GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

THURSDAY
MAY 14, 2015

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 10:30 a.m., Deborah K. Nichols, Chairperson, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman
STEPHEN I. DANZANSKY, Member
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
WILLIAM O. SANFORD, Office of Campaign Finance, General Counsel

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH MCGHIE, General Counsel
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Adjourn
P-R-O-C-E-E-D-I-N-G-S

10:32 A.M.

CHAIRPERSON NICHOLS: Good morning.

Welcome. I hereby call to order the regular
meeting of the Board of Elections for May 2015.

It is Thursday, May 14, 2015. The time is 10:34
a.m. We are meeting in Room 280 North of One
Judiciary Square.

I am Deborah K. Nichols, Chairman of
the Board of Elections and present with me this
morning is Board Member Stephen Danzansky. Also
present this morning are Mr. Clifford Tatum, the
Board's Executive Director; Ms. Cecily Collier-
Montgomery, the Board's Director of Campaign
Finance; and last, but not least, our General
Counsel, Mr. Kenneth McGhie.

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

Unless there are corrections to the
minutes, without objection the minutes of the
Board's meeting of April 8, 2015 are adopted.

Are there any matters that members of
the Board wish to raise in this public meeting?

MR. DANZANSKY: None, Madam Chair.

CHAIRPERSON NICHOLS: All right, hearing none, we will now receive the report of the Board's Executive Director, Mr. Tatum.

MR. TATUM: Thank you, Madam Chair.

I have two items on my report agenda today. The certification of the April 28, 2015 Special Election for Wards 4 and Ward 8, members of the Council, the District of Columbia, and general matters.

As the Board is aware, we conducted an April 28, 2015 special election in both Wards 4 and Ward 8. We tabulated votes on election night on April the 28th without incident. We processed special ballots over the course of the next seven days and finalized the completion of those special ballots the week of April the 11th. We tabulated absentees and special ballots on -- excuse me, May 7th in front of political observers from both of the campaigns for Ms. LaRuby May and Mr. Trayon White. We finalized
the tabulation on Friday, April the 8th, which
was the cutoff time for all absentee ballots.
And special ballot information that we brought to
our office for proofs.

On May the 11th, we conducted the
post-election audit by manually counting the
results in Precincts No. 55 and 65 in Ward 4 and
Precincts 118 and 122 in Ward 8. And as a result
of that manual audit, we determined that there
was a small discrepancy between the machine count
results and the hand count results. The
differences between the machine count and the
hand count are commonly the result of either
additional, incomplete marks made by a voter on
the ballot or counting errors on the part of the
audit teams. Each of these discrepancies was
within the margin of error specified by law of
.25 percent or 20 percent of the margin of
victory.

Accordingly, the results of the
election did not change and as a result of that
successful audit, we posted the audit report to
the website for public viewing. We are now asking the Board to certify the election results for Ward 4 and Ward 8 with the following: the winner of the Ward 4 member of the contest for Council of the District of Columbia is Brandon Todd with 4,584 votes. And the winner of the Ward 8 member of the Council of the District of Columbia contest is LaRuby May, with 1,955 votes. So Madam Chair, I would ask, the Board would ask for a certification of these results and a motion to that effect.

CHAIRPERSON NICHOLS: All right. I will entertain a motion to certify the results as read into the record by Mr. Tatum of the April 28, 2015 special election to fill the Ward 4 and Ward 8 seats on the Council of the District of Columbia.

MR. DANZANSKY: So moved, Madam Chair.

CHAIRPERSON NICHOLS: All right, all in favor, say aye.

(Chorus of ayes.)

All opposed, say nay. Hearing none,
the motion carries.

MR. TATUM: Thank you, Madam Chair.

I'd ask that the certifications be made a part of the record, as well as the certified election results would be made a part of the record as well.

CHAIRPERSON NICHOLS: All right.

MR. TATUM: We would post the certified election results to the website after this meeting.

Madam Chair, on my agenda for general matters, I have no general matters today, so that concludes my report.

CHAIRPERSON NICHOLS: Thank you, Mr. Tatum. A job well done by staff in carrying out the duties and responsibilities with regard to the administration of the special election conducted on April 28, 2015 in Wards 4 and 8.

We will move now to the General Counsel's report, Mr. McGhie.

MR. McGHIE: Yes, I have two matters and it's the same two matters I have been
reporting on for the last couple of months. It's the matter of Sewell versus Board of Elections and Miller versus the Board of Elections.

With regard to the Sewell matter, that matter was -- we filed our motion to dismiss and it was dismissed by the Court of Appeals, but Mr. Sewell immediately -- it was dismissed with prejudice by the Court of Appeals. Mr. Sewell immediately refiled his action. But because it was dismissed with prejudice, the matter was, to bring it to the court's attention, should be disposed of. So it is just a question of us getting that before the court. It indicates the court has scheduled a status hearing on June 19th, so I'm pretty sure it will get dismissed on June 19th.

And with McMillian versus the Board, again, this is the person that filed a claim because of his allegation that "the rent is too damn high." We filed our motion to dismiss on April 10th. He was supposed to file on April 23rd. He did not file on April 23rd and so the
court decided to give him an additional time to 
file in response to our motion to dismiss. So on 
May 4th, the court ordered that he file his 
response to our motion to dismiss by on or before 
June 3rd. That would conclude my litigation 
reporting.

CHAIRPERSON NICHOLS: And one other 
matter --

MR. McGHIE: And one more matter that 
I have is that the Board has hired an ADA 
coordinator and her name is Terrica Jennings. 
She comes to us from the University of Legal 
Services, so we'd like to welcome her at this 
time to the Board.

CHAIRPERSON NICHOLS: Welcome, Ms. 
Jennings. We're happy to have you on board and 
look forward to you doing great things in the 
area of helping us to address ADA compliance 
issues with regard to our polling places.

All right, with that, we will -- do 
you have any questions, Mr. Danzansky?

MR. DANZANSKY: No, I have no
questions.

CHAIRPERSON NICHOLS: With that, we
will move on to the report of our campaign
finance, Ms. Montgomery.

MS. MONTGOMERY: Good morning, the
first thing I would like to report is that during
the month of April, on April 15th, the new
website for the Office of Campaign Finance
launched. And with our new website, what we were
trying to address were the concerns of the public
that we received as a result of a survey that we
-- an online survey which we offered to members
of the public to give us their comments on our
website and that was done about a year or so ago.
And basically, even though the public was
satisfied with the content and the information
that was provided at the site, they were very
concerned with the fact that the site was not
easy to navigate. So the new website that was
launched addresses those -- that particular
concern. The website is less cluttered and it is
much easier to navigate.
During the month of April also staff visited the early voting centers on April 23rd, 2015 and on election day they visited precincts in both Wards 4 and 8. In Ward 4, there were 15 precincts visited and in Ward 8, there were 9 precincts visited. And overall, the visits were uneventful in terms of what the observations of the staff were. Where there was campaign literature that did not have the proper disclaimers, the staff brought that to the attention of the campaign workers who were there and the Office of the General Counsel followed up with emails to the treasurers to let them know that in the future they must have the disclaimers on their campaign literature.

April the 1st was the deadline for the filing of the report of receipts and expenditures by our constituent service program. There are 11 required filings and all of the programs timely filed and they were all electronically filed and certified their filings as well.

With our Senator Representative
Statehood Fund program, there were three required filings on April the 1st and all three timely filed and electronically filed.

The Eight Day Pre-Special Election report of receipts and expenditures was due on April the 20th, 2015 for our principal campaign committees and PACs participating in the special election cycle. There were 79 required filers, 34 PCCs, and 45 PACs. Sixty-four timely filed their reports and there were 25 PCCs and 39 PACs. There was one late filer. With our failures to file, there were 15, 9 PCCs, and 6 PACs. And one of the failures to file was a paper filing and again, I would again state that in the District of Columbia, effective with our March 10 filing, even though the law became effective on January 31, electronic filing is now mandatory and if there's a paper submission, it's treated as a failure to file. So there was one PCC which submitted a paper filing and that was treated as a failure to file.

Overall, there was 16 referrals which
were made to the General Counsel for failure to timely file the 8 Day Special Election Pre-Report of Receipts and Expenditures. The principal campaign committees were K. Armstead for Ward 8; Fleming 2015, Bell for Ward 8, Anderson Ward for Council, Help Lucius Gallion Help You, Committee to Elect Ron Austin, Edwina for Ward 8, Whitaker for Ward 4, Corley for Ward 4, and Bruce Morrison for Ward 4.

The Political Action Committees which were referred were the Ward 6 Democrats, the Mid-Atlantic Regional Council of Carpenters PAC, BB&T District of Columbia PAC, the Republican Committee, Youth Action PAC, and the Credit Union PAC of Washington.

With the entrance conferences for the month of April, we held two, one on April 9th, and one on April 23rd, 2015. With the entrance conference that was held on April 23rd, two of the participants were the treasurers of newly registered Political Action Committees who attended. And again, the training for new
treasurers and candidates is now mandatory in the
District of Columbia. And those were Roy
Russell, Treasurer of Democrats for Education
Reform, which is an Independent Expenditure
Committee, and also Jonathan Steingart, Treasurer
for the Ward 1 Democrats.

On April 22nd, we also mailed letters
to all of our active Principal Campaign
Committees, PACs, constituent services, and
statehood programs, as well as our initiative and
referendum committees to once again advise of our
new regulations and the changes in our law which
required that where committees or programs
received business contribution that they must
list the affiliated entities of those business
contributors because they do share a single
contribution limit.

In our audit branch during the month
of April, the audit branch conducted 82 desk
reviews. With respect to our ongoing audit, we
have the full field audit of Gray for Mayor.
With periodic random audits for candidates
registered for the 2015 election, we have the
Committee to Elect Natalie Williams from Ward 8,
Barry for Council, Friends of Leon Andrews and
Tengen for D.C.

We also have an ongoing audit with
respect to inaugural committees who registered
and that would be the DC Proud Inaugural
Committee, periodic random audits for the
candidates who registered for the 2014 election
which are ongoing, Ruth for Schools, Brian Hart
for DC. With respect to our continuing
committees, the Republic Committee DC, Morgan for
DC. Periodic random audits of candidates for the
Office of Attorney General, Lori Masters for
Attorney General and Smitty for AG. During the
month of April we issued three audits. One was
the Committee to Elect Eugene Puryear, April 7th,
2015. The second was Friends of Courtney R.
Snowden, which was issued on April 7th, 2015.
And the last one was Tengen for DC, April 13th,
2015 and 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
Chair, and distinguished Board Member Danzansky.
I am William Sanford, General Counsel for the
Office of Campaign Finance. During the month of
April, the Office of the General Counsel received
21 referrals for informal hearings; 16 of the
referrals were from the Public Information and
Records Management Division; and 5 referrals were
from the Reports Analysis and Audit Division.
The Office of the General Counsel
conducted 16 informal hearings and issued 31
orders which included the following: 17 orders
were issued for failure to timely file in which
no fines were imposed; 2 orders were issued for
failure to timely respond to a request for
additional information in which no fines were
imposed; 9 orders were issued for failure to
timely file a report in which fines totaling
$13,800 were imposed; 2 orders were issued for
failure to timely respond to a request for
additional information in which fines totaling $2,550 were imposed; and one order to vacate a previous order upon the respondent's payment of -- full payment of the fine was also issued.

Also, during the month of April, the Office of the General Counsel imposed fines against the following committees: Greater Washington Board of Trade was fined $100 for failing to timely file the report. Bruce Majors for Mayor was fined $1,400. Beverly Wheeler for Ward 1 was fined $1,500. Martin Sterbal for U.S. Senate was fined $1,400. Carter at Large, Christine Carter was fined $1,400. Whitaker for Ward 4 was fined $2,000. Gaston 2014 was fined $2,000. Bell for Ward 8 was fined $2,000. Edwina for Ward 3 was fined $2,000. Marc Morgan for DC was fined $2,200. And Marc Morgan for DC was again fined $350.

During the month of April, you referenced the General Counsel, seven opened investigations and no new investigations were opened during that month. And during the month
of April, the Office of the General Counsel received one request for an alternative of payment and that request was transmitted by Sylvia E. Anderson, Esquire and it was regarding campaign literature. The issue was whether or not the candidates and their committees were permitted to bring campaign literature into a candidates' forum in a Department of Recreation building and place that literature on a table during the forum. We advised that they were permitted to bring the literature into the forum and make it available on a table, but we also advised that they must remove the literature at the conclusion of the forum and that all candidates must be given identical conditions to display their literature. They agreed to comply with that advice.

During the month of April, the Office of the General Counsel did not conduct any show cause proceedings. And that should conclude my report.

CHAIRPERSON NICHOLS: Thank you, Mr.
Sanford. Are there any questions of Ms. Montgomery or her staff? All right, hearing none, thank you.

Are there any public matters to be brought before the Board this morning? Hearing none and there being no further business before the Board, this meeting is adjourned. The time is 10:54 a.m.

(Whereupon, the above-entitled matter went off the record at 10:54 a.m.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Regular Board Meeting

Before: DC BOE

Date: 05-14-15

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