GOVERNMENT OF THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY
JUNE 4, 2014

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

BOARD MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairperson
DEVARIESTE CURRY, Member
STEPHEN I. DANZANSKY, Member

BOARD STAFF PRESENT:

CECILY COLLIER-MONTGOMERY, Director, Office of Campaign Finance
CLIFFORD D. TATUM, Executive Director
KENNETH J. McGHIE, General Counsel
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CHAIR NICHOLS: Good morning.

Welcome. I will call to order the regular monthly meeting of the Board of Elections. It is Wednesday, June 4, 2014. The time is 10:35 a.m. We are meeting in Room 280 North of One Judiciary Square.

I am Deborah K. Nichols, Chairman of the Board of Elections. Present with me this morning are members Stephen Danzansky and Devarieste Curry. Also present, Mr. Clifford Tatum, the Board's Executive Director. And Cecily Collier-Montgomery, the Board's Director of Campaign Finance. And Mr. Kenneth McGhie, the Board's General Counsel.

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

This morning we will be adopting minutes of our regular meeting of April 23, 2014 and May 7, 2014. The transcript of our April meeting was not available for review before our
May 2014 meeting due to the short time between April 23rd and May 7th meeting which was a scheduled change in order to permit certification of final election results.

That is without objection unless there are corrections to the minutes for April and May 2014. Are there any? Hearing none, those minutes are adopted.

Are there any Board matters which members wish to raise in this public meeting? Hearing none, we will move to the General Counsel's Report from Mr. Kenneth McGhie.

MR. MCGHIE: Okay. The first matter on my agenda is an initiative, Proper Subject Matter Determination. That initiative was submitted with the title of "No Worker Shall Make Less Than the Minimum Wage Act of 2014."

Before I continue, can I ask that the proposer of that measure and their counsel, if any, come to the table.

As I stated earlier, this is for a proper subject matter determination. The
District of Columbia and the Home Rule Act states that pretty much citizens can have initiative on almost any matter with few exceptions and those exceptions would be whether the people would be prohibited from putting forth an initiative that would appropriate funds or that would violate the U.S. constitution, or that would negate or limit a budget act.

There are a few other, I guess, administrative prohibitions that would prevent an initiative from going further like whether or not you properly filed your statement of organization with the Office of Campaign Finance. That would be another reason for the Board to decide this is not a proper subject for an initiative to go forward.

So, with that said, could I just have the parties identify themselves for the record.

MR. BERKON: I'm Jonathan Berkon, counsel at Perkins Cole.

MS. ROTH: Stephanie Roth, Proposer.

CHAIR NICHOLS: All right. Counselor,
has the proponent met the statutory
administrative requirements?

    MR. McGHIE: Yes, the proposer of the
initiative has properly filed their statement of
organization at the Office of Campaign Finance so
they have met the administrative filing
requirements.

    CHAIR NICHOLS: All right.

    MEMBER CURRY: All right. Are there
any opponents to this measurement who wish to
come forward and place any comments on the
record? All right. Hearing none, do the
proponents wish to make any comments on the
record regarding this proposed initiative?

    MR. BERKON: Yeah. I think just one
which is that our request -- obviously
recognizing that these things take time. Our
request would be that there is some form of
expedited process so that we are able to get our
petitions out as soon as possible in order to
meet the deadline.

    Obviously, as the Board knows, there
is sort of a pending deadline to get all the
signatures in so we can go through that process
and make sure that it gets on the ballot for the
November election.

Looking at the calendar, realistically
I think we will be able to have petitions that
are able to be distributed by the 23rd of this
month. That will hopefully provide sufficient
time in order to do that. And recognizing that
the Board has certain statutory periods it needs
to recognize, that is our request to the extent
the Board is able to oblige it.

CHAIR NICHOLS: Do members have any
questions of the proponent?

MEMBER DANZANSKY: No, only this and
it has nothing to do with proper subject matter
so it's probably out of order, Madam Chair. You
can gavel me out of order.

Some of this obviously with the
numbers and figures is a little bit confusing and
I have two initiatives going at the same time. I
notice the Perkins Cole firm commented on this
I don't know any of the discussions that are going on but for the voter to have to go through both of these and understand both seems to me a burden that may not be necessary if there's a way to simplify this. That's just an overall comment and I'm probably out of order.

MR. BERKON: We absolutely appreciate that.

MEMBER DANZANSKY: Okay.

MEMBER CURRY: I actually want to follow up on Mr. Danzansky because I was going to phrase mine not just as a question -- I mean a comment. Tell me what are the differences and why is this necessary following the other initiatives?

MR. BERKON: I think there really are two substantive differences between the proposals as they are currently written. The primary difference is the difference in the minimum wage by 2021. Under our proposal there would be 100 percent parody between the minimum wage for
employees who receive gratuities and for
employees who not receive gratuities.

MEMBER DANZANSKY: Ultimately

MR. BERKON: Ultimately by 2021, both
initiatives taking incremental steps to get
there. Under the other proposal by 2021
individuals who receive gratuities the minimum
wage for them is 70 percent of what the minimum
wage is for others. That is the principal
difference between the two proposals as drafted.

The other difference, which is a
smaller one, is that the minimum wage for
employees the number is the same for both but
under both proposals there is an alternative
where it is either the number or a certain amount
above the federal minimum wage.

Under our proposal the amount above
the federal minimum wage is a dollar. Under the
other proposal it's two dollars. So there are
some slight differences but I think it's fair to
say that, you know, the two sides are
communicating.
MEMBER CURRY: The two sides are communicating but following up again on Mr. Danzansky's expressed concern, I have to tell you they are confusing and we would like voters to be educated. Is there a means -- I mean, do you have any concerns about voters being confused about this? Do you think, well, okay, we're just going to put a bootstrap on this and say vote for one or vote for both of them and we'll be covered?

MR. BERKON: I think that -- I mean, you know, there are differences between the two and I think certainly if both made their way to the ballot there would be ways to educate voters about them. But, you know, I think that is why we are going through this process now and having the opportunity to make sure that both meet the proper standards. Then obviously the next day getting enough signatures for both of them. I don't think we're at the point yet where both are
on the ballot. I think that's why those

discussions continue.

MEMBER DANZANSKY: There very

obviously will be, particularly with the Seattle
	situation, a lot more public interest and
discussion about this and just clarity would

be --

MR. BERKON: We understand and
definitely agree with that.

MEMBER DANZANSKY: We have sort of the
last remaining buffer between the ballot and the
proposal. We just want to be sure that everybody
gets it.

CHAIR NICHOLS: So -- and this is not
-- this is more an observation. So Fair Minimum
Wage filed their initiative certainly in time to
get their petitions and go out.

Now, you have filed yours and you want
us to expedite a process to enable you to meet a
deadline. I'm not sure we can short-circuit our
process in order to accomplish that. What is the
basis other than the time limit that you will be
up against? I guess there is a time limit.

MR. BERKON: Yeah. And to be clear --

CHAIR NICHOLS: What took you so long to get to the point where you filed the initiative I guess is my question.

MR. BERKON: You know, I think these processes, the drafting process, is going to take time figuring out where there is support for these different proposals. It will take some time. To be clear, we are not asking that any statutory requirement be waived or circumvented at all.

I mean, as we understand it, the statutory requirement is that there is a 10-day period in which challengers have the opportunity to basically file an objection and that the steps that are required before that is for the short statement entitled "To be Adopted" and for it to be then crafted by the Board for it to be adopted by the Board at a public meeting with notice to the community.
As we read it, the short of minimum --
I mean, we found one instance, I think, in 2006
with video lottery terminals in which the short
statement was actually adopted at the same
meeting in which the proper subject matter issue
was determined. Once that process --

CHAIR NICHOLS: But that didn't make
it to the ballot, did it? What was the basis for
that? How did they accomplish that according to
your reading of the orders? How did they
accomplish doing the short-title summary
statement and the proper subject all in the same
meeting?

MR. BERKON: I will refer to Mr.
McGhie.

CHAIR NICHOLS: We would like to know
because maybe that is --

MR. McGHIE: When the proposers filed
their additional request for the initiatives,
they put in a request that the matters be
consolidated so the Board took that up at the
initial filing.
The Board when they put the notice in the Register -- usually we put the notice in the Register so that people can comment on when it's a proper subject.

There was probably two notices in the Register that we were going to have a meeting for proper subject and, if it's determined to be a proper subject, we are going to move straight to the organization of the Short Title and Summary Statement. That request was made at the time of the initial filing.

CHAIR NICHOLS: I see. Okay. I'm trying to figure out what process permitted that to occur all at one time. At the initial filing if you had also requested that we do proper subject plus Short Title and Summary Statement, you probably could cut down on some of the time.

I just see personally June 23rd is not realistic. I don't want you to have that expectation that we are going to be able to meet June 23rd to complete this whole process, you know, honestly.
MR. BERKON: You know, we recognize, and obviously correct us if we are wrong, but that there is an ability for the Board to call meetings in between their regular meetings as long as 48 hours notice is provided to the public. I think clearly, you know, that would be our request that a special meeting be held in order to adopt the initiative in that time frame. I think if it were, for example, if on Monday a special meeting was called for next Wednesday for the adoption process to take place, that would clearly then provide, I think, 12 days in order to get to June 23rd.

We recognize that there would need to be a special meeting that is called. Under the statute and the rules we think the Board does have that authority to do so.

MR. McGHIE: So he is correct the Board does have that authority because it says that the Board shall formulate the Short Title and Summary Statement within 20 days after acceptance of the initial for proper subject. If
the Board was to accept this initiative today and
have it formulated within 20 days.

MEMBER DANZANSKY: So you're making a
formal request that we do that for the record.
Correct?

MR. BERKON: Yes, for the record.
Absolutely.

MEMBER DANZANSKY: Thank you.

CHAIR NICHOLS: We take the -- if we
determine that this is a proper subject matter,
that would start the --

MR. McGHIE: If the Board was to
accept it today, that would start the --

CHAIR NICHOLS: When you say accept
it, tell me what you mean by that.

MR. McGHIE: Accept the initiative.

CHAIR NICHOLS: But we have to
deliberate.

MR. McGHIE: Yes.

CHAIR NICHOLS: We have to take it
under submission. What triggers the clock? Is
it the issuance of an order or we just say today?
You know, I'm trying to get the mechanics.

MR. McGHIE: The Board can issue a written order or it could do it orally.

CHAIR NICHOLS: Okay. I'm just trying to get the mechanics.

MR. BERKON: Absolutely. We want to make sure that we're following all the rules.

MR. McGHIE: So you can issue an oral order with a written order to follow, or you can just deliberate and issue a written order.

CHAIR NICHOLS: Okay.

MR. McGHIE: That would trigger the 20 days.

CHAIR NICHOLS: Okay.

MEMBER DANZANSKY: And the reason, just for the record, for expedition is to ensure to get the petition process started so you can be on the November ballot? Is that your --

MR. McGHIE: That is correct.

MEMBER DANZANSKY: Okay.

CHAIR NICHOLS: All right. Thank you for bearing with me.
MR. BERKON: We are happy to do it.
We recognize the onus is on the Board and we
appreciate all that you are able to do.

MR. McGHIE: One other possible
scenario is that whenever the Board does decide
it's going to have a hearing to formulate the
Short Title and Summary Statement, it's needs to
be in the D.C. Register and so --

CHAIR NICHOLS: For how long?

MR. McGHIE: Just once. You just need
to put a notice in the D.C. Register. It's too
late for it to appear in this Friday's Register.

CHAIR NICHOLS: Okay.

MR. McGHIE: The earliest it could
appear would be next Friday.

CHAIR NICHOLS: There are just a lot
of moving parts. That's what I'm trying to
figure out what the mechanics are that triggers
the different parts and then the processes. June
23rd, you know, I wish it was doable. I don't
know that it is because of the other statutory
requirements that we have to meet that can't be
short circuited but we will see what can be done.

MR. BERKON: And my colleague just pointed out, and I will pose this as a question. In lieu of putting it in the Register it seems under 3 DMR 102.5 there is an ability to post on the website?

MR. McGHIE: No. It has to be in the D.C. Register.

CHAIR NICHOLS: Public notice.

MR. NUDELMAN: Thank you.

CHAIR NICHOLS: All right. Thank you so much. We will -- I will ask the General Counsel what is his determination as to whether this is a proper subject for initiative.

MR. McGHIE: It would be the recommendation of the Office of General Counsel that this be found as a proper subject for initiative. I did not see where it violated any of the prohibitions enumerated in the Home Rule Act for not having this go forward.

I will also note for the record that the Office of the Attorney General submitted a
legal memorandum. In his comments he also found this to be a proper subject for an initiative.

      CHAIR NICHOLS: Okay. All right.

      Well, are there any other questions from members?

      MEMBER DANZANSKY: Have you seen the Attorney General's --

      MR. BERKON: We have.

      MEMBER DANZANSKY: Do you agree with his conclusions and his reasoning and is there anything you want to add to that?

      MR. BERKON: No.

      MEMBER CURRY: You're just happy he agreed with you. Right?

      MR. BERKON: Absolutely.

      CHAIR NICHOLS: All right. The Board will deliberate on this matter. Having accepted the recommendation -- well, having received the recommendation of our General Counsel and the District Attorney General, and we will inform you of the decision as soon as possible.

      Thank you so much for coming this morning. Appreciate it.
MR. McGHIE: All right. Another initiative and that's for the Formulation of Short Title and Summary Statement. The initiative was submitted with the title of Fair Minimum Wage Act of 2014. I believe the representative is present for that.

Can I ask that you please take a seat at the front desk and state your full name and address for the record.

MR. MICHAEL: Delvone Michael. My address is 1332 15th Street, N.W., Apartment B1.

MR. McGHIE: And what is your capacity with this measure?

MR. MICHAEL: I'm the treasurer.

CHAIR NICHOLS: Okay. So the draft formulation has been prepared. Have you seen the draft formulation of the Short Title and Summary Statement?

MR. MICHAEL: Yes.

CHAIR NICHOLS: Are there any suggestions from you or from members of the Board?
MR. MICHAEL: We've been in contact with --

CHAIR NICHOLS: Okay. So you do agree?

MR. MICHAEL: Yes.

CHAIR NICHOLS: Okay.

Mr. General Counsel, will you read the final formulation into the record.

MR. McGHIE: I'm not sure if this will make it exceed the hundred-word limit but the last bullet point, "Ensure that the minimum wage increase will not apply to D.C. government employees or employees of D.C. government contractors." Could we add "as per required by law." There was some discussion with counsel about "as required by law" and then taking it out.

CHAIR NICHOLS: And what happened?

MR. McGHIE: We additionally had "as required by law the minimum wage increase will not apply to D.C. government employees" and we had determined --
CHAIR NICHOLS: Is that required by law?

MR. McGHIE: -- that was not necessary.

CHAIR NICHOLS: We could take it under consideration as a technical edit. Is it required by -- is there a law?

MR. McGHIE: The current law exempts the District government and the federal government from the definition of employer so it is not required by law. It would be correct if you were to put that in "as required by law." I think it was initially felt that was not necessary to put in "as required by law."

CHAIR NICHOLS: And this would basically if the initiative, if I'm understanding it properly, would say you can't would become law. It would become law and it would say you can't apply this to D.C. government.

MR. MICHAEL: The present issue in the last bullet point. That's fine.

CHAIR NICHOLS: Okay. All right.
General Counsel.

MR. McGHIE: On behalf of the proposal in your campaign, are you fine with the Short Title and Summary Statement as drafted?

MR. MICHAEL: Yes.

MR. McGHIE: Then I will read it into the record. It would read, "Initiative measure No. -- I believe this would be 72 -- Short Title Fair Minimum Wage Act of 2014 Summary Statement. If enacted, the Fair Minimum Wage Act of 2014 will increase the D.C. minimum wage to $12.50 per hour or $2.00 above the federal minimum wage, whichever is greater, by 2017. Increase the minimum wage that employers have to pay employees who receive tips to 70 percent of the full minimum wage by 2021. Beginning in 2018 adjust the minimum wage annually to keep pace with any cost of living increases. And ensure that the minimum wage increases will not apply to D.C. government employees or employees of D.C. government contractors."
CHAIR NICHOLS: All right. The Board has five days from today to submit the Short Title and Summary Statement in legislative form to the D.C. Register for publication. We can get that in by Friday so we're at Wednesday now. This should be in the next D.C. Register.

Any qualified registered elected of the District may object to a Summary Statement and Short Title or legislative form and seek review or change before this Board. And, if not satisfied, certainly review in the Superior Court of the District of Columbia.

I will entertain now a motion from a member to adopt the Short Title and Summary Statement as read by the General Counsel, subject to minor technical edit.

MEMBER DANZANSKY: Madam Chair, I move that we adopt the language as submitted for the record by the General Counsel for the Short Title for Initiative Measure now No. 72.

CHAIR NICHOLS: Are there any questions? The motion is before us. All in
favor say aye.

BOARD MEMBERS: Aye.

CHAIR NICHOLS: All opposed? The ayes have it.

MR. McGHIE: Okay. So let me just tell you procedurally, as she just said, by regulation the Board has to submit this to the D.C. Register within five days. More than likely we will submit this tomorrow to the D.C. Register, but it's too late for it to appear in the Friday Register.

It will be the following Friday and then once it appears in the D.C. Register, that starts the 10-day challenge period. Any registered qualified elected can challenge the Short Title and Summary Statement and say it's misleading or whatever and they can challenge that.

If there are no challenges during that 10-day period, the Short Title and Summary Statement will be seemed approved and we will schedule another meeting to issue a petition that
has that language on the petition.

    CHAIR NICHOLS: So you can start
    circulating petitions this evening.

    MR. MICHAEL: All right. Thanks so
    much.

    CHAIR NICHOLS: Thank you so much for
    coming this morning.

    All right. Mr. McGhie.

    MR. McGHIE: The next thing on my
    agenda is a litigation status update. The
    Libertarian Party, there's been no movement in
    that case at all. That's still pending,
    unresolved issues of attorney's fees.

    The second matter, Zukerberg v. Board,
    that matter was appealed to the Court of Appeals
    and there was an oral argument on May 29th.
    Based on discussions I had with the Office of the
    Attorney General, they felt a need to submit
    additional information so they filed what is
    called a 28(k) letter to the D.C. Court of
    Appeals giving them additional, I guess,
    authority and additional facts.
They did not have additional authority but they felt the need to inform the court of the Board's time table if the court was inclined to order that the council and the Board have an election and include -- have a primary election for an elected Attorney General so that it could be placed on the November general election ballot. So that supplemental letter mentioned the course and, I guess, our time table to accomplish a partition election.

CHAIR NICHOLS: All right.

MR. McGHIE: That would conclude my litigation status update.

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

We'll move on now to the Executive Director's Report from Mr. Tatum.

MR. TATUM: Thank you, Madam Chair. My report includes two items, an update to the July 15, 2014 special election for the State School Board position in Ward 8. As of May 23rd we have a ballot lottery and assigned the
candidates their positions on the ballot.

After having the ballot lottery we were able to finalize the ballot and actually begin conducting L&A on the 650s and we actually mailed out ballots to military and overseas voters on May 30th.

We are waiting on the audio ballot to be created by our vendor which will allow us to begin L&A processing on the iVos and M100s that will be used for election day -- early voting and election day.

We have conducted projections for voter turnout for this particular election which has allowed us to project a number of ballots that will be ordered for this election, as well as the number of co-workers that will be needed.

Currently there are 17 polling places in the Ward 8 that will have to be opened. And we've also established a early voting site in Ward 8 at the Malcolm X Elementary School that will be open for the early voting period July 5 through July 12. We will assign six iVotronics
to that location and there will only be
electronic voting at the Malcolm X site.

For in-person absentee and early
voting with paper ballots our office here at 250
North Judiciary Square will be available for
paper ballots as well as one iVo for any disabled
voters that might appear to vote during that
period of time.

We have identified our technical
rovers as well as area reps. We've reviewed our
supply chain processes for insuring supplies are
properly packed and distributed to the polling
places.

Publication and outreach we have
generated a mailer that will be sent to all the
registered voters in Ward 8. The first mailer is
scheduled to be distributed on June 15th which
would give us a 30-day notice prior to the July
15th election.

The second mailer is scheduled to go
out on June 30th which will give us a two-week
notice, a reminder notice, before the July 15th
election. We generated yard signs that will be placed strategically throughout Ward 8 at major intersections and thoroughfares, as well as at the Metro stops within Ward 8.

We scheduled the election cards that would run on the side of the Metro buses that are running in throughout Ward 8. Those bus signs are scheduled to begin on June 16th through July 15th. We've also generated a platform sign that will appear at Congress Heights as well as Southern Avenue and Naylor Metro stops beginning June 16th through July 15th.

We've identified and created two ads that will run in the Washington Informer for a two-week period beginning June 23rd and July 7th. We will implement two radio PSAs with WHUR and Radio One.

Radio One consist of three stations; Magic, Praise, and WKYS to begin running the week of June 23rd and the week of July 6th. That is our publication and outreach efforts to alert the voters that there is, indeed, a special election
for the member of the State Board of Education, Ward 8.

As it relates to general matters, as I think I indicated to the Board, we'll be traveling to Virginia to observe a June 10 primary election with new voting equipment that's being run as a pilot at one of the polling places in Virginia.

We have a number of audits that are being conducted; one on the voter registration system and the second Help America Vote Act to extend the period during the course of the summer. We had a June 9 counsel hearing before the council and Legislative Affairs.

There's three particular pieces of legislation that is being discussed at that hearing: The Board of Elections nominating petition Circulator Affidavit Emergency Amendment Act of 2013; the Party Officer Elections Emergency Amendment Act of 2013; and the Special Election Reform Amendment Act of 2013. The council has asked us to make comment on those
1 pieces of legislation.

   Madam Chair, that's all I have.

   CHAIR NICHOLS: Thank you, Mr. Tatum.

   Are there any questions of Mr. Tatum?

   MEMBER CURRY: I have one question.

   Did I understand, Mr. Tatum, you to say that
   there would not be any access at Malcolm X for
   disabled voters for the early voting?

   MR. TATUM: No, ma'am. At the Malcolm
   X location there would only be iVotronic so those
   iVotronics are accessible for disabled voters.
   There won't be any paper ballots at the Malcolm X
   site.

   MEMBER CURRY: I see.

   MR. TATUM: The paper will be here at
   the Judiciary Square.

   MEMBER CURRY: But in addition to the
   iVotronic all the other accessibility that we
   normally have for disabled voters will be there?

   MR. TATUM: That is correct.

   MEMBER CURRY: Okay.

   MR. TATUM: That location is actually
one block, maybe one-and-a-half blocks from the Congress Heights Metro stop. The site is disabled accessible.

CHAIR NICHOLS: All right. We will now move to Campaign Finance Report, Cecily Collier-Montgomery.

MS. COLLIER-MONTGOMERY: Yes. Good morning. First, on May 21st of this past month the Office of Campaign Finance posted on the OCS Facebook page a brief review and also a hyperlink to our website featured the geographic contribution locator.

Basically what that feature does is it provides a detailed analysis of contributions which are made to local candidates by zip code. This means that the user can link to a particular zip code and then you will be shown the total contributions which were collected from the District residents in that zip code by committee, a listing of the total contribution.

You can search by candidate and you can search by committee, but you can also again
locate what the total contributions were for
those particular candidates or committees by zip
code.

What we wanted to do was basically
improve access to that particular feature at our
website because we are at the point where we do
understand that probably most of the public out
there uses Facebook so we wanted to make sure
that the public has better access to contributor
information that is critical to the election in
the District of Columbia. So that contributor
information is available for the 2014 election
cycle at the Facebook page.

There were no filing deadlines during
the month of May but in the Public Information
and Records Management Division we did have new
candidates and committees who registered to
participate in the 2014 election cycle:

David Do/David Do for Ward 1 (School
Board, Ward 1) registered on May 7, 2014.

Graylan Hagler/Hagler for DC (At-
Large, City Council) registered May 9th.
C. M. Hudson/Committee to Elect

Charles Matthew Hudson for DC Council At-Large
registered May 19th.

Elissa Silverman/Elissa 2014 (At-Large, City Council) Registered May 19th.

Lillian Perdomo/Yes for Lillian
Perdomo (School Board, Ward 1), registered May 23rd.

We also held entrance conferences for our newly-registered candidates on May 19, 2014.

We had two participants: Elissa Silverman, Elissa 2014; Robert Price, also for Elissa 2014. He is the treasurer.

We have entrance conferences which will be scheduled on June 11, 2014 for also the candidates and the committees who newly registered in May. There were no referrals during the month of May to the Office of the General Council.

Our Audit Branch conducted six desk reviews. Also in the Audit Branch with respect to the ongoing field audits, the Full Field Audit
Gray for Mayor is ongoing.

The Periodic Random Audits with the Continuing Political Committees, we had two: Caribbean-American Political Action Committee and the D.C. Freedom Political Action Committee. Both of those Periodic Random Audits were completed during the month of May.

With Periodic Random Audits of candidates registered for the up-coming election 2014 we have three that are ongoing; Bowser for Mayor, Wells for Mayor, and Evans for Mayor.

The Periodic Random Audits for our constituent service programs, these Periodic Random Audits were conducted on the April 1, 2014 filing by the Constituent Service Program. The ongoing audits are the Vincent Orange Constituent Service Fund, Ward 8 Constituent Service Fund, and the Councilmember Bowser Constituent Service Fund.

The audit reports which were issued during the month of May were for the Caribbean-American PAC and that final audit report was
issued on May 5, 2014. The D.C. Freedom PAC Periodic Audit Report was issued on May 5, 2014. Reta Jo Lewis for Mayor. The Periodic Audit was issued on May 5, 2014. These audits are available at our website for review by members of the public.

I would ask that our General Counsel for the Office of Campaign Finance William Sanford give the report for the legal affairs of the office.

MR. SANFORD: Thank you. Good morning, Madam Chairman and distinguished Board members. My name is William Sanford, General Counsel for the Office of Campaign Finance.

During the month of May 2014, as the directors indicated, there were no filing dates. The Office of General Counsel, however, did receive two referrals from the Reports Analysis and Audit Division, conducted four hearings, and issued 14 orders which included the following:

Three orders were issued for failure to timely file in which no fines were imposed.
Eight orders were issued for failure to timely file in which $10,050 in fines were imposed.

Three orders were issued for failure to timely respond to a request for additional information in which no fines were imposed.

During the month of May 2014 the Office of the General Counsel imposed fines against the following individual campaign committees:

- Frank Sewell for Mayor; failure to timely file a January 31, 2014 report; Frank Sewell for Mayor, failure to file an eight-day pre-primary report; Christian Carter for Mayor, failure to file a March 10, 2014 report; Nestor for Mayor, failure to file a March 10, 2014 report; Frank Sewell for Mayor, failure to timely file a March 10, 2014 report; Martin Sterbal, failure to timely file a March 10, 2014 report; Nestor for Mayor, failure to timely file an eight-day pre-primary report; and Martin Sterbal, failure to timely file an eight-day pre-primary report.
During the month of May the Office of the General Counsel had five open investigations from prior months. There were new investigations open. There were no requests for interpretive opinions. There were no show cause proceedings conducted during the month of May.

That concludes my report.

CHAIR NICHOLS: Thank you, Mr. Sanford.

Are there any questions of Ms. Collier-Montgomery or Mr. Sanford?

MEMBER CURRY: I have one.

Mr. Sanford, No. 60 are fines imposed. There are some repeat offenders there is appears. Is the imposition of a fine sort of an exercise in fertility? You're imposing it but there's no hope for getting it? Does it serve as any deterrent or in any way reform? I note more than one repeat offender on this list.

MR. SANFORD: Currently under current law because it is not liable for fines. It's only a committee. It does not deter from running
even though they have not satisfied outstanding fines or obligations.

However, it has been proposed by Councilmember Grosso that any future candidate would have to certify with the Office of Campaign Finance that they have no outstanding -- unpaid fines or obligations. It would not prevent them from running but it would expose them for failing to meet those obligations. That would be before the public if they seek office again.

MS. COLLIER-MONTGOMERY: I would add to that that under the new law which will become effective in January of 2015, the office will have the authority to impose civil penalties against the candidates, as well as the treasurers who fail to file. Now we are limited to imposing fines against the committees.

MEMBER CURRY: And refresh my recollection. Is this information posted on the website?

MR. SANFORD: Yes. All orders are present on the OCF website. Subsequent to
issuance of fines by our office, we try to make
petitions for enforcement to the Office of
General Counsel for the Board of Elections. Then
if the Board makes a determination to enforce
that petition, the General Counsel could take it
to the D.C. Superior Court to seek judgment.

MEMBER DANZANSKY: Just to follow up
on Member Curry's question, you will continue to
report this. For example, Frank Sewell for Mayor
Committee owes $44.50 all together. You will
continue to report this monthly until you send it
to the General Counsel? Is that the process?

MR. SANFORD: Yes, that's the process.

MEMBER DANZANSKY: And then -- okay,
and then he can take whatever action. Then you
wipe the slate clean.

MR. SANFORD: Because that's as far as
it can go under current law --

MEMBER DANZANSKY: I get it.

MR. SANFORD: -- in D.C. Superior
Court against the committee.

Thank you very much.
CHAIR NICHOLS: Thank you, Mr. Sanford.

Are there any public matters to come before the Board?

Yes, sir. Please identify yourself for the record.

MR. SULLIVAN: My name is Charles Sullivan and I am the Executive Director of International CURE, Citizens United for Rehabilitation of Errants.

I think I've been here, as people know, many times before, Madam Chair, and Commission members. I think initially Mr. McGhie was probably here maybe 10 years ago when we started this journey to have people who are eligible voters be given the opportunity to vote when they are incarcerated in the two D.C. jail facilities.

I would like, if I could, to make three points. First of all, I would like to than this agency. I think we have had a great commitment from Director Tatum and the staff in
implementing the law that was passed by the D.C. Council. I have observed, I think, just about every time they have been there.

Many of them lose sleep. It's a very difficult time because that's when the election is and they are very busy but their commitment could not be better. I think in the same way there could not be a better commitment to implementing the law in the Department of Corrections so I think they work very, very good together.

I think my concern, though, and maybe we'll move into a next step, is we are not receiving the numbers of voters that I think that are there potentially. I don't know the figures but maybe 100, 200 out of probably 2,500 people incarcerated in those two jails.

I know this commitment from this agency is that there has -- we know they are not second-class voters. They are not first-class voters. We do not make that distinction in our society. But particularly hearing the others
speak, I think there needs to be more outreach.
Whether that is posters on the wall. I once asked someone if they've ever had someone who was more fluent in Spanish and they said no.

Mr. Tatum, I know you've been very involved. Maybe you have had this but in general. That is not only in bringing the absentee ballot, but also when they are processed into the jail, they are also given an opportunity to register and that is the role of the jail staff.

But it seems like maybe, just like I imagine you do this with other voting areas or whatever you're talking about, Ward 8, that we have Spanish posters encouraging people. In other words encouraging.

This is so important for their rehabilitation. When they participate in society, that means when they are released I think there is a much better chance, and I think statistics show it, that they will not go back into a life of crime. And they are eligible.
We're not talking about people that are ineligible.

Let me say, too, one area -- I don't want this to be the alternative. I think what the system as set up now is very, very good. But, perhaps as a backup to work with the librarians at the jail. I think you could -- I was reading the website this morning and now you don't have to have any excuse to vote absentee.

They could register if perhaps they didn't register when they first processed in and they decided, "Hey, I would like to register," they could go to the library. We're not talking about prisoners having access to the website. The librarian could bring it up and they could register.

They could also, and I know this is a difficult challenge that both agencies have, is that you bring the absentee ballots out a few days before the election. Maybe there is someone who comes in after that and would like to vote. They would be able to vote, I think, through the
library. That is -- what I'm saying is outreach.

Then finally if I could make this final point, one of the questions or difficulties is that the prisoners are not sure that they are eligible because the law presently says if you are serving a felony, then you are ineligible to vote.

We in our organization has been working for a few years and we really want to get serious in the next year, two years, in having all of prisoners be able to vote. This would mean that they would vote when they would go onto the federal system.

There are two states that allow this; Maine and Vermont so we would join Maine and Vermont. Then it would be much clearer. I think you've experienced where people are not sure. The reason they're there is they got in trouble. They don't want to get in trouble again. That would clarify it.

Of course, it would mean D.C., like it should be, should be a model for the rest of the
country and the world in regard to universal
suffrage, that all persons that are citizens
should be given the opportunity, adult citizens,
to be able to register to vote.

Again, thank you.

CHAIR NICHOLS: Thank you, Mr. Sullivan. I appreciate your pointing out the
efforts that staff has taken to go out and try to
make the electoral process available to our
residents at the D.C. jail. Certainly it is a
continuing process.

We will certainly take your
recommendations under consideration as to how to
improve upon that. We certainly want to make
sure that they have every opportunity and that we
can register as many as we can and certainly
reach them through every means that is out there
for them.

Members have any questions of Mr. Sullivan?

MEMBER CURRY: Well, I have a couple
of comments. First, I think you made some
excellent points. I just think your project, your issues, are laudable. And I concur with the Chair that we will do everything that we can.

The first thing that caught my attention when you were speaking you addressed the low percentage of voters. Sir, that is a grave concern among the population, not just the incarcerated.

We will certainly make some outreach but I think to get a greater participation, your organization perhaps in collaboration with some others may spend some time talking about the importance of voting.

You put your finger on an important issue that it may have some reformation benefits. Certainly if it has none of that, I mean, those that cannot -- do not participate in the process lose every day because they cannot advocate for themselves.

But you are, I'm sure, very aware that the voting in D.C. in general is dismal, if you ask me, and I think the Board has made efforts to
try to increase the access and do everything we can but it's disconcerting to read some of the comments by votes.

"Well, I'm just not interested in that issue." They just don't make the effort including some high elected officials just don't make the effort to do it. My point is there is only so much we can do.

MR. SULLIVAN: Sure.

MEMBER CURRY: The education of the importance of it has to be broader than what the Board of Elections can do.

MR. SULLIVAN: Right. In fact, I wasn't going to mention it but one thing that I've talked to a director years ago, Mr. Devon Brown, who was very, very committed to this project. I said, "Do you have a microphone system throughout that someone could talk about these issues? Candidates could debate. I really thought what would be most interesting is the debate on the minimum wage. If anybody is going
to be affected by the minimum wage, it's going to be people coming out of jail. And to be able to hear that, I think people then would vote or register maybe through the library or whatever.

I think those things -- understand that we are way ahead. There are 3,000 jails in this country. We're ahead of just about all of them. I think San Francisco does a lot of things.

We're talking about a lot of potential people who could be voters if we would have greater outreach. Like you say, maybe as sometimes happens, what they learn in prison they bring out to the greater society. That's another important consideration to provide rehabilitation. I see it not only as a right, but it also is very rehabilitating so I appreciate it.

Thank you, ma'am.

MEMBER DANZANSKY: And your number is 200 out of 2,500?

MR. SULLIVAN: Right. I haven't seen
the numbers lately but it's usually about that.

Right? I think you all have raised those numbers

 MEMBER DANZANSKY: Doing the division

 in my head, is that about 7 percent?

 MR. SULLIVAN:

 Right.

 MEMBER DANZANSKY: Do you have -- are there any reasons given? I mean, you're closer
to it than we are. Is it disinterest?

 MR. SULLIVAN: Well, there's a lot of logistics. I said if we had everybody able to
vote, that would be good if we maybe used the
library. I mean, I've seen this so many times
and Mr. Tatum knows exactly. They have all of
their absentee ballots ready for this floor and
they sent the person over to a different
facility. There are two facilities. You've got
that.

 Or they've been sent to court. Then they try to work through the chaplain and they
try to follow up. Also at that point when they
are now -- I don't know what the statistics are
lately in regard to when they are being processed into the jail, and that's not the role of this agency but you follow up and keep the pressure on to make sure that they do it. It just seems like there are a lot of things that cause it.

   Like you said, Mr. Curry, it's apathy to a certain extent. I remember --

MEMBER CURRY: You just put your finger on an important point. BOE may be able to do something but, again, in believe collaborative efforts. You put your finger on a very important point and that is broadcasting some issues that will resonate with them.

   Getting people to understand this is in your vested interest and your life may change as a result of this. Many times people are not engaged if you listen to some of these rap songs, and I do sometimes, but I also work with young people. "I don't have anything to vote for."

   You mentioned this as an example the minimum wage, but maybe some other issues. To the extent that you can continue to work and get
others engaged with you to say, "This is in your vested interested to do this."


CHAIR NICHOLS: Thank you so much, Mr. Sullivan.

Are there any other public matters to come before the Board?

MR. SINDRAM: Good morning, Madam Chair.

CHAIR NICHOLS: Good morning, Mr. Sindram.

MR. SINDRAM: Michael Sindram, disabled veteran who served our country more than most. It brings joy to my heart to see that you no longer have identification of public matters at the outset of the meeting but that you do call us here and now.

My spirit is vexed. We need hope in that dope. Wouldn't you agree, Ms. Montgomery? Our little friend I'm thinking about. Her name escapes me but her path at Giant. Do you recall? I mean, promoting marijuana in the classroom. I
mean, our legislators legalizing it through an
initiative.

I look at the April 23rd minutes I see
here Ms. Dorothy Brazil alleged witnessing an
incident of pre-circulation of the marijuana
initiative petition during the April 1 primary
election. Ms. Brazil testified that an
individual soliciting signatures represented that
the signatories were signing the actual petition
for ballot access.

Again, my point is, we need hope in
that dope. I'm going to pass up a timely article
to be part of the record about a writer who
indicates having used dope and that experience.
I'll read it in part.

"And it scares me to think that people
driving --

CHAIR NICHOLS: Mr. Sindram, we'll
enter it into the record. You don't have time to
read it. Oh, okay.

MR. SINDRAM: "It scares me to think
that people driving, etc., are out of control of
their own bodies. Legalizing pot will put ordinary people in danger."

What I think is a very timely subject matter for initiative is Veterans Court. Freedom ain't free. Okay? We're not dumping grenades, bullets, and mortars because we veterans have put our life on the line for due process and fundamental fairness.

Veterans Court is win/win. It was started by a judge in Buffalo. I'm going to pass up an article that highlights the starting of Veterans Court. It's up and running in about a hundred -- in excess of a hundred jurisdictions.

It has the lowest rate of recidivism. I don't know if my CURE friend is here but I think that would be in your words, Ms. Curry, for collaborative effort.

I understand the good chief judge is resistant for whatever reason. Not good. We have a number of courts but, again, this Veterans Court is a timely valid initiative. I'll pass that up and you can peruse it at your
convenience.

I have in hand a letter dated May 14th from Executive Director John Thompson from the Office of Aging. I did receive from you, Madam Chair, a letter regarding the 4A -- Advisory Neighborhood Commission 4A grant.

You recall, Mr. McGhie, and this predates the current Board members, where Mr. Lowery had a one-panel hearing for lack of a better word. That was appealed to Togo West, the Chair at the time, who then indicated and assured me that it was timely and right for the full complement of the Board, which has never happened.

Now, Ms. Nichols takes issue that item has been litigated fully. It has not. It has never gone before a full complement of this Board. One member is not compliant certainly in light of perfecting and filing that timely appeal for the full complement.

Mr. Thompson has indicated that -- well, the pretext for the recision of the grant
was that it duplicated what the Office of Aging was doing. This had to do with digital conversation.

CHAIR NICHOLS: We've got that, Mr. Sindram.

MR. SINDRAM: Well, you don't have this letter so you don't have all the facts. Mr. Thompson clearly indicates that his organization merely assisted seniors 60 and above with obtaining a coupon and maybe some installation.

Ms. Rhodes, on the other hands, provided all the materials; the television, the converter, the whole nine yards, for anyone irrespective of age so she did something separate and apart from what anybody else did.

You may recall, Mr. McGhie, when this hearing before Lowery took place that Stephen Whatley came forward as Chair at the time. He said his computer crashed. He conceded nothing in writing. This is not the way we do business. We need an expedited hearing before the full complement.
I'm going to pass up this letter with the attachment from Mr. Thompson so you can peruse it. I want to assert this right again that I am -- that we follow the law and that I am entitled to this hearing before the full complement of you all. You've indicated, Mr. McGhie, that is correct. That's how the law is written and it needs to be followed.

A very troubling issue -- I'm going to pass this up -- is ANC-4B. It regards a letter from the auditor. It's addressed to me. I made a FOIA request. The relevant part says here, and I quote, from Yolanda Branche, your subsequent auditor, Ms. Nichols. And I quote, "We were unable to locate any checks for 3rd and 4th quarter fiscal year 2005."

The treasurer at the time was none other than Muriel Bowser. Hundreds of thousands of dollars are unaccounted for so some action needs to be taken so I'm voicing my concern here. I'm going to pass up a copy of this letter to be part of the record and corrective action needs to
be taken.

MEMBER CURRY: Are you sure that's not an issue, if it is an issue, Mr. Sindram, before the Board of Ethics and Accountability?

CHAIR NICHOLS: Mr. Sindram, you've got one more minute to wrap this up.

MR. SINDRAM: With the other presenters you didn't cut them short, Ms. Nichols. I know you don't like me but --

CHAIR NICHOLS: That is not true and that has nothing to do with it. Please, just provide to us comments that are relevant to our jurisdiction. That's all that I meant.

MR. SINDRAM: It is relevant.

CHAIR NICHOLS: It is not relevant but that is neither here nor there. Could you proceed, sir? We are holding people here so we want to make sure that we are using our time properly to hear you, but also to move things along expeditiously. That's what our goal is, to move things along expeditiously.

MR. SINDRAM: Are you through?
CHAIR NICHOLS: Please proceed.

MR. SINDRAM: It's good to see you've got an elephant in the room, Mr. Danzansky. It's troubling that the Republicans don't have a field office in the District of Columbia. Competition is good.

The culture of corruption is rampant and alive and well. I think the recently ex-councilman, felon councilman Michael Brown, in this culture of corruption is promoted by the obstinate donkey, this one-party town.

We need competition. We need an elephant in the room. At one time the Republicans did have an office over on 13th Street, but no longer. I mean, that's not good. I would like to speak with you also offline.

I'm going to pass up documents relevant to be part of the record. If there are any questions, I would be delighted to field them at this time.

CHAIR NICHOLS: Hearing no questions and there is no further business before us, this
meeting is adjourned. The time is 11:42 a.m.

(Whereupon, the above-entitled matter went off the record at 11:42 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Regular Meeting

Before: DC Board of Elections

Date: 06-04-14

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.

________________________
Court Reporter