The Regular Meeting of the District of Columbia Board of Elections convened at 441 4th Street, NW, Washington, D.C., at 10:30 a.m., Deborah Nichols, Chairperson presiding.

BEFORE:

DEBORAH NICHOLS, Chairperson
CLIFFORD TATUM, Executive Director
KENNETH McGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
DEVARIESTE CURRY, Member
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10:31 a.m.

CHAIR NICHOLS: Good morning. And welcome.

I hereby call to order the monthly meeting of the Board of Elections for the month of August 2014. It is Wednesday, August 6, 2014, and the time is 10:31 a.m.

We are meeting in Room 280 North, One Judiciary Square.

I'm Deborah K. Nichols, Chairman of the Board of Elections. With me this morning is Member Devarieste Curry. Also present are Mr. Clifford Tatum, Executive Director, Mr. Kenneth McGhie, General Counsel, and Ms. Cecily Collier-Montgomery, Director of Campaign Finance.

MS. COLLIER-MONTGOMERY: Good morning.

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

Without objection and subject to
minor technical edits, the minutes of the July 2, 2014, regular meeting of the Board are adopted.

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

(No audible response.)

CHAIR NICHOLS: Hearing none, we will move to the Executive Director's report.

Before Mr. Tatum proceeds, at this meeting, the Board will certify Initiative No. 71, Legalization of Minimal Amounts of Marijuana for Personal Use Act of 2014 for the November 2014 General Election Ballots.

So with that, I will turn the meeting over to Mr. Tatum.

MR. TATUM: Thank you, Madam Chair.

As you just indicated to the public, we are discussing the certification of Initiative No. 71. And what I'd like to do is state for the record the official action
that's been taken to date as well as to ask
the General Counsel to provide the legal
predicate for the qualification of the measure
to the ballot. And then I will discuss the
signature verification process and the results
of that process.

Madam Chair, as of today's date,
the formulation of the proper subject matter
for the Initiative was approved on March 25,
2014. On April 23, 2014, the petition was
issued. On April 25, 2014, the formulation of
the short title was conducted. And on July 7,
2014, the Petitioner submitted to the Board
their proposed petition. It included 3,338
pages and a total number of signatures of
56,238.

At this time, Madam Chair, I'd ask
the Counsel to describe the legal predicate
for the qualification of the measure.

MR. McGHIE: Let me just read the
law into the record. And it's at 1001.16(i).
And it reads as follows:
"In order for any initiative or referendum measure to qualify for the ballot for consideration by the electors of the District of Columbia, the proposer of such an initiative or referendum measure shall secure the ballot signatures of registered qualified electors upon the initiative or referendum measure equal in number to five percent of the registered electors in the District of Columbia, provided that the total signatures submitted include five percent of the registered electors in each of five or more of the eight Wards. The number of registered electors which is used for computing these requirements shall be consistent with the latest official count of registered electors made by the Board 30 days prior to the initial submission to the Board of the initiative or referendum measure pursuant to Subsection A of this Section."

MR. TATUM: Madam Chair, pursuant to that legal predicate, the Petitioner
submitted to the Board the aforementioned number of pages and signatures for verification. Through the Board's process, the Board determined that the required number of signatures to place the initiative on the ballot was 22,373 signatures city-wide. The number of signatures that were determined to be valid for the purposes of putting that initiative on the ballot was 27,688. Thus the Petition's pages themselves included the required number of city-wide signatures for inclusion on the ballot.

The next step was to determine whether the five percent of that 27,688 were derived from five of the eight Wards. And based on our sampling, we determined that the Petition met that five percent match in six of the eight Wards, again with a total of 27,688. Thus, the Petition met that step of the process.

The next step of the process then required the Board to submit to the Office of
Planning a request for the Office of Planning to select 100 signatures for random sampling to determine that the signatures from each of those Wards were valid and met the threshold as required by the Statute. And as a result of that 100 signatures requested for sampling by the Office of Planning, we determined that the signatures did meet that percentage verification.

Thus, the Petition as we have reviewed it appears to meet the legal predicate as well as meets the required number of signatures city-wide as well as the required number of signatures within five of the eight Wards.

Thus, we propose to ask the Board to certify the initiative for the ballot. And I've asked that the Board consider the following motion to do that.

Madam Chair, we need the Board to certify Initiative No. 71, Legalization of Minimal Amounts of Marijuana for Personal Use
Act of 2014 for the November 2014 General Election ballot based on my report -- the report of the Executive Director -- that it does contain the sufficient number of valid signatures needed to qualify for placement on the November 2014 General Election ballot.

CHAIR NICHOLS: All right. Thank you, Mr. Tatum. We'll entertain a motion to that effect.

MS. CURRY: Madam Chair, I move that the Board certify for the November 2014 General Election ballot Initiative No. 71, Legalization of Minimal Amounts of Marijuana for Personal Use Act of 2014, based on the Executive Director's report that the initiative contains a sufficient number of valid signatures needed to qualify for placement on the November 2014 General Election ballot.

CHAIR NICHOLS: Are there any questions?
(No audible response.)

CHAIR NICHOLS: All right.

Hearing none, the motion is before us. All in favor aye.

(A CHORUS OF AYES.)

CHAIR NICHOLS: All opposed?

(No audible response.)

CHAIR NICHOLS: Hearing none, the motion is approved.

(APPLAUSE.)

CHAIR NICHOLS: The next item, Mr. Tatum?

MR. TATUM: Madam Chair, the next on my report is the November General Election and update. And I just wanted to provide the Board as well as the public with important dates that everyone should be mindful of.

CHAIR NICHOLS: Okay.

MR. TATUM: Today, August 6 is the last day for candidates to qualify for this General Election ballot. These are any candidates as well as ANC candidates. And
their office will close today at 5:00 p.m.
And any petitions that are received that are
submitted after that will not be eligible to
be considered for the ballot.

The challenge period for the
qualifying period will begin on August 9 which
is Saturday, and will end on August 18, 2014.
That's a period of ten days.

Shortly thereafter, as challenges
are filed, the General Counsel's Office will
conduct preliminary determinations on the
challenges, and any challenges that are not
resolved in the preliminary process will come
before the Board to be resolved.

The resolution period of time to
resolve any challenges runs from August 19
through September 8, 2014. Shortly
thereafter, the ballot lottery will occur on
September 12, 2014, which is when we finalize
the ballot. And that is also the last day for
any candidates to withdraw before their name
would actually appear on the ballot.
Staff will begin preparing the preliminary set for preparing the ballot on August 18 through August 25. The deadline for distributing absentee ballots to our UOCAVA voters is September 19. That's 45 days prior to the election.

The Board projects to mail out the Voter Guide to all residents within the District the first week of October which would be approximately two weeks before early voting begins.

October 6 is the 30-day deadline to register by mail. And in-person absentee voting will begin at One Judiciary Square on October 20, 2014. And early voting satellite locations will open up on October 25 and will remain open through November 1 except for excluding Sundays.

Madam Chair, that concludes my November election updates.

The final item on my report is the general matters.
We'd like to point out to the public that September 23, 2014 is National Voter Registration Day. The National Association of State Election Directors has passed a resolution. They're asking all state election directors to actively participate in National Voter Registration Day. So we, as we have in the past, will have National Voter Registration Day activities with our NVR agencies within the District. And more than likely, we'll cooperate with some of the local jurisdictions on some of the outreach activities.

And the final item is ERIC update -- the Electronic Record Information Center. The Board submitted its voter registration data to ERIC for an analysis and comparison to other states. And within the next week or two, we'll download the first report from ERIC which will indicate to us the number of eligible and unregistered voters in the District. And that is based on people at the
age of 17 and older who have a DMV driver's license that has not registered with the District of Columbia to register to vote. So we will reach out to those folks pointing out to them that they have the ability, they are eligible and we will encourage them to register to vote.

And then subsequently, they'll be other reports that we'll use to continue maintenance.

Madam Chair, that's all I have.

CHAIR NICHOLS: Thank you, Mr. Tatum.

Are there any questions for Mr. Tatum?

MS. CURRY: I have a question. I don't know if it should be directed to Mr. Tatum or General Counsel, whoever can chime in.

The Board had given some consideration in the past to some steps it might be able to take and we'd take them to
encourage voting. I applaud and appreciate the effort to increase voter registration.

But as we know from the recent election here and across the country, it's not really just the voter registration. It's just the apathy and people not voting. That's the main issue.

People are not voting.

So we had at one point talked about perhaps joining forces with some nonprofit organizations that do voter education and the importance of voting.

That's the real issue. To me, people are just not voting. And there are many issues that the citizens ought to be weighing in on.

So legally, what can we do? We talked about those things but I don't think we moved forward with any of those collaborative efforts.

MR. TATUM: Ms. Curry -- Member Curry, one of the things as a result of that conversation that we did do was we set up more voter outreach activities in the form of signs
on buses, in the forms --

MS. CURRY: Right, right. I understand that that the Board has independently. But I think where I'm going with this is that the collaborative effort to have others help get the message out.

Because we have -- and I think the Board itself certainly has made an effort to get the message out. But sometimes people listen to other messengers more. We're viewed as the government.

MR. TATUM: I can't say that we've officially entered into any partnerships with any of those organizations, but we participate with the League of Women Voters. We participate with the Returning Citizens Organization. They often invite us to their activities. And Madam Chair, as well as myself, have participated with the League at a number of their outreach activities. Tamara as well as Cathy have participated in other outreach activities.
But as you pointed out, at the end of the day, the onus is truly on the candidates and the campaigns that are running these elections to drive out the vote -- the voter turnout.

And as we're seeing nationwide, there appears to be some apathy among voters nationwide that the turnouts have not been what we had hoped to be. We saw that in June with the primaries in Virginia as well as in Maryland that their numbers weren't nearly as close to what they had hoped them to be.

But we will continue to identify avenues to encourage people to vote.

MS. CURRY: Well, let me just ask a more direct question.

Are we prohibited from getting the word out to houses of worship, be they churches, mosques, synagogues or whatever? Because people listen a lot more about the importance of issues again sometimes depending on who the messenger is. Not telling anybody
who to vote for, what issue to vote for, but
that this is an important civic obligation and
you're sleeping or sitting on really your
responsibility in one sense.

MR. TATUM: Mr. McGhie, I don't
know if you can come in here.

When you say are we legally
prohibited, so if we -- which is part of what
we do. We utilize a number of churches within
the community as polling places. We try to
make it known to everyone that they have the
ability to vote.

Now have we partnered with any
particular churches or gone to any particular
congregations? I don't know the answer to
that.

MS. CURRY: Okay. Well, we're
going to look into it

MR. TATUM: I know there have been
in certain activities -- certain outreach
activities. But to what level they've been at
churches and those types of activities, I'm
unable to say. But we can certainly look into that.

MS. CURRY: Okay.

CHAIR NICHOLS: All right. We will move onto our General Counsel's report. Mr. McGhie?

MR. McGHIE: Okay. The first thing I have on my agenda is the adoption of an original petition form for an Initiative and Measure entitled, No Worker Shall Make Less Than the Minimum Wage Act.

And can I ask that the proposers of the measure please take a seat at the table?

CHAIR NICHOLS: Good morning. How are you this morning?

MR. McGHIE: And have you had an opportunity to look at the initiative or the petition form?

MR. NUDELMAN: No, we have not.

MR. McGHIE: And I'd ask that your registered voters would take a seat at the
front desk as well.

CHAIR NICHOLS: At the table.

MR. McGHIE: At the table.

MR. NUDELMAN: Can we have a couple minutes just to review it?

CHAIR NICHOLS: Sure.

MS. CURRY: Well, we switched places.

MR. BURKON: So the only issue is a small one. Is the address that's listed --

CHAIR NICHOLS: Stop. Just a moment.

MR. BURKON: I'm sorry.

CHAIR NICHOLS:

Could you identify yourself for the record?

MR. BURKON: Sure. I'm sorry. I apologize for that.

CHAIR NICHOLS: Then we can move on here.

MR. BURKON: I'm Jonathan Burkon. My colleague, Dan Nudelman. We're attorneys
for One Fair Wage. Stephanie Roth here is the treasurer.

The address listed under One Fair Wage was the old address. And I believe it's been amended with the Campaign Finance Office for the new address.

MR. McGHIE: Do you have what you're referring to?

MR. BURKON: On top.

CHAIR NICHOLS: Ms. Brooks, can you provide Members with copies of this petition form so that we can also see it?

All right. Okay. Can we --

MR. McGHIE: Okay. D.C. Code Section 1-1001.16 requires that once the Board has approved the short title, the summary statement that they publish it in the D.C. Register for a ten-day challenge period. It was published in the Register, and the challenge period expired. So the language is now deemed approved.

And so now the parties are
required at a public meeting to adopt the
petition form which has been provided to you
at this time.

    So with the exception of the
correction of the address, do you adopt the
petition form?

    MR. BURKON: Yes.

    MR. McGHIE: Okay. So we would
need to entertain a motion for the Board to
approve the adoption of the initiative
petition form for Initiative Measure No. 73.

    MS. CURRY: Madam Chair, I move
that the Board adopt the initiative petition
for Initiative Measure No. 73.

    CHAIR NICHOLS: Petition form?

    MS. CURRY: Petition form. I'm
sorry.

    CHAIR NICHOLS: That's okay.
The motion is before us. All in
favor say aye.

    (A CHORUS OF AYES.)

    CHAIR NICHOLS: All opposed nay?
(No audible response.)

CHAIR NICHOLS: Hearing no opposition, this motion is approved.

MR. McGHIE: Okay. The Registrar of Voters has prepared a memorandum outlining the signature requirement for Initiative Measure No. 73 and is prepared to give a report at this time.

PARTICIPANT: As you're aware, the Petition Committee support of Initiative Measure No. 73, No Worker Shall Make Less Than the Minimum Wage Act, must obtain the signatures of five percent of voters registered in the District of Columbia provided that this total includes five percent of registered voters in each of five or more Wards.

Pursuant to D.C. Official Code Section 1-204.102, this number is based on 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 requirement cannot yet be determined, I have calculated the information of the proponent and opponent what the requirement would be if the most recent voter registration figures published by the Board were used. And I used the June 30 figures.

Proponents and opponents are advised to check with the Board on a monthly basis as new statistics are issued to get up-to-date estimates of the requirement.

In addition to the 180-day period -- the circulating period -- petitions pursuant to D.C. Official Code 1-1001.116(j)(1) expires on Monday, February 2, 2015 at 5:55 p.m.

MR. McGHIE: Okay. Do you have any questions at this time?

MR. BURKON: Just a logistical question.

So will the address be corrected on the -- okay. And then we can pick that up
from your office. Excellent.

MR. McGHIE: Yes. And start circulating it.

MR. BURKON: Excellent.

CHAIR NICHOLS: Thank you so much.

MR. BURKON: Thank you.

Appreciate it.

CHAIR NICHOLS: All right.

All right. Mr. McGhie, the next item?

MR. McGHIE: Yes. The next item on my agenda is Emergency and Proposed Rulemaking to the 3 DCMR Section 1202 which is entitled, Order of Contests and Questions.

This emergency and proposed rulemaking would determine the order of contests and questions on the primary, general and special election ballot. And it would simply put the position of Attorney General added to the list of contests.

CHAIR NICHOLS: All right. So we'll entertain a motion to approve the
Emergency and Proposed Rulemaking to amend DCMR Section 1202, Order of Contests and Questions for Publication in the D.C. Register.

MS. CURRY: Madam Chair, so moved.

CHAIR NICHOLS: All in favor?

(A CHORUS OF AYES.)

CHAIR NICHOLS: All opposed?

(No audible response.)

CHAIR NICHOLS: Hearing none, the motion is approved.

MR. McGHIE: Okay. The last thing on my agenda is a litigation status update. There's two cases pending in court. The Board is familiar with both of them --

Zukerburg v. the D.C. Board of Elections and McMillan v. the D.C Board of Elections.

Zukerburg is a matter which is in court for delaying the Attorney General election. It has been resolved by the Court of Appeals.
The only issue that is pending right now, it was sent back to Superior Court for motions. The Plaintiff was seeking an order from the Court directing them to place the matter on the November election. And the Defendant, instead of having an order directing them to put them on the November election filed a motion to dismiss as moot. And the party did not want to have it dismissed as moot. So the Court directed them to file responsive pleadings. And a status hearing was set for July 25, but that was continued. And it was continued without a date.

CHAIR NICHOLS: Okay.

MR. McGHIE: And the next matter is McMillan versus the Board. That concerns an individual who filed a slate The Rent is Too Damn High. The Board filed a motion to dismiss for lack of standing. He's not a resident of the District of Columbia. He filed opposition papers. And now, we're at
the stage where our office is going to file a reply, and our reply will be filed on Friday, August 11.

And that would conclude my litigation status update.

CHAIR NICHOLS: Thank you, Mr. McGhie.

We will now hear the report of our Campaign Finance Director, Ms. Collier-Montgomery.

MS. COLLIER-MONTGOMERY: Yes.

Good morning.

During the month of July, the Office of Campaign Finance with respect to the July 15, 2014 Special Election for Ward 8 State Board Member of Education visited on July 9 and July 11 the Malcolm X Elementary School Early Voting Center.

Two of my auditors, as well as two of the members of the Office of the General Counsel visited the early voting centers. And also on election day, ten of the election
precincts located in the Ward were also visited by two members of the Audit Branch as well as two members of the Office of General Accounting. There were no significant issues which were encountered by the staff.

The purpose of the site visits has been to give the Office of Campaign Finance the opportunity to be proactive and also to be on site and for the purpose of observing any issues with respect to the Campaign Finance laws, in particular, with respect to campaign literature.

Also, during the month of July, July 1, 2014, was the deadline for the filing of the report of receipts and expenditures by our constituent service program. We have 12 required filers. All 12 timely filed, and all 12 electronically filed their reports of receipts and expenditures.

July 1, 2014 was also the deadline for the filing of the reports of receipts and expenditures by our Senator Representative
Statehood Fund. We have two required filers. Two timely filed, and also they electronically filed their reports.

July 7, 2014 was the deadline for the filing of the Eight-Day Pre-Special Election Report by those candidates and principal campaign committees as well as political action committees who were participating in the State Board of Education Ward 8 election. We had two required filers, and those were principal campaign committees. Both of the committees timely filed and also both electronically filed.

July 31, 2014 was the deadline for the reports of receipts and expenditures by our continuing committees. There were 34 required filers -- 24 principal campaign committees and 10 political action committees. At this time, we're still determining the number of timely filers as well as those who failed to file.

With our initiatives, referendums
and recalls, July 10, 2014 was the date for
the filing of the second report of receipts
and expenditures. We have four required
filers. Two timely filed and two extensions
were requested and granted. The two who
timely filed did in fact electronically file.

With referrals to the General
Counsel for failure to file the statement of
candidacy, we had two referrals -- Frank E.
Sewell as well as David O. Leacraft -- for the
failure to timely file the statement of
organization, Re-elect Mark Jones 2014, Mark
Jones, Treasurer.

With respect to new candidates and
committees who registered to participate in
the 2014 election cycle during July 2014, Mark
Naydan registered Mark Naydan for School
Board, Ward 6, on July 1, 2014; Janai Reed for
the Office of Attorney General, July 1, 2014;
Kris Hammond, Hammond for Chairman, City
Counsel registered on July 2, 2014; Edward
Smith submitted for Attorney General, Attorney
General registered on July 3, 2014; George Jackson, City Council, Ward 5, registered on July 9; Lateefah Williams, Lateefah Williams for Attorney General registered on July 15; W. Philip Thomas for Thomas for Ward 3, State Board of Education, registered on July 15; Karl Racine, Karl Racine for Attorney General, registered on July 15; Thomas Brennan, School Board Ward 6, registered on July 16; Lorie Masters, Lorie Masters for Attorney General, registered on July 21.

We also conducted entrance conferences for our new candidates and committees on July 22, 2014. Those persons who attended were Justin Mark, Committee for AG; Art Slater, Friends of Courtney; Cleve Mesidor, Friends of Courtney; Justin Myers, Hammond for Chairman; Mark Naydan, Mark Naydan for School Board; Lateefah Williams, Lateefah Williams for Attorney General.

In our Audit Branch, the Reports Analysis and Audit Division, the Audit Branch
conducted 79 desk reviews of reports which were filed during the month of July. In terms of our ongoing audits with full-field audits, Gray for Mayor is ongoing. With our periodic random audits, our candidates who are registered for the upcoming election 2014, we have several: Bowser for Mayor; Wells for Mayor; Evans for Mayor; Charles Allen for Ward 6; Catania for Mayor; Vincent Orange for Mayor.

With our audit reports during the month of July, there were none issued.

I would ask the General Counsel to approach and to provide the legal report for the Office of Campaign Finance.

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

I'm William Sanford General Counsel for the Office of Campaign Finance.

During the month of July 2014, the Office of the General Counsel received 21 referrals. Three of the referrals were from
the Public Information and Records Management Division. And 18 referrals were from the Reports Analysis and Audit Division.

The Office of the General Counsel issued 15 orders which included the following:
nine orders for failure to timely file in which no fines were imposed; four orders for failure to timely file in which $5,350 in fines were imposed; one order regarding failure to timely respond to a request for additional information in which a fine of $2,000 was imposed; and one order regarding failure to timely respond to a request for additional information in which no fine was imposed.

The fines imposed were imposed against the following committees: Winnifred Carson-Smith for DNC in the amount of $850 for failure to timely file a report of receipts and expenditures on June 10; Beverly Wheeler for Ward 1 in which a fine of $1,500 was imposed for failure to file a June 10 report.
of receipts and expenditures; Frank Sewell for Mayor, a fine of $1,500 for failure to timely file a June 10, 2014 report of receipts and expenditures; Valentine-at-Large, $1,500 for which a fine was imposed for failing to file a June 10, 2014 report of receipts and expenditures; and finally, Winnifred Carson-Smith for DNC, a $2,000 fine was imposed for failure to timely respond to a request for additional information.

During the month of July, the Office of the General Counsel initiated two new investigations which include the following: OCF full investigation 2014-001. It was internally generated. The Respondent in this matter was Calvin Robinson, and the infraction is campaign contribution violations. That matter is pending. And the second investigation initiated is OCF full investigation 2014-002. It was internally generated. The Respondent in this matter is Jeff Smith. The infraction is campaign
contribution violations. And that matter is also pending.

And that brings the number of open investigations before the Office of the General Counsel to seven.

During the month of July, there were no show-cause proceedings and no requests for interpreted opinions.

And that should complete my report.

CHAIR NICHOLS: Thank you, Mr. Sanford.

Is that all, Ms. Collier-Montgomery?

MS. COLLIER-MONTGOMERY: Thank you.

CHAIR NICHOLS: All right. Are there any public matters to be raised before the Board this morning?

(No audible response.)

CHAIR NICHOLS: All right.

Hearing none, and there being no
further business before us, this meeting is adjourned. The time is 11:09 a.m.

(Whereupon, at 11:09 a.m., the hearing was adjourned.)
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CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Regular Board Meeting

Before: DC Board of Elections

Date: 08-06-14

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.

[Signature]

Court Reporter