GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

WEDNESDAY

January 7, 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 10:40 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH MCGHIE, General Counsel
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Welcome. I hereby call to order the Regular Meeting of the Board of Elections for January 2015. It is Wednesday, January 7, 2015. The time is 10:40 a.m. We are meeting in Room 208N of 1 Judiciary Square. I am Deborah Nichols, Chairman of the Elections Board. Also present this morning with me are Mr. Kenneth McGhie, the Board's General Counsel, Mr. William Sanford, who is representing the Board's Director of Campaign Finance, and Mr. Clifford Tatum, the Board's Executive Director.

Without objection, the agenda for this morning's meeting is adopted. And unless there are corrections, the minutes of the Regular Board Meeting of December 3, 2014 are adopted. Transcripts, of course, of the meeting are available for review in the Office of the General Counsel.

There are no Board -- there are no
matters that Members wish to address in this
public meeting, but we will move on now to the
Executive Director's Report. We'll hear from our
Executive Director now, Mr. Tatum.

MR. TATUM: Thank you, Madam Chair.

I wanted to give the Board an update on the April
28th Special Elections in Ward 4 and Ward 8. And
as of today's date, in Ward 4, we have 17
candidates who have picked up petitions and are
currently circulating those. And in Ward 8, we
have 25 petitions that have been picked up. Two
of the candidates have withdrawn, so currently,
we have 23 active petitions being circulated.

The candidates, one candidate has
filed their petition with the Board for
consideration, and that was on January 5, 2015.
And the deadline for all petitions is January 28,
2015. And the challenge period will begin three
days thereafter on January the 31st, and will run
for a period of ten days.

The other matters on my report is the
-- we are preparing to conduct a canvas for the
November 2014 General Election, and we anticipate mailing the canvas out on January the 31st. And that's a card of notice that's sent to all voters that did not vote in the November 2014 election, asking them to confirm that their address is still current with the District of Columbia.

MS. NICHOLS: And this is a part of our voter roll cleanup?

MR. TATUM: That is correct. It is part of the voter roll cleanup. And we have to go through the procurement process to get the vendor in place to send the cards and that type of thing, but we anticipate conducting the canvas beginning on January the 31st.

Typically, once the canvas is mailed out, the cards begin returning -- some cards will return immediately, but more often, we see that there's about a four to six month window of time where the cards are constantly coming back into the office from either the voters or from the postal service itself. And that's all I have on that.
MS. NICHOLS: All right. We're going to -- because we don't have a quorum yet, we're going to skip the General Counsel's actions and move to the report of the Office of Campaign Finance. Mr. Sanford.

MR. SANFORD: Good morning, Madam Chairman. My name is William Sanford, General Counsel for the Office of Campaign Finance.

During the month of December, the Office of Campaign Finance received a -- required a total of 126 reports from required filers. The office received 102 reports, 24 reports were referred to the Office of the General Counsel.

Also, during the month of December 2014, the Office of Campaign Finance received registrations from 22 new committees, and they included Brandon Todd for Ward 4, Ruby May for Ward 8, Ruth Morrison for Ward 4, Leonard Watson, senior for Ward 8, Anthony Muhammad for Ward 8, Douglas Sloan for Ward 4, Lydia Little, Ward 4, Edwin Powell for Ward 4, Greta Fuller for Ward 8, Bobvala Tengen, Ward 4, Ward 4, Pedro Rubio for

And so during the month of December, the Office of the General Counsel received a number of referrals for failure to file, 27 of them were referred to the Office of General Counsel, 24 were from the Public Information and Records Management Division, and three were from the Reports Analysis and Audit Division.

The Office of the General Counsel issued 12 orders, which included the following; four for failure to timely file reports in which no fines were imposed, and eight for failure to file timely reports, in which a total of $13,850 in fines were imposed. Fines were imposed against the following committees; Christian

During the month of December, there were a total of seven open investigations, no new investigations were opened during that month. Also during the month of December, there were no requests for interpretive reading, and the Office of the General Counsel conducted three show cause proceedings, and they included the following, Adam Eidinger, Complainant against William V. Jones, for failure to timely file a report and register with the Office of Campaign Finance on Vote No on Initiative Number 71.

Adam Eidinger, Complainant, William V. Jones, and third, Respondent, failure to file a timely report for failing to register timely on the Opposition to Initiative 71, Two is Enough. An order imposing a fine of $2000 against the Two
is Enough Initiative opposition committee was
issued on December 30, 2014, and the final show-
cause proceeding was a proceeding involving
Elwood Yango Sawyer, the Complainant was Marie
Drissel, it was failing to timely file a report
with the Office of Campaign Finance and failure
to register in a timely manner, and that
overextended.

And that should conclude my report for
the Office of General Counsel.

MS. NICHOLS: All right, Mr. Sanford.

We have a quorum now, so we can move to Mr.
McGhie's report.

MR. MCGHIE: Okay. The first thing on
my agenda is an initiative on determination on
whether it's a proper subject. The initiative is
entitled, D.C. Character Development and Citizens
Education Initiative of 2014. I believe the
proposer is here, and so could you please take a
seat at the front.

MS. NICHOLS: Okay. All right. First
is the hearing to determine whether the proposed
initiative measure entitled D.C. Character Development and Citizenship Education Initiative of 2014 is a proper subject of initiative in the District of Columbia. I will now turn the meeting over to Mr. McGhie to present the overview of this process.

MR. MCGHIE: Okay. In determining whether an initiative is a proper subject for initiative in the District of Columbia, there are certain, I guess, exceptions to the proper subject requirements. So basically, you can have an initiative on anything in the District of Columbia, with the exception of certain categories.

You can't have an initiative if it would negate a Limit of Budget Act, you cannot have an initiative if it would launch an appropriation of funds, you cannot have an initiative if it would violate the Constitution or be in conflict with a Federal Legislation. So those are, primarily, the reasons why you cannot have an initiative in the District of Columbia.
So the Board here today is to determine whether or not your initiative falls into one of those exceptions that cannot go forward with.

MS. NICHOLS: All right. Does the proposed measure meet the statutory clerical requirements with respect to its filing, Mr. General Counsel.

MR. MCGHIE: Yes, they do. They filed their initiative timely with the Office of Campaign Finance.

MS. NICHOLS: All right. Are there any opponents to the initiative? All right. There being none, do we have any comments from the proponents of the initiative?

MR. POWELL: Yes, Madam Chairman.

MS. NICHOLS: All right.

MR. POWELL: Good morning, Chairwoman Nichols and Members of this Board. I have with me my fourth-year medical student from Alabama University, Sierra Sears, who is also helping with this initiative. My name is Edwin Powell
and I want to thank you for the opportunity to present a brief, I say brief, testimony regarding the D.C. Character Development and Citizenship Education Initiative 2014.

As a father, husband, and citizen in the District of Columbia, I would be remised if I did not recognize the fact that there are some challenges in our communities as it relates to our youth. This initiative is intended to address the root problems associated with disruptive behaviors in schools, on public transportation, and in public spaces throughout our city, and a broader region.

Currently, I'm a professor in educational psychology with Howard University College of Medicine, and opponent to two departments, Department of Pediatrics and Child Health, and the Department of Community and Family Medicine. I also serve as a mental health expert at the D.C. Superior Court.

In the last decade, I have observed some disturbing trends. Youth adjudication rates
have increased exponentially, and according to recent statistics, youths are re-arrested within one year of their initial release from Juvenile custody. Our schools are experiencing high rates of higher than normal disciplinary referrals and there are reports of unruly behaviors documented by Metro Police on our modes of public transportation and in other public spaces.

While we can run and turn a blind eye and deaf ear to these problems, they will not go away and the problems will be exacerbated by inaction. Unfortunately, many of our youth are not receiving the level of moral development and support at home which is critical in early stages of development. Positive experiences, structure, dissemination of strong values are essential in the development of a well-adjusted child.

A number of states and federal government have recognized that development experts were correct when they advocated to integrate character education into public schools. Three decades ago, there were remnants
of character education in schools which allowed
neighborhood cops, beat cops, to visit classrooms
to motivate students to respect themselves and
others.

Officer McGruff was also another
notable intervention that was used to persuade
impressionable minds of our young children.
Comprehensive character education addresses many
types of issues in education, while developing a
positive school climate. It can be effective in
any setting, and it's effect transcends the
classroom.

Character education initiatives have
transformed school cultures, reduced discipline
referrals, increased academic achievement for all
learners, developed global citizens, and improved
job satisfaction and retention among our
teachers. Character education includes, and
complements, a broad range of educational
approaches, such as whole child education,
service learning, social-emotional learning, and
civic education, all share a commitment to
helping young people become responsible, caring, and contributing citizens.

Because students spent so much time in school, our schools offer a critically important opportunity to ensure that all students get the support and help they need to reach their full potential. Once our schools embrace our character education, they will become places where people want to be because they bring out the best in everyone.

I could have easily run for the hills and ignored this problem, but I have a civic duty to address this issue in this venue, and I have a moral responsibility to reach back and grab the hands of young people who want to move forward. While I will always show deference to this body as it relates to the progression of this proposed initiative, it appears that the D.C. Character Development and Citizenship Education Initiative of 2014 comports with District laws, and it's hoped and expected that this Board will render this measure as a proper subject and allow it to
move forward.

    With that, I end this testimony in hopes that this initiative moves forward and that, you know, with the help of the community, we can reach and teach a new generation. Thank you very much for allowing me to speak.

    MS. NICHOLS: Thank you, Mr. Powell. Do Members of the Board have any questions or comments?

    MS. CURRY: I have a couple. First, let me commend you on trying to do something. Anyone who's spent any time in D.C. Superior Court walks away, should walk away, questioning what can be done, because you do see the future just by being there. But you said your law comports with D.C. law, or with the law, and as I understand it, the District of Columbia Charter School Law prohibits the government from imposing any instructional mandate on the non-governmental public charter schools.

    Is there a way, then, if this were otherwise proper, that you could conform your
proposal to delete any requirement that it
include the governmental public charter schools
from that?

MR. POWELL: Yes, ma'am. Looking at
that, and I've had the opportunity to speak with
a couple of members from the public charter
school board regarding this initiative, this body
is an advisory body that, and if you look at the
legislative text, it serves as an advisory body
to these bodies. I think that it's clear to say
that I could have used some very strong helping
verbs, such as shall and will, but I refrained
from that, because what I wanted to do was to
establish a workgroup, and stakeholders, to come
together to determine what's in the best interest
of serving our young kids and providing that type
of character development, social-emotional
development, that so many of our students lack,
both in public and in charter schools.

MS. CURRY: And in private schools.

MR. POWELL: And in private schools
too. You're quite correct, Member Curry. So
with that, I think if this -- this particular initiative will have an opportunity to sit before the city council to be cleaned up and to find ways to make it, you know, acceptable, and amenable to all.

MS. CURRY: Well, let me ask you another question. As I understand your background, you said you were in -- did you say you were a psychiatrist?

MR. POWELL: Psychology.

MS. CURRY: Psychologist.

MR. POWELL: Yes, ma'am.

MS. CURRY: So what evidence do you have, because I look for evidence, that if something like this were to pass, that it would actually have some palliative or salutary effects? I mean, is this wishful thinking or do you, as a psychologist, have some evidence to support that the teaching of this and integrating character development will, in fact, help?

MR. POWELL: Yes. Thank you for asking that. And I could have come in with, you
know, being from academia and in the mode of publish or perish in higher education?

MS. CURRY: Right.

MR. POWELL: I didn't want to come in with a bunch of statistics to kind of inundate this process, but there is sufficient evidence out here that actually supports the fact that character education does, in fact, cut down on disciplinary referrals. In the State of Maryland, as a fact, they have character education integrated into every subject, whether the kid is actually out on the playground or eating at lunch, they have some type of character, some type of social-emotional component built into their program; anti-bullying, teaching kids to respects elders, to respect the rules of the school.

So it is actually placated on the walls as you enter the school and throughout. And what Maryland has seen is, Maryland has seen a precipitous drop in terms of academic -- not academic, but disciplinary referrals to the
office, and have also seen a buy-in from parents, because parents have seen that, in fact, this actually transcends the classroom and they've seen some of these behaviors come back home, and so that's one.

There's a number of character development collaboratives across the country. As a matter of fact, the largest one in Chicago. And Chicago has been working on this particular -- working with this particular collaborative of the Chicago Public School System, because they were having such egregious behaviors in schools. And they have seen, if you look at -- just Google it, just look at some of the metadata as well as some of the hard data. It has made such a tremendous impact.

And, you know, this initiative was actually -- I guess I kind of hit the springboard last year when a 66-year-old lady who was walking down, I think she was off of Columbia Road, and a youth walked up and was practicing the knockout game, and just punched her in the face and
knocked her out. We saw remnants of that from
the news, but she actually had a fractured right
orbit of her eye.

She had to have rhinoplasty surgery to
reconstruct her nose. He cheekbone was actually
fractured. And so when we have a situation where
young kids are actually electing to just walk
down the street and punch people in the face just
because it's a game, then I think, Houston, we
have a serious problem.

MS. CURRY: Okay. Thank you.

MR. POWELL: But there is --

MS. CURRY: There is evidence.

MR. POWELL: -- definitely evidence
out there, evidence-based, research-based,
evidence to support such an initiative.

MS. NICHOLS: Right. Thank you, Mr.
Powell. All right. What is your recommendation,
Mr. General Counsel, as to whether the proposed
measure presents a proper subject of initiative?

MR. MCGHIE: Okay. First, I would
submit a letter from the Office of the Attorney
General, which is dated December 19, 2014, by the interim Attorney General, which is Virginia Adams, and in their memorandum, they found that it was a proper subject for an initiative, that it did not violate any of the exceptions for having the Initiative go forward in the District of Columbia.

And also, I looked at the issue that Ms. Curry raised whether or not the Initiative is mandating that charter schools do anything. Referencing a letter from Mr. Robert Kane and his concern, but the initiative clearly states that they're only making recommendations, and so that shouldn't be any problem with the initiative, and so it was the opinion of the Office of the General Counsel that they did not fall into any of the exceptions for not moving forward, and is a proper subject, and that this is a proper subject for initiative in the District of Columbia.

MS. NICHOLS: All right. Well, at the conclusion of this meeting, the Board will meet
and deliberate whether the D.C. Character
Development and Citizen Education Initiative of
2014 is a proper subject of initiative and we
will inform you of the decision in writing as
soon as possible.

MR. POWELL: Thank you, Madam Chair.

MS. NICHOLS: All right. Thank you so
much for coming down this morning.

MR. POWELL: Thank you.

MR. MCGHIE: Okay. The next matter I
have on my agenda is emergency and proposed
regulations to amend 3 DCMR Chapters 30, 34, 36,
37, 38, 39, 40, and 41. And since these are
Office of Campaign Finance regulations, I will
defer to Mr. Sanford.

MS. NICHOLS: All right. Mr. Sanford.

MR. SANFORD: Thank you, Madam Chair

and thank you Mr. McGhie, and good morning
distinguished Board Member Curry. The revisions
of our regulations are designed to bring our
regulations in compliance with the Campaign
Finance and Transparency Act of 2013, which
becomes effective on January 31, 2015.

And before I continue, I just wanted
to recognize Terri Stroud of the General Counsel
staff at the Board here for all the help that she
provided with us in helping us to prepare those
revisions. Her help was priceless and we're very
grateful.

MS. NICHOLS: It always is, Mr. Sanford.

MR. SANFORD: And since some of the
significant revisions which will make it
consistent with the Transparency Act of 2013
include the following. Our regs will reflect a
registration requirement for individuals or
groups who are involved in bundling
contributions. The regs will also indicate that
there is a mandatory electronic filing of
reports.

Also, we're requiring registration of
independent expenditure committees, mandatory
training for candidates and treasurers, and they
will prohibit cash and money order contributions
in amounts that exceed $100. The regs will include disclosure requirement for independent expenditures and they will require business entities to identify their affiliated entities, and they will restrict the contribution limit to a single limit for businesses, business contributors, and their affiliated entities.

And the regs will increase the civil penalties from a maximum fine of $2000 to $4000, for the first violation, and a maximum of $10,000 for each subsequent violation. And the rates will also reflect that the Office of the Attorney General for the District of Columbia will have concurrent prosecutorial authority with the U.S. Attorney.

And finally, the regs will indicate that candidates and their treasurers can be held personally liable for any violations of the act. And that is a summary of what the regs will accomplish in this chapter.

MS. NICHOLS: All right. Are there any questions of Mr. Sanford? All right. I will
entertain a motion to adopt the emergency
regulations and proposed regulations, and have
them published in the D.C. Register for a
prescribed period of time for public comment.
All in favor, aye.

(Ayes)

All opposed. Ayes have it. Mr. McGhie.

MR. MCGHIE: Okay. The last thing on
my agenda is a litigation status update. The
first matter is Sewell v D.C. Board of Elections
and Ethics. This was a complaint that was filed
in D.C. Superior Court by Mr. Sewell alleging
that the Office of Campaign Finance was somehow
harassing him. He did not state any facts in
support of his claim of harassment, so we filed a
motion to dismiss, and that is still pending.
The court has scheduled a hearing, I guess, on
the matter for February 6th.

The next matter is McMillian v D.C.
Board of Elections and Ethics. This was a
complaint filed by Mr. McMillian based on an
allegation that the Board was somehow
discriminating against him for not allowing him
to have the name, the rent is too damn high, to
appear on the primary ballot. The Board filed a
motion to dismiss in this case as well, and that
motion was granted by Judge Howell on December
9th for lack of standing.

And finally, the last matter, if you
may recall, I took this off the calendar because
we were just carrying it for a number of months
for legal fees, and it was the Libertarian Party
v D.C. Board of Elections. I put it back on the
calendar, on the agenda, because the court
finally dismissed the matter, and no attorney
fees were granted. The Libertarian Party simply
did not move forward on their claim and the court
dismissed it as moot because the underlying
issue, which was petition circulators not being
allowed to circulate a list of registered
qualified electors had become moot because the
Council passed legislation that now allows for
non-residents to circulate.
And that would conclude my litigation status update.

MS. NICHOLS: All right. Thank you, Mr. McGhie. Are there any questions for Mr. McGhie? Thank you, Mr. McGhie. Are there any public matters to come before the Board? There being no further business before us, this meeting is adjourned. The time is 11:10 a.m. on Wednesday, January 7, 2015.

(Whereupon, the meeting in the above-entitled matter was concluded at 11:10 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC Board of Elections

Date: 01-07-15

Place: Washington, DC

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

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Court Reporter