



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



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**January 8, 2014**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, January 8, 2014 in the Board’s Hearing Room, located in Suite 280 North, One Judiciary Square, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. The Board’s Chairman, Deborah K. Nichols, was present, as were Members Devarieste Curry and Stephen I. Danzansky. Also present on the dais were Clifford Tatum, the Board’s Executive Director, Kenneth McGhie, the Board’s General Counsel, and Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (“OCF”).

Chairman Nichols called the meeting to order at 10:36 a.m.

The meeting agenda was approved and adopted.

The minutes of the last meeting (December 4, 2013) were approved and adopted.

There were no public matters presented.

There were no Board matters presented.

**Mr. Tatum** provided an update regarding candidate filings and challenges filed for the April 1 Primary election. To date, 141 candidates have submitted nominating petitions to the Board. The challenge period for the April primary runs from January 4, 2014 through January 13, 2014. Mr. Tatum introduced Mr. Arlin Budoo, the Board’s Support Service Specialist, to present proposed precinct relocations for the April 1, 2014 primary election.

**Mr. Budoo** listed the polling places proposed for relocation: Precinct 4, West End Library relocated to School Without Walls; Precinct 5, Georgetown Neighborhood Library relocated to Christ Episcopal Church; Precinct 31, Janney Elementary School relocated to St. Columbia’s Episcopal Church; Precinct 38, Parkview Recreation Center relocated to Cesar Chavez Prep Charter School; Precinct 70, Perry Street Prep Charter School relocated to Burroughs Elementary School, and; Precinct 139, Thurgood Marshall Elementary School relocated to Theodore Hagans Cultural Center.

**Board Member Danzansky** questioned whether the Board previously faced accessibility issues with Christ Episcopal Church, and Mr. Budoo clarified that there were no accessibility issues with the proposed polling place site.

**Board Member Curry** noted with respect to Christ Episcopal Church that the voting space and lighting were described in Mr. Budoo’s report as only “Good” whereas all other proposed sites with the exception of one were described as excellent, and Ms. Curry asked whether Christ Episcopal Church was the best alternative site. Mr. Budoo explained that, while he would rather

remain at the Georgetown Neighborhood Library, the residents in that area want to remain at Christ Episcopal Church due to its central location.

**Chairman Nichols** asked whether all of the proposed sites were handicapped accessible, and Mr. Budoo confirmed that they are. **Board Action:** *The Chair entertained a motion from Board Member Danzansky to publish the proposed precinct relocations in the D.C. Register for public comment. The motion carried unanimously.*

**Mr. Budoo** presented the proposed early voting center locations for the primary election. The Board has added five additional sites, and relocated an existing site: Ward 1 will remain at Columbia Heights Community Center; Ward 2 will be at One Judiciary Square; Ward 3 will remain at the Chevy Chase Community Center, and the Board proposes that an additional site be added at the Stoddert Recreation Center; Ward 4 will remain at Takoma Community Center, and the Board proposes that an additional site be added at the Emory Recreation Center; Ward 5 will remain at the Turkey Thicket Recreation Center; Ward 6 will remain at the King-Greenleaf Recreation Center, and the Board proposes that two additional two sites be added at the Sherwood and Kennedy Recreation Centers; Ward 7 will remain at the Dorothy Height/Benning Library, and the Board proposes that an additional site be added at the Hillcrest Recreation Center, and; Ward 8 will relocate from the Southwest Tennis and Learning Center to Bald Eagle Recreation Center.

**Mr. Tatum** updated the Board on the status of the Board's mobile application. The Board is working with the Federal Voting Systems Program to generate a mobile application to allow uniformed and overseas voters to register and apply for an absentee ballot using a mobile device. Mr. Tatum proposed that the Board deploy the mobile application at the end of January or the beginning of February so that uniformed and overseas citizens can register for the upcoming primary election. Mr. Tatum feels comfortable with the security measures and the way the records would be processed.

**Board Member Danzansky** asked Mr. Tatum to discuss his plan for letting the public know about the new early voting sites. Mr. Tatum explained that there is an external communication plan created by Tamara Robinson, the Board's Public Information Officer, and that plan includes deploying TV and radio P.S.A.s, publishing in local print media, placing placards in all modes of public transportation, and employing street teams to distribute leaflets into neighborhoods. Moreover, every voter in the relocated polling places will receive a notice by mail regarding the relocated precinct.

**Mr. Tatum** informed the Board that the agency joined the Electronic Registration Information Center (ERIC), which is a consortium of states that have combined to create a nonprofit organization to share and compare voter registration data in an effort to eliminate duplicate registrations. The shared information also includes the Death Registry List from the Social Security Administration, which will allow the Board to delete deceased voters from the registry. The Board is also a member of the State and Territorial Electronic Vital Records Exchange (STEVE), which is a connection with our local vital records department. The Board will receive death records in an electronic format that will aid in deleting deceased voters from the registry.

Mrs. Collier-Montgomery reported on the following items initiated or ongoing in the month of December 2013 at the Office of Campaign Finance (OCF):

- **2014 Educational Brochure and Campaign Finance Guide will be available on the OCF website no later than January 28, 2014.**
- **December 10, 2013 filing deadline for Reports of Receipts and Expenditures by Principal Campaign Committees (PCC's) and Political Action Committees (PAC's).**
  - 90 required filers (41 PCC's and 49 PAC's); 84 timely filers; 6 failed to file: 3 PCC's including Michael Green Mayoral Committee, Bruce Majors Libertarian for Mayor, and Sewell for Mayor 2014; and 3 PAC's including DC Dealers, the Libertarian Party of D.C., and the Youth Action Political Action Committee.
- **Full Field Investigative Audits (Committees): One (1)**
  - Gray for Mayor – draft report was completed on May 15, 2012, but it has not been disseminated yet as per request of United States Attorney's Office
- **Full Field Investigative Audits (Newly Elected Officials): Two (2)**
  - Bonds for Council - The preliminary audit report was issued on November 27, 2013 and the committee response was due on December 27, 2013, but due to the holiday season, the deadline was extended until January 10, 2014.
  - Mendelson for Chairman - The preliminary audit report was issued on November 21, 2013. The final audit report is complete and was released on January 10, 2014.
- **Periodic Random Audits of Political Action Committees ("PAC's") and Continuing Committees: Three (3)**
  - Mara 2013 - The Statement of Findings was issued on November 21, 2013, additional information was provided by the committee, and a revised Statement of Findings was issued on December 20, 2013.
  - Committee to Elect Perry Redd – The final audit report was issued on December 9, 2013, and the Audit Branch found that the reports and statements of the committee were not in compliance with the Campaign Finance Act.
  - Elissa 2013 - The final audit report was issued on December 20, 2013, and the Audit Branch found that the reports and statements of the committee were in compliance with the Campaign Finance Act.
- **Periodic Random Audits of Political Campaign Committees and New Candidates Committees: Two (2)**
  - Brianne for D.C.—The audit notification letter was issued December 4, 2013, and the field audit is in progress. The committee's October 10, 2013 filing is the subject of the audit.
  - Reta Jo Lewis for Mayor—The audit notification letter was issued December 4, 2013, and the field audit is in progress. The committee's October 10, 2013 filing is the subject of the audit.
- **Report of the Office of the OCF General Counsel (Reported by William SanFord)**
  - **Referrals** – Nine (9) referrals including seven (7) from the Public Information and Records Management Division ("PIRM") and two (2) from the Reports Analysis and Audit Division ("RAAD").
  - **Orders Issued** – One (1) Failure to Timely File order in which no fines were

imposed; 1 Failure to Timely File order in which a \$1,700 fine was imposed against Frank Sewell, a candidate for Mayor; and two orders regarding failures to respond to requests for additional information in which fines of \$1,100 each were imposed against Pete Ross for Senator and Nestor for Mayor.

- **Fines Imposed and Collected** – During the month of November, OCF imposed \$3,900 in fines and collected \$200 in fines.
- **Open Investigations/Inquiries: Five (5)**
  - OCF FI 2011-103
    - Complainant: Internally Generated March 15, 2011
    - Respondent: Sulaimon Brown for Mayor Principal Campaign Committee
    - Infraction: Reporting Violations
    - Status: Matter was referred to the Audit Division for a Full Field Audit; Issuance of the Final Audit Report contingent upon coordination with another enforcement agency.
  - OCF FI 2011-104
    - Complainant: Internally Generated March 15, 2011
    - Respondent: Gray for Mayor PCC
    - Infraction: Reporting Violations
    - Status: Matter was referred to the Audit Division for a Full Field Audit; Issuance of the Final Audit Report contingent upon coordination with another enforcement agency.
  - OCF FI 2013-013
    - Complainant: Internally Generated June 24, 2013
    - Respondent: Lee Calhoun
    - Infraction: Campaign contribution violations
    - Status: Pending<sup>1</sup>
  - OCF FI 2013-014
    - Complainant: Internally Generated June 24, 2013
    - Respondent: Stanley Straughter
    - Infraction: Campaign contribution violations
    - Status: Pending
  - OCF FI 2013-019
    - Complainant: Internally Generated September 16, 2013
    - Respondent: Frank Sewell
    - Infraction: Failure to comply with OCF registration requirements and failure to properly identify campaign literature
    - Status: The order in this matter assessing a fine of \$1,700 was issued December 5, 2013.

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<sup>1</sup> Messrs. Calhoun and Straughter are gentlemen who were alleged to be part of what has been identified as the Jeffrey Thompson network. Both have pleaded guilty and are awaiting sentencing. Their attorneys have indicated that they will make their clients available to OCF post-sentencing and after proceedings at the U.S. District Court for the District of Columbia have been completed.

**Mr. McGhie** proposed that the Board adopt former emergency and proposed regulations in final to amend Title 3, Chapters 3, 5 through 7, 10, 11, 13 through 17, and 20. The amendments to Chapters 6, 7, 10, 11, and 13 through 17 are largely organizational and editorial changes. Rules concerning ballots were removed from these chapters and placed in the proposed Chapter 12, Ballots. Chapters 10, 11, and 13 to 17 include amendments concerning non-resident petition circulators, which would bring the rules in conformity with the Board of Elections' Petition Circulation Requirements Amendment Act that became law on October 17, 2013. *A motion to adopt the amendments as final proposed rulemaking carried unanimously.*

**Mr. McGhie** reported on the status of the three (3) cases the Board is currently litigating. The first case, *Libertarian Party v. the Board*, involves a challenge to now-defunct provisions in the election statute which required petition circulators to be registered voters in or residents of the District. The case is still pending because of unresolved issues about attorneys' fees which may be litigated.

The second case, *Zukerberg v. the Board*, was initiated by the filing of a complaint for declaratory and injunctive relief to prohibit the Board from removing the Attorney General contest from the 2014 ballot. The attorney handling the case in the Office of the Attorney General indicated that he would file a motion to dismiss the week of January 6, 2014. The case is before Judge Laura Cordero, and the next scheduled hearing is February 7, 2014.

The third case, *Sewell v. the Board, et al.*, was initiated by Frank Sewell, a candidate for Mayor. He filed a TRO in Superior Court to extend the time for candidates to file nominating petitions. Judge Von Kann denied the motion and dismissed the complaint in chambers finding the Board in compliance with D.C. Code § 1-1001.08(i)(4).

**Mr. McGhie** presented the proposed initiative "District of Columbia Right to Housing Act of 2014," for a Proper Subject Matter determination by the Board. Mr. McGhie outlined the entire process, and confirmed that the proposer's compliance with the administrative requirements was pending because he filed an incomplete Statement of Organization with OCF.

The following citizens testified in support of the measure: Mr. Michael Coleman; Ms. Janet Sharp; Mr. Robert Warren, Director of People for Fairness Coalition; Mr. Eric Johnson Sheptock, Chairman of Shelter Housing and Respectful Change; Mr. Victor Honey, and; Mr. Reginald Eugene Black Jr.

**Chairman Nichols** asked for an explanation of the one-fourth ruling requirement of the initiative, and Mr. Warren confirmed that the provision was an allocation of funding as a set-aside of local revenues.

**Board Member Curry** commended the proposers' efforts regarding the measure, but reminded them that the Board is limited in the actions it could take with respect to the measure.

**Chairman Nichols** indicated the Board would take the matter under deliberation and issue an order as soon as possible.

There being no further business before the Board, the meeting adjourned at 10:59 a.m.