GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY
MARCH 4, 2015

The Regular Board Meeting of the District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:35 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH MCGHIE, General Counsel

ALSO PRESENT:

CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
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Welcome. I hereby call to order the regular meeting of the Board of Elections for March 2015. It is Wednesday, March 4th, 2015. The time is 10:36 a.m. We are meeting in Room 280 North of One Judiciary Square.

I am Deborah Nichols, Chairman of the Board of Elections. Present with me this morning is Board Member Stephen Danzansky.

MEMBER DANZANSKY: Good morning.

CHAIR NICHOLS: Also present this morning Mr. Kenneth McGhie, the Board's General Counsel, Ms. Cecily Collier-Montgomery, the Board's Director of Campaign Finance.

MS. COLLIER-MONTGOMERY: Good morning.

CHAIR NICHOLS: And Mr. Clifford Tatum, the Board's Executive Director.

Without objection, the agenda for this morning's meeting is adopted. Unless there are corrections, the minutes of the Regular Board
Meeting of February 4th, 2015 are adopted.

Of course, transcripts of the Board's meeting can be reviewed in the Office of the General Counsel.

Are there any matters that Board Members wish to address in this public meeting?

MEMBER DANZANSKY: None, Madam Chair.

CHAIR NICHOLS: All right. We will move then to hearing the report of the Board's Executive Director Mr. Clifford Tatum.

MR. TATUM: Madam, there are three items on my report for today.

The first is a polling place relocation -- proposed relocation for Precinct 115. Mr. Budoo, if you would come forward and present to the Board.

MR. BUDOO: Good morning.

CHAIR NICHOLS: Good morning, Mr. Budoo.

MR. BUDOO: My name's Arlin Budoo, Support Service Specialist for the D.C. Board of Elections.
I spoke with Mr. Tatum on Friday after I received an email from the administrative staff of the 7th District Police Station stating that Precinct 115 at the 7th District Police Station which served as a polling place last year for the November the 4th, 2014 general election will not be available for the upcoming Ward 8 special election. We were informed that scheduled renovations will not allow the site to be used as a polling place.

So, therefore, I am proposing that we relocate and combine with Precinct 134, Allen AME Church located at 2498 Alabama Avenue, S.E.

One note is that the relocation and combined is only across the street from the previous site. So, it will not be out of the way for the majority of the voters.

The registration at Precinct 115 as of February 20th, 2015 is 3,393. The registration at Precinct 134 is 2,356. Would give us a grand total of 5,749.

Due to what the projections are for
the low turnout, I do not see this being a
problem with combining both precincts in one and
this would just be a one time relocation because
I do expect the renovations to be cleared by
April 2016 primary.

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

Any questions?

MEMBER DANZANSKY: No. Mr. Budoo, just would you state for the record just the date
that you received this notice from administrative -- it's the 27th. Wasn't it? Of February.

MR. BUDO: Yes, I received the notice on Friday, February the 27th.

MEMBER DANZANSKY: Okay.

MR. BUDO: Okay.

MEMBER DANZANSKY: Thank you.

MR. BUDO: All right.

CHAIR NICHOLS: All right. I will entertain a motion to publish the proposed
relocation of Precinct 115 to combine it with
Precinct 134 just for this election in the D.C.
Register for a 10-day comment period.

MEMBER DANZANSKY: Madam Chair, I move we do publish in the Register the fact that Precinct 115 in its old location will not be available and it will now be combined with Precinct 134.

CHAIR NICHOLS: All right. Motion is before us. All in favor.

(Ayes.)

CHAIR NICHOLS: All opposed. Ayes have it.

Thank you, Mr. Budoo.

MR. BUDOO: Thank you.

MR. TATUM: Madam Chair, the next item on my report is the ballot lottery. Excuse me. The preparation for the April 28th, 2015 special election and the preparation is moving according to schedule.

We have the ballot lottery scheduled for March the 6th which is this Friday and that's the mechanism by which we place the candidates names in order on the ballot.
Once we complete the ballot lottery, we will then finalize the ballot preparation and begin testing and preparing for the mailing of military and overseas absentee ballots by the following Friday, the 13th.

The training is scheduled to begin on March the 24th and again, we'll train by precinct teams.

As previously reported, we will have a pilot of epoll books and voting system going for this particular special election. One epoll book vendor will be piloted at the early voting centers and at four polling place locations, two in each ward and we will have a demonstration of new voting equipment at the early voting centers and at two precincts in each of the wards.

And, Madam Chair, I believe that concludes my preparation report for April 28th special election and I have no general matters.

CHAIR NICHOLS: Thank you, Mr. Tatum.

Do you have any questions, Mr.

Danzansky?
MEMBER DANZANSKY: None, Madam Chair.

Thank you.

CHAIR NICHOLS: All right. We will move on to hear the General Counsel's Report.

Mr. McGhie.

MR. MCGHIE: Okay. The first thing I have on my agenda is the approval of an initiative petition and the petition is for the D.C. Character Development and Citizen Education Initiative of 2014.

I believe the proposer is present.

Can you take a seat at the table?

DR. POWELL: Good morning.

MEMBER DANZANSKY: Good morning.

MR. MCGHIE: And can you state your full name and address just for the record?


CHAIR NICHOLS: All right. Dr. Powell, do you -- I'm sorry. Overview --

MR. MCGHIE: Yes.

CHAIR NICHOLS: -- of the process.
Mr. McGhie will give us an overview of the process and we are here this morning to approve the petition form for Initiative Measure Number 75, Character Development and Citizenship Education Initiative of 2014. Mr. McGhie.

MR. MCGHIE: Okay. We're at the stage now where we're going to be issuing you the petition form for you to actually circulate. So, the Board formulated the short title and the summary statement. We published in the D.C. Register. It was not challenged. So, that is the short title and summary statement that we will be going with and that is the short title and the summary statement that was given to you earlier this morning.

I also believe that the Register of Voters has a brief memo. So, can you take a seat at the desk as well?

Okay. Okay. Obviously, did you look at the original petition form?

DR. POWELL: Yes, sir, I did.

MR. MCGHIE: And do you agree with or
adopt all of the statements on there?

DR. POWELL: I do.

MR. MCGHIE: And, Ms. Brooks, can you just outline what the requirements would be?

MS. BROOKS: Okay. Well, as you're aware, the petition submitted in support of Initiative Measure Number 75, Character Development and Citizenship Education Initiative of 2014 must contain the valid signatures of 5 percent of voters registered in the District of Columbia provided that this total includes 5 percent of registered voters in each of five or more wards in order for the measure to be placed on the ballot.

Pursuant to D.C. Official Code Section 1204.102, the number of registered voters used to compute these requirements is the latest official count of registered voters by the Board of Elections which was issued 30 or more days prior to the submission of signatures.

While the signature requirement cannot yet be determined, I have calculated for the
information of the proponent and public what
these requirements would be if the most recent
voter registration figures published by the Board
were used. The proponent is advised to check
with the Board on a monthly basis as new
statistics are issued to get up-to-date estimates
of signature requirements.

The 100-day period for circulating a
petition pursuant to D.C. Official Code Section
1001.16J1 expires on Monday, August 31st, 2015 at
5:00 p.m.

I have provided you with a chart with
the 5 percent of registered votes in each ward.

DR. POWELL: Yes.

CHAIR NICHOLS: All right. Dr. Powell, do you approve of the petition form and
adopt it as your own?

DR. POWELL: Yes, ma'am.

CHAIR NICHOLS: All right. Are there
any questions from Members?

MEMBER DANZANSKY: None.

CHAIR NICHOLS: All right. There
being no questions we're done.

    MR. MCGHIE: Well, we need just the

    Board --

    CHAIR NICHOLS: A motion?

    MR. MCGHIE: Yes, a motion for the

    Board to adopt the petition form.

    CHAIR NICHOLS: All right. I'll

    entertain a motion to adopt the petition form.

    MEMBER DANZANSKY: So moved, Madam

    Chair.

    CHAIR NICHOLS: All in favor.

    (Ayes.)

    CHAIR NICHOLS: All opposed. Ayes

    have it.

    Thank you, Dr. Powell. Good luck.

    DR. POWELL: Thank you --

    CHAIR NICHOLS: All right. All right.

    DR. POWELL: -- very much.

    MR. MCGHIE: The next thing I have on

    my agenda is a final rulemaking to amend the 3

    DCMR Chapters 30, 34, 36-41. These are Office of

    Campaign Finance Regulations. The regulations
appeared in the D.C. Register -- in the January 16th D.C. Register as proposed. No comments were submitted. So, the 30-day period for comment has expired. So, now, is the time for the Board to entertain a motion to adopt this final.

Since these are Office of Campaign Finance regulations, I will defer to the Office of Campaign Finance to describe what the regulations entail.

CHAIR NICHOLS: All right. All right.

Ms. Collier-Montgomery.

MS. COLLIER-MONTGOMERY: Yes. Good morning. The purpose of these rules is that the regulations will fully implement the D.C. Law 20-79, the Campaign Finance Reform and Transparency Act of 2013, which became effective February the 22nd, 2014.

Most importantly, the provisions of the Act became applicable on January 31st, 2015.

What I would like to do is point out the most significant provisions of the regulations as required by the provisions of the
new legislation. The legislation as implemented by our regulations requires mandatory training for all candidates and treasurers of the various committees that register with the Office of Campaign Finance and that would be the political committee, the political action committee as well as the independent expenditure committee.

The law also requires mandatory electronic filing for all of the reports that are filed with the Office of Campaign Finance and that would be the reports of receipts and expenditures which are filed by our political committees and our PACs as well as our independent expenditure committees and also the activity reports which are filed by our constituent service programs and statehood fund programs.

The law also or our regulations will require more detailed disclosures with respect to the information concerning contributions that are received by the committees from business contributors and basically, the business
contributors will be required to provide committees with the names of their affiliated entities and by affiliation, that would be committees that are owned by -- I'm sorry. Not committees. That would be affiliated entities that are owned by the same entity or who share a common owner.

The other thing is that our business contributors will be required to provide to our committee the certification that they have not exceeded the contribution limits. They will be required to list the names and addresses of their affiliated entities, their owners as well as the owners of the affiliated entities and the dates that they made contributions to the committees and the amounts of those contributions. The certifications that are made by the treasurers as well as the candidates and anybody else who files the reports of receipts and expenditures are much more detailed.

And probably the most important provision of all is the fact that the Office of
Campaign Finance will be able to imposed civil penalties against individuals who fail to comply with the law and that would include your candidates or anybody else who files reports with us who fails to file the report on time or who omits information or makes any other violations of the reporting requirements and that would be under our informal hearing process that we will be able to enforce civil penalties against individuals as opposed to what the law required formerly. Which was that the penalties were imposed against the committees themselves and our penalties are also increased from $2,000 to $4,000 and that's --

CHAIR NICHOLS: That's it. All right. I will entertain a motion to adopt as final rulemaking amendments to Chapters 30, 34, 36 through 41 of 3 DCMR.

MEMBER DANZANSKY: Yes, Madam Chair.

I move we adopt as final the amendments to Chapters 30 through 41 as indicated.

CHAIR NICHOLS: Motion is before us.
All in favor.

(Ayes.)

CHAIR NICHOLS: All opposed. Ayes have it. We will --

MR. MCGHIE: Today, the last thing I have on my agenda is a litigation status report. There's only two matters pending in court right now.

The first one is Sewell v. D.C. Board of Elections & Ethics. As the Board's aware, that was one that was dealing with a harassment complaint. Mr. Sewell filed a complaint -- an amended complaint on September 23rd, 2014. The Board filed a motion to dismiss on February 13th and a status hearing on the Board's motion is scheduled for this Friday, March 6.

The only other matter is McMillian v. D.C. Board of Elections & Ethics. That was dealing with The Rent is Too Damn High. The appellant because it's in the court of appeals is -- a briefing schedule is provided by the court.

The appellant has to file his statement of issues
by March 26. Dispositive motions for both the
appellant and the Board are due on April 10th.
And that would conclude my litigation
status update.

CHAIR NICHOLS: Thank you, Mr. McGhie.
We will now hear the report of the
Board's -- the Director of Campaign Finance.

MS. COLLIER-MONTGOMERY: Yes. Good
morning again.

First, I would like to report to the
public that with respect to the new law whose
provisions became applicable as of January 31,
2015, the first report that will be affected by
that will be the report of receipts and
expenditures that's due by political committees
and candidates as well as PACs who are active in
the 2015 election cycle on March the 10th, 2015
and basically, again, what that will require is
that the reports be electronically filed and for
any committees.

And candidates who register with the
agency after January 31, there will be a
requirement of mandatory training. e-
applications at our website have been upgraded to
include the new disclosures and certifications.

During the month of January, the
report of receipts and expenditures by our
principal campaign committees and our political
action committees was due on January 31st, 2015.
Because that fell over the weekend, the next
business day was February the 2nd, 2015.

There are 182 required filers and that
breaks down to 122 principal campaign committees
and 60 political action committees. The total
number of timely filers was 145. There were five
extensions requested and granted. The total
number of late filers was three. We had 33
failures to file and that is broken down to 27
principal campaign committees and six political
action committees. Thirty-six of these
committees were referred to the general counsel
for the initiation of the enforcement process and
those committees and the names of their
treasurers will be posted at our website with the
Board's stats.

With respect to the Office of Advisory Neighborhood Commissioner, the candidates, their summary financial statement was due on February the 3rd, 2015. With our candidates for Advisory Neighborhood Commission, their summary financial statements are due after the certification by the Board of the election results. Sixty days after that date.

So, the total number of required filers was 383. The total number of timely filers was 307. We had 76 failures to file and the number of candidates to be referred to the Office of the General Counsel is to be determined.

We had one new candidate who registered in February of 2015 and that was Genora Reed for the Ward 8 member of the City Council. However, she -- and she registered on February the 4th, but she did not qualify for the ballot.

In the Audit Branch, the Reports
Analysis and Audit Division, the Audit Branch conducted 154 address reviews during the month of February of the reports received and expenditures that had been filed with the agency.

With respect to ongoing audits, we have one full-field audit which is ongoing and that the Gray for Mayor.

With periodic random audits of candidates who have registered for the upcoming election in 2014, we have three audits that are ongoing, Friends of Courtney R. Snowden, Ruth for Schools and Brian Hart for D.C.

With the periodic random audits of the Continuing Committee, we have the Firefighters Committee on Political Activities, the Republic Committee for the District of Columbia, Morgan for District of Columbia and Committee to Elect Eugene Puryear.

For the periodic random audits of the Office of the Attorney General, the candidates and their principal campaign committee, the Lori Masters for Attorney General is ongoing and
Smitty for AG is ongoing.

During the month of February, there were two audits which were issued. Evans for Mayor which was issued on February the 24th, 2015 and Biddle 2012 which was issued on February the 18th, 2015 and both of those audits are available at our website for review by members of the public.

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

MR. SANFORD: Good morning, Madam Chairman and distinguished Board Member Danzansky.

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

During the month of February 2015, the Office of the General Counsel received 42 referrals which included 37 from the Public Information and Records Management Division and five from the Reports Analysis and Audit Division.

The Office of the General Counsel
completed 15 informal hearings and issued 15 orders which included the following: Eight orders were issued for failure to timely file reports in which no fines were imposed, one order was issued for failure to respond timely to a request for additional information in which no fine was imposed and six orders were issued for failure to timely file reports in which a total of $12,000 in fines were imposed.

During the month of February, the Office of the General Counsel collected $900 in fines and imposed fines against the following respondents: Christian Carter for at-large position on the D.C. City Council $2,000, Beverly Wheeler for Ward 1 -- candidate for Ward 1 $2,000, Bruce Majors, Libertarian candidate for mayor $2,000, Zuckerburg for attorney general $2,000, Mark Jones, D.C. Board of Election $2,000 -- D.C. Board of Education, excuse me, Martin Sterbal, U.S. Senate $2,000 and all these respondents were fined for failing to file their December 10th reports of receipted expenditures.
During the month of February 2015, the Office of the General Counsel carried seven open investigations and no new investigations were opened.

During that month -- month of February, no show cause proceedings were conducted and no requests for interpretive opinions were received by the Office of the General Counsel.

And that should conclude my report.

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

MEMBER DANZANSKY: No. Thank you.

CHAIR NICHOLS: All right. Hearing none, are there any public matters to be brought before the Board this morning? Hearing none.

There being no further business before us, this meeting is adjourned. The time is 11:01 a.m., Wednesday, March 4th, 2015.

(Whereupon, the above-entitled matter went off the record at 11:01 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 03-03-15

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.

[Signature]
Court Reporter