downloaded to any Smartphone or tablet.

DC BOE Vote allows all voters to register to vote and request absentee ballots without printing or mailing any documents. So essentially they can find the app from their Smartphone or tablet and that will be captured by us.

Logic and accuracy testing has been completed on all voting equipment and no
issues were reported. Election Day and early
voting ballots have been ordered and early
voting ballots should be in by Friday March
7th and Election Day ballots are due early
next week.

As far as absentee ballots are
concerned, 2,300 were mailed to residents on
Friday, February 28th. Co-worker training is
proceeding without any issues, although class
was delayed on Monday due to weather and D.C.
Government closure. We are currently in the
process of rescheduling that class but all
other trainings are proceeding as usual.

For advertising, early voting on
election day advertising began on Monday,
March 3rd. We began with Metro bus and Metro
station print add on several bus routes and at
nine Metro stations across the District.

TV PSAs began airing yesterday as
well on Comcast Spotlight and they expect more
PSAs to run on D.C. TV which is our public
access channel next week.
We have some radio PSAs coming up on WHUR starting March 17th as well as scheduled to run on several radio stations just on March 31, April 1st, especially, Get Out to Vote campaign.

Voter Guides are due to every household by next Tuesday which is March 11th. And voter outreach, our specialist, Kathy Fairley, is beginning the process potentially to visit approximately 21 licensed nursing homes and assisted living facilities across the District and she is essentially delivering absentee ballots to senior citizens in those facilities.

And, finally, you have our voter registration photos which are current as of February 28th, 2014. We have a total of 446,194 voters registered in the District, 337,980 are registered Democrats, 27,213 registered Republicans, D.C. Statehood Green, 3,613, Libertarian 231, other parties 1,025 and no party affiliation 76,132.
And, Madam Chair, that is the end
of the report.

CHAIR NICHOLS: Thank you, Ms. Robinson.

Are there any questions of Ms. Robinson this morning? All right.

We will now move on to the
Director of Campaign Finances Report, Ms. Collier-Montgomery.

MS. COLLIER-MONTGOMERY: Yes, good morning.

First, I would like to report that
during the month of February the Office of Campaign Finance on February the 26th, 2014,
started the site visits of the campaign officers of candidates and principal campaign committees who are participating during this election cycle.

On February the 26th, staff from the Office of the General Counsel as well as from our Audit Division visited the offices of the Muriel Bowser for Mayor as well as Jack
Evans for Mayor. I would also report on the status of the pending legislation, the Campaign Finance Reform and Transparency Amendment Act of 2013. That is Act Number 20-0249. With that particular act the act was signed on Friday, the 27th of December, 2013, by the Mayor and then was transmitted to the Congress for its review and the project law date for the legislation is March the 6th, 2014.

Some of the key provisions because it will impact upon the responsibilities of the Office of Campaign Finance, the first one would be that electronic filing will be mandatory for candidates and campaign committee with the exception of where good cause is shown.

Also, there will be a separate schedule which will be required for the reporting of bundling in excess of $10,000. Business contributors and that would include any entity that makes a contribution as well
as its affiliated entities must report to the affiliated entities. Also, the civil penalties will change because there will be now authority to impose civil penalties against candidates as well as anyone else who is responsible for filing committee reports, who fails to file or does not timely file or who files inaccurate information.

The effective date of the Act again if it's returned would be on tomorrow's date. In terms of the applicability of the provisions, the provisions would not be effective until January 15th, 2015, or until a later date depending on the inclusion of the funds necessary to implement the Act. From the standpoint of our office, the Act will require significant upgrades to our electronic calling system as well as the proposal of regulations to fully implement the provisions of the law.

I would also report that January the 31st was a filing deadline for the filing
of reports by principal campaign committees and political action committees. At the February meeting because of the due date of the January 31st report I was not able to report the stats. On today's date I do have the statistics for that report filing date.

The required filers, the total number was 137, that's 76 principal campaign committees and 61 PAC. The total number of timely filed was 119. There were two extensions which were requested. There were two extensions which were granted. The total number of late filers was two. The total number of failures to file was 13. The total number of referrals to the Office of the General Counsel was 15. With respect to the filing, 105 of the filers electronically filed their reports with the Office of Campaign Finance.

During the month of February there were nine new candidates in committees who registered to participate in the 2014 election
cycle. Sian Ofaolain, Ward 6, Democratic State Committee registered on February the 3rd. Martin Moulton, U.S. Representative, registered on February the 3rd. Dyana Forester, Ward 1, Democratic State Committee, registered on February 5th. Bryan Weaver, Weaver Campaign Committee, Ward 1 City Council, Registered on February the 10th. Victoria Gordon, Victoria Gordon 4 Mayor, Registered on February the 10th. Bryan Hart, Brian Hart 4 D.C., at-large City Council, registered on February the 10th. Glenda Richmond, Committee to Elect Glenda J. Richmond, U.S. Senator 2014, registered on February the 14th. Silvia Martinez, at-large Democratic State Committee, registered on February the 24th. Mario Cristaldo, at-large, Democratic State Committee, registered on February the 24th.

Entrance Conferences will be scheduled for new candidates and committees from this group during the month of March
The referrals to the General Counsel's office for failure to timely file the January 31st, 2014, report are as follows.

For the Principal Campaign Committee, the Committee to Re-elect Senator Strauss,
Treasurer Richard Bianco; Carol Schwartz 2008,
Treasurer Juliette Smith; Friends of Tarek Stevens, Treasurer, Tarek Stevens; Committee to Elect Villareal V.J. Johnson, Treasurer Timothy Lewis' Committee to Elect Ronald Motel for Ward & City Council, Treasurer Ronald Moten; Committee to elect Trayon White,
Treasurer Trayon White; Committee to Elect Natalie Williams, Treasurer Natalie Williams;
Patterson for Ward 8, Treasurer Timothy Lewis;
Committee to Elect Sekou Biddle At-Large,
Treasurer Bandele McQueen; Biddle 2012,
Treasurer William Broan; Christian Carter for Mayor 2014, Treasurer Noah Harmony Shoatz;
Sewell for Mayor 2014, Treasurer Otis Suition;
Vote Valentine 2014, Treasurer Justin
The Political Action Committees which were referred are People for a Strong Society, Treasurer Ben Foshager; Washington, D.C. Association of Realtors, Treasurer Edward Krauze.

For the Failure to File the Statement of Organization which included the bank account information, Kathy Henderson for Councilmember 3014, Treasurer Kathy Henderson.

In our Audit Division during the month of February the Audit Division completed desk reviews of 127 Reports of Receipts and Expenditures.

In terms of ongoing audits, the full-field audits are Gray for Mayor, Bonds for Council. The periodic random audits are the Caribbean-American Political Action Committee. The periodic random audits of candidates registered for the upcoming election 2014 are Brianne for D.C., Reta Jo Lewis for Mayor, Bowser for Mayor and Cheh
2014.

At this point I would ask the General Counsel to give the report on the Office of the General Counsel.

CHAIR NICHOLS: I had just one question before Mr. Sanford proceeds about the new candidates and committees registered for the 2014 election cycle. So, other than the state committees these are for the general election?

MS. COLLIER-MONTGOMERY: Yes.

CHAIR NICHOLS: Okay.

MS. COLLIER-MONTGOMERY: Yes.

CHAIR NICHOLS: Okay. All right.

Sorry, Mr. Sanford, proceed.

MR. SANFORD: Good morning, Madam Chair and Distinguished Board, William Sanford, General Counsel for the Office of Campaign Finance.

During the month of February 2014 the Office of the General Counsel received 17 referrals. Sixteen of the referrals came from
the Public Information and Records Management
Division and one referral was from the RAD
Division.

The Office of the General Counsel
completed six hearings and issued nine orders
which included the following. Five orders for
failure to timely file reports in which a
total of $3,450 in fines were imposed. One
order for failure to timely file in which no
fine was imposed. One order for failure to
timely respond to a request for additional
information in which a fine of $1,150 was
imposed and two orders in which the
respondents had failed to respond to a request
for additional information in which no fines
were imposed.

During the month of February the
Office of the General Counsel collected $500
in fines and the fine was paid by the
Committee to Elect Perry Red. And the Office
of the General Counsel referred five petitions
for enforcement to the Office of the General
Counsel for the Board of Elections. And the outstanding fines totaled $49,750.

The Petitions for Enforcement included the following. Kwame for Chair, $45,000 outstanding fine. Frank Sewell for Mayor, $1,700 unpaid outstanding fine. Friends of Tarek Stevens a fine of $1,800 unpaid. Nestor for Mayor $1,100 in outstanding fines and Tim Clair ANC Commissioner $150 in outstanding fine.

During the month of February there were four open investigations. They included LCF 2011-103, 2011-104, 2013-013 and 2013-014. These are all part of the ongoing investigation into the campaign violations that were alleged during the 2010 election.

No new investigations were initiated during the month of February 2014.

The Office of the General Counsel received one request for interpretative opinion and that request was submitted by Lloyd Jordan, Esquire of the Motley/Waller,
LLP law firm and that was submitted on the 10th of February. The issue was contributions by labor organizations and its affiliated PAC. That interpretative opinion is pending the submission of additional information from the requestor.

And during that month of February there were no show-cause proceedings and that should complete my report.

CHAIR NICHOLS: Are there any questions of Mr. Sanford? All right. Hearing none.

Thank you, Mr. Sanford.

MR. SANFORD: Thank you.

CHAIR NICHOLS: We'll move on to the General Counsel's Report.


The Libertarian Party there's been
no change in the status of that matter since
I last reported it. The matter is still
pending in court for resolution on attorney
fees. The Zuckerberg matter has been
resolved. As you will recall Mr. Zuckerberg
filed a complaint in D.C. Superior Court for
declaratory injunctive relief to enjoin the
Board from removing the Office of Elected
Attorney General from the 2014 ballot based on
recently passed council legislation that would
delay the election until 2018. The matter was
heard in Superior Court first for preliminary
injunction on February 6 and it was denied by
the court on February 7th. Mr. Zuckerberg
filed an immediate appeal of the denial of the
preliminary injunction to the Court of Appeals
on February 12th and that was denied on
February 13th. And then the Superior Court
heard a decision on the underlying matter, the
underlying complaint in which the Office of
the Attorney General filed a Motion to Dismiss
on behalf of the Board and the District of
Columbia that were the Defendants and the D.C. Council and the court granted their Motion to Dismiss with prejudice against Mr. Zuckerberg on February 26th and that would conclude that matter and also my report on the litigation status.

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

Are there any questions of Mr. McGhie?

All right. Hearing none, there being no further business before us

MS. WELLS: I have a question.

CHAIR NICHOLS: Yes, ma'am.

MS. WELLS: On the Get Out to Vote Radio One ad can I ask who is going to be the voice for the ad.

MS. ROBINSON: I don't know.

CHAIR NICHOLS: Yes, we don't know.

MS. WELLS: I would like to put my name in for that.

CHAIR NICHOLS: All right. Thank
you. MS. ROBINSON: I believe that it has to be one of our employees who do that.

MS. WELLS: Well, find out and let me know because I'm requesting it.

CHAIR NICHOLS: All right. There being no further business before us, this meeting is adjourned. The time is 10:54 a.m. It is still Wednesday, March 5th, 2014.

(Whereupon, the above matter was adjourned at 10:53 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: DC BOE

Date: 03-05-14

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.

[Signature]
Court Reporter