



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS
WASHINGTON, D.C. 20001-2745



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
July 2, 2014

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, July 2, 2014 in the Board’s Hearing Room, located in Suite 280 North, One Judiciary Square, 441 4th Street, N.W., Washington, D.C. 20001. The Board’s Chairman, Deborah K. Nichols, was present, as was Board Member Stephen I. Danzansky. Also present on the dais were Kenneth McGhie, the Board’s General Counsel, William SanFord, the General Counsel of the Office of Campaign Finance (“OCF”), and Clifford Tatum, the Board’s Executive Director.

Chairman Nichols called the meeting to order at 10:34 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting (June 4, 2014) were moved for approval and adopted without objection.

Mr. Tatum updated the Board on the July 15, 2014 special election for Ward 8 State Board of Education Member. In-person early voting is taking place at One Judiciary Square from June 30 through July 12. The Board will open an Early Voting Center at the Malcolm X Elementary School from July 5 through July 12. The Board mailed two notices on June 15 & 27 to Ward 8 voters advising them of the special election. The voter registration deadline was June 30, and the Board is currently processing all applications received up until that date. The Board has scheduled absentee voting for qualified inmates on July 9.

Mr. Tatum also announced that the deadline for initiative submissions for consideration on the November ballot is July 7 and that Advisory Neighborhood Commission (“ANC”) candidates can begin picking up nominating petitions for the General Election on this date also.

Mr. McGhie presented final rulemaking to amend DCMR chapters 10, 11, and 14 through 17. These regulations would establish that the maximum number of signatures the Board will consider on ballot measures and nominating petitions is twice the amount required for ballot access. The regulations were published in the DC Register on May 9, and the Board received one comment against the regulations from the DC Cannabis Campaign Commission. Mr. McGhie urged the Board to adopt the proposed regulations notwithstanding the concerns raised by that entity.

BOARD ACTION: The Board approved the regulations in final form unanimously.

Mr. McGhie presented three Petitions for Enforcement from OCF. Mr. SanFord, the General Counsel for OCF, and Mr. Rudolph McGann, staff attorney for the Board presented the matters before the Board.

- Frank Sewell for Mayor—incurred a fine of \$1,700 for failure to complete a Statement of Organization, Statement of Candidacy, and failure to display proper campaign literature. Mr. Sewell was informed of a pre-hearing conference and the hearing by first class mail and telephone. Mr. Sewell responded by telephone indicating he did not wish to participate in the proceeding.
 - **BOARD ACTION:** The Board approved the Petition for Enforcement unanimously.
- Kwame for Chair, Dawn Cromer Treasurer—incurred a fine of \$45,000 for receipt of excessive contributions, improper documentation of expenditures, improper use of cash disbursements and unauthorized officials making expenditures. Counsel for Ms. Cromer appeared and indicated that Ms. Cromer has been cooperative throughout the entire procedure, but the campaign does not have funds to pay the outstanding fine.
 - **BOARD ACTION:** The Board approved the Petition for Enforcement unanimously.
- Commissioner Tim Clark ANC/SMD 5E03—incurred a fine of \$150 for failure to timely file a financial summary statement. Mr. Clark was notified by first class mail and electronic mail, but he did not respond.
 - **BOARD ACTION:** The Board approved the Petition for Enforcement unanimously.

Mr. McGhie reported on the status of the two cases the Board is currently litigating.

Libertarian Party v. the Board is still pending because of unresolved issues about attorneys' fees which may be litigated. The Board granted Mr. McGhie's request to remove this static case from future agendas until the status has changed.

In *Zukerberg v. the Board*, the parties have agreed that the election for Attorney General is to be held during the November General Election, however, they disagree as to how to dispose of the case. The Plaintiff is seeking an order while the Board through its counsel is seeking a motion to dismiss as moot. The Judge has asked the Plaintiff to respond to the motion to dismiss and she will be taking the case under advisement.

McMillian v. the Board concerns the Board disallowing the slate name, "Rent is too Damn High" from appearing on the ballot. The Office of the General Counsel is prepared to file a motion to dismiss for lack of standing because the Plaintiff does not reside in the District, and is not a registered voter.

Mr. William Sanford reported on the following items initiated or ongoing in the month of June 2014 at OCF:

- **June 10 filing date for PCCs and PACs:** 119 required filers; 102 timely filers; 14 failures to file.
- The record management division referred 17 cases to the Office of General Counsel for failure to file.
- **New Candidates registered:** Kishan Putta, Kishan for D.C. At-Large Council; Eric Jones, Eric Jones 2014 At-Large City Council; Carol Schwartz, Carol Schwartz for Mayor

Committee; Ernest Johnson, Committee to Elect Ernest Johnson Ward-1 City Council; Gregory Thomas, At-Large City Council; E. Gail Anderson Holness, Holness for DC Ward-1 School Board; Michael Green, Michael Mayoral Committee; Courtney Snowden, Friends of Courtney R. Snowden At-Large City Council; Michael D. Brown, Michael D. Brown for City Council At-Large 2014; Christian Carter, Carter At-Large 2014; and Calvin Gurley, Gurley for Council 2014.

- The Audit Branch conducted an entrance conference on June 11, and 14 candidates participated.
- Public Information and Records Management Division referred 17 cases to the Office of the General Counsel: New Dawn, Anthony Muhammad, Treasurer; Carson-Smith for DNC, Winifred Carson-Smith, Treasurer; Beverley Wheeler for Ward 1, Beverley Wheeler, Treasurer; Martin Sterbal for U.S. Senate, Martin Sterbal, Treasurer; Valentine At-large, Justin Flemings, Treasurer; Anderson for DC, Acquetta Anderson, Treasurer; Ross 2014, William Brown, Treasurer; Ward One Democrats Slate Committee, Lynn French, Treasurer; Sewell for Mayor 2014, Otis Sution, Treasurer; Jones 2014 Exploratory Committee, Eric Jones, Treasurer; Ward 3 Democratic State, Robert Brandon, Treasurer; and Ward 4 Democrats, Kimberly Tignor, Treasurer; Youth Action Pac, Gabrielle Moise, Treasurer; Metropolitan Washington PAC, Margaret Jeffer, Treasurer; BB&T, Ed Simpson Treasurer; Credit Union PAC of Washington, DC, Ruth White, Treasurer; and DC Political Action Candidate Election, Estelle Richardson, Treasurer.
- **The Audit branch conducted 138 reviews of Reports of Receipts and Expenditures filed with OCF.**
- **Periodic Random Audits of registered candidates:** Gray for Mayor; Bowser for Mayor; Wells for Mayor; Evans for Mayor; and Orange for Mayor.
- **Report of the Office of the OCF General Counsel (Reported by William SanFord)**
 - **Referrals** – 2 referrals from the Reports Analysis and Audit Division (“RAAD”) and 17 from Public Information and Record Management Division.
 - **Orders Issued** – 2 failure to timely file orders with no fines issued; 2 timely file orders with \$4,000 fines issued (Patterson for Ward 8; \$2,000 & Villareal Johnson Democratic State Committee \$2,000); and Christian Carter motion for reconsideration denied and fine of \$500 affirmed.
 - **Fines imposed by the Office of the General Counsel:** Total of \$52,550 in fines issued including the following new fines: Friends of Calvin Gurley, \$350; The Committee to elect Ron Moten, \$1,450; Nestor for Mayor, two fines of \$1,150 and \$1,650. The Chair requested a memo updating the status of the Nestor for Mayor Committee and the fines imposed against that committee.

Mr. Robert Turner, the Executive Director of the DC Republican Party wishes to transfer to the Board the name of the person nominated by that body to serve as the official Republican candidate in the contest for Council Chairman for the November General Election: Kris Hammond of Ward 5.

Mr. Michael Sindram renewed his request for a full hearing on the recurring issue of a rescinded grant from ANC SMD 4A.

There being no further business before the Board, the meeting adjourned 11:18 a.m.