

GOVERNMENT OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

APRIL 23, 2014

+ + + + +

The Regular Meeting of the District of Columbia Board of Elections convened in Room 280 North, 441 4th Street NW, Washington, D.C., 20001, pursuant to notice at 10:30 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD MEMBERS PRESENT:

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

ALSO PRESENT:

CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
RUDOLPH MCGANN, General Counsel

WILLIAM O. SANFORD, General Counsel,
Office of Campaign Finance

CLIFFORD D. TATUM, Executive Director

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P-R-O-C-E-E-D-I-N-G-S

(10:34 a.m.)

CHAIRMAN NICHOLS: Good morning.

Welcome. I hereby call to order the April 2014 Regular Meeting of the Board of Elections. It is Wednesday, April 23, 2014, and the time is 10:35 a.m. We are meeting in Room 280 North of One Judiciary Square.

I'm Deborah K. Nichols, Chairman of the Board of Elections. Present with me this morning are Member Devarieste Curry and Member Stephen Danzansky. Also present on the dais are Mr. Rudy McGann, who's substituting for Mr. Ken McGhie, our general counsel, the Board's director of Campaign Finance, Ms. Cecily Collier-Montgomery, and the Board's executive director Mr. Clifford Tatum.

Without objection, the agenda for today's meeting is adopted. Also, without objection, the minutes of the Regular Meeting of the Board for March 5, 2014, are adopted subject to minor edits.

1 Are there any public matters to be
2 brought before the Board this morning?

3 Yes, ma'am.

4 MS. BRIZILL: Good morning. My
5 name is Dorothy Brizill, D-O-R-O-T-H-Y B-R-I-
6 Z-I-L-L. My legal residence is 1327 Girard
7 Street, NW.

8 I have one particular matter I'd
9 like to raise with the Board now because I see
10 on your agenda it comes up at the general
11 counsel's report, and that is a concern that
12 I would like to bring to the Board's attention
13 regarding the marijuana initiative.

14 On primary day, April 1, I visited
15 more than 20 polling sites, and at least three
16 of them, there were individuals outside the
17 polling sites with clipboards asking people to
18 sign and support of legalizing marijuana. At
19 the last polling site I went to, which was St.
20 Timothy's Church in Ward 7, there was an
21 individual, who in his remarks, asked people
22 to sign his clip, the sheet on his clipboard

1 indicating it was in fact the petition to
2 legalize marijuana in the District.

3 When I heard him make that remark,
4 I indicated that I did not believe the Board
5 had in fact issued the petitions, and in front
6 of witnesses, he told me I was dead wrong and
7 that it was a petition to legalize marijuana.
8 It was simply a sheet of paper with lines on
9 it for names, addresses, and I believe,
10 telephone numbers.

11 I'd like to bring this matter to
12 your attention because I believe you have a
13 situation. Today when you are going to be
14 issuing the petitions to the supporters of the
15 initiative, and I do not believe that they
16 have a great deal of experience as regards to
17 laws and regulations regarding the circulation
18 of those petitions.

19 I do not want them to spend the
20 time and effort to improperly circulate them,
21 so I wanted to bring this matter to the
22 Board's attention at the first available

1 opportunity so that you can make sure that
2 when you issue the petitions today, if you
3 issue the petitions today, that the
4 individuals in whose care they are given, make
5 sure that the individuals they have employed
6 and are paying to circulate the petitions do
7 it right.

8 CHAIRMAN NICHOLS: Thank you.

9 Are there any questions? Let me
10 finish with her first, and then we -- are
11 there any questions of Ms. Brizill from
12 members of the Board?

13 (No response.)

14 CHAIRMAN NICHOLS: Thank you, Ms.
15 Brizill.

16 Mr. Eidinger.

17 MR. EIDINGER: May I respond to
18 this?

19 CHAIRMAN NICHOLS: Yes, please.

20 MR. EIDINGER: The D.C. -- this is
21 Adam Eidinger, 1858 Mintwood Place, NW,
22 Washington, D.C.

1 We had about 60 combination of
2 volunteers and paid people working the polls
3 identifying potential supporters and help us
4 collect signatures for this initiative. We
5 trained 95 percent of them.

6 There was a small percentage who
7 missed the training, picked up their, their
8 stuff, and, and I know of only one person,
9 I've only been able to identify one person,
10 who admits to us that they mistakenly said to
11 people, and it may have been someone who Ms.
12 Brizill encountered, but mistakenly said,
13 thought they were collecting signatures for
14 the initiative, but the vast majority of the
15 people who were out that day were extremely
16 clear that they were signing up to volunteer
17 for this campaign and that we did not have the
18 initiatives yet.

19 And, we even had printed materials
20 that were on every single clipboard and said,
21 this is not the initiative. So, one person
22 very, I believe, there was only one person,

1 was extremely overzealous with their outreach
2 and got into an argument with her.

3 And, I didn't even know this
4 person, so this person I don't even believe
5 was even authorized to be speaking on behalf
6 of the campaign. I didn't authorize to speak,
7 have them speak on behalf of the campaign, but
8 I think by and large, we were extremely clear
9 with people that nothing has been issued as it
10 says on our website. This was not some
11 deliberate effort to confuse people is what
12 I'm trying to say.

13 CHAIRMAN NICHOLS: Thank you, Mr.
14 Eidinger. What we will do, we will have the
15 appropriate officer of the Board initiate a
16 review of this complaint and take it from
17 there.

18 Yes, sir.

19 MR. GURLEY: Okay, great. Thank
20 you. Good morning to everyone.

21 CHAIRMAN NICHOLS: Good morning.

22 MR. GURLEY: My name is Calvin

1 Gurley. I live in Washington, D.C., 612
2 Underwood, NW, 20012. Concerning the
3 certification of the election results.

4 CHAIRMAN NICHOLS: Mr. Gurley, and
5 I'm sorry, we departed from our normal --

6 MR. GURLEY: Right.

7 CHAIRMAN NICHOLS: -- flow. What I
8 would like anyone who is going to bring
9 anything before the Board, state the matter
10 now, but let us proceed through our agenda,
11 and then we will take up your matter at the
12 end.

13 MR. GURLEY: Okay. I misunderstood
14 --

15 CHAIRMAN NICHOLS: What is your --

16 MR. GURLEY: -- what you said
17 because you brought up a question, anyone has
18 any questions --

19 CHAIRMAN NICHOLS: It's a
20 departure.

21 Mr. Gurley: Okay.

22 CHAIRMAN NICHOLS: My bad.

1 MR. GURLEY: No.

2 CHAIRMAN NICHOLS: So, your issue
3 will be?

4 MR. GURLEY: With the post-
5 elections' activities that one being, one
6 being the electronic signature pad that were
7 used at the polling places.

8 CHAIRMAN NICHOLS: And.

9 MR. GURLEY: And, the clarity, and
10 if in fact they did record signatures of those
11 voters. Number two is an article in the Post
12 paper in which they said that five paper audit
13 tapes were missing serial numbers, and those
14 missing machines, and the Board of Elections
15 had to go throughout the night to find those
16 missing machines to download their votes.

17 CHAIRMAN NICHOLS: All right. And,
18 what else, Mr. Gurley?

19 MR. GURLEY: The other one would be
20 --

21 CHAIRMAN NICHOLS: So, these are
22 election matters?

1 MR. GURLEY: These are election --

2 CHAIRMAN NICHOLS: Okay.

3 MR. GURLEY: If he reads his report
4 and once he finishes, you know, I have
5 questions.

6 CHAIRMAN NICHOLS: Well, at the end
7 of this meeting, we have a section, other
8 matters, that we will bring you back --

9 MR. GURLEY: All right.

10 CHAIRMAN NICHOLS: -- and give you
11 the opportunity to address your concerns.

12 MR. GURLEY: All right. Thank you.

13 CHAIRMAN NICHOLS: All right.

14 Thank you, sir.

15 All right. Board matters. Are
16 there any matters which Board members wish to
17 raise in this public meeting?

18 (No response.)

19 CHAIRMAN NICHOLS: Hearing none, we
20 will move to the executive director's report
21 from Mr. Tatum, and we will begin with the
22 director's report on the Board's certification

1 of the election results for April 1, 2014,
2 mayoral, congressional, and the council
3 primary election.

4 MR. TATUM: Thank you, Madam Chair.

5 The -- as a result of the April 1,
6 2014, primary election, by statute, the Board
7 is required to conduct a post-election audit
8 of those preliminary unofficial results, and
9 as a result of our audit, we are, we then
10 certified the election.

11 And, as for the timeline on April
12 1, we tabulated election night's results. On
13 April the 11, we tabulated absentee ballot and
14 special ballot results and added all those
15 results into the unofficial results of
16 election night.

17 On April the 11th, we selected, we
18 conducted the random audit selection of
19 precincts and contests to be audited. And, on
20 April the 11th, we announced the results of
21 that selection and made notification on our
22 website of the precincts and contests to be

1 audited.

2 And, on April the 14th, we began
3 the audit process, which concluded on April
4 the 18th. During the, the audit selection,
5 the mayoral contest was selected to be
6 audited. The Ward 5 Council Member contest
7 was selected to be audited, and the Ward 6
8 Council Member contest was selected to be
9 audited.

10 The precincts selected to be
11 audited was from Ward 1, Precinct 137; Ward 2,
12 Precinct 3; Ward 3, Precinct 28; Ward 4,
13 Precinct 63; Ward 5, Precinct 75; Ward 6,
14 Precinct 130; Ward 7, Precinct 80; Ward 8,
15 Precinct 112.

16 The process of the audit was to
17 compare, to conduct a hand count of the paper
18 ballots cast and counted on the M100s and
19 compare that manual count to the machine
20 count, as well as the audit of the RTAL real-
21 time audit log tapes to the, to the machine
22 count on election day and night. And, as a

1 result of our audit for the mayoral contest,
2 the machine count totaled 4,753, the manual
3 audit tallied 4,749, which was a variance of
4 negative .0008, which falls within the .025
5 margin of error.

6 For the Ward 5 Council Member
7 contest, the hand count was Precinct 75. We
8 -- the machine count was 695, the manual count
9 was 695 with zero variance.

10 Of the Ward 6 Council Member
11 contest, the Precinct was 130. The machine
12 count was 300, the manual count was 304, with
13 a variance of plus .013, which falls within
14 the margin of error of 0.25, excuse me, 0.025,
15 and as a result of the margins of error
16 falling, of the variances falling within the
17 margin of error, there are no further actions
18 required by the Board of the audit, so
19 accordingly, we were able to certify the
20 election results, which I will now read into
21 the record.

22 For the April 1 primary, the Board

1 conducted the election for the Democratic
2 Party, as well as its State Committee
3 candidates, for the Republican Party, the
4 Statehood Green Party, and the Libertarian
5 Party.

6 Madam Chair, I propose to read the
7 contest winners for the mayoral, citywide, and
8 ward-based contests for the party nominations,
9 and we'll ask the Board to include the
10 certification documents into the record which
11 will show all of those casts for all of the
12 candidates in each of those contests.

13 And, unless the Board directs
14 otherwise, I would propose to include, to
15 include in the record the winners of the
16 Democratic State committee candidates by the
17 certifications as opposed to reading those
18 individually into the record. And, we will
19 then proceed with the Republicans, Statehood
20 Green, and Libertarians.

21 CHAIRMAN NICHOLS: Okay.

22 MR. TATUM: Madam Chair --

1 CHAIRMAN NICHOLS: Is that
2 acceptable to the members? There are a lot of
3 committee -- okay.

4 MS. COLLIER-MONTGOMERY: It is --

5 MR. TATUM: Madam Chair, the -- for
6 the Democratic Party primary delegate to the
7 United States House of Representatives, the
8 winner of the nominated candidate is Eleanor
9 Holmes Norton with 87,247 votes.

10 For the Mayor of the District of
11 Columbia, the nominee is Murel E. Bowser with
12 42,045 votes.

13 For the Chairman of the Council,
14 the nominee is Phil Mendelson with 69,138
15 votes.

16 For the at-large member of the
17 Council of the District of Columbia, the
18 nominee is Anita D. Bonds with 43,586 votes.

19 For the Ward 1 member of the
20 Council of the District of Columbia, the
21 nominee is Brianne K. Nadeau, N-A-D-E-A-U,
22 with 6,688 votes.

1 For the Ward 3 member of the
2 Council of the District of Columbia, the
3 nominee is Mary Cheh with 11,484 votes.

4 For the Ward 5 member of the
5 Council of the District of Columbia, the
6 nominee is Kenyan McDuffie with 9,532 votes.

7 For the Ward 6 member of the
8 Council of the District of Columbia, the
9 nominee is Charles Allen with 8,851 votes.

10 And, for the United States Senator
11 of the District of Columbia, the nominee is
12 Paul Strauss with 41,292 votes.

13 For the United States
14 Representative of the District of Columbia,
15 the nominee is Franklin Garcia with 57,946
16 votes.

17 And, the remaining contests on the
18 Democratic ballot are the State Committee
19 Officers, which would be incorporated into the
20 record by certification.

21 For the Republican Party primary,
22 the nominee for the delegate to the, to the

1 United States House of Representatives is
2 Nelson F. Rimensnyder with 1,131 votes.

3 For the Mayor of the District of
4 Columbia, the Republican Party had no nominee.
5 No candidate qualified for the office. There
6 were 717 write-ins, all of which either were
7 not qualified to seek the position as a
8 Republican candidate or did not have enough
9 votes to claim the majority of the, of the
10 vote, of the votes to obtain the nomination.

11 For the Chairman of the Council of
12 the District of Columbia, no winner.

13 For the at-large member of the
14 Council of the District of Columbia, Marc, M-
15 A-R-C, Morgan, 1,136 votes is the nominee.

16 For the Ward 1 member of the
17 Council of the District of Columbia, no
18 winner.

19 For the Ward 3 member of the
20 Council of the District of Columbia, no
21 winner.

22 For the Ward 5 member of the

1 Council of the District of Columbia, no
2 winner.

3 For the Ward 6 member of the
4 Council of the District of Columbia, no
5 winner.

6 For the United States Senator of
7 the District of Columbia, no winner.

8 And, for the United States
9 Representative of the District of Columbia, no
10 winner.

11 For the Statehood Green Party
12 primary, the mayor of the District of Columbia
13 -- pardon me. The delegate to the United
14 States House of Representatives, the party
15 nominee is Natalie L. Stracuzzi, S-T-R-A-C-U-
16 Z-Z-I, with 323 votes.

17 For the mayor of the District of
18 Columbia, the nominee is Faith, F-A-I-T-H,
19 with 191 votes.

20 For the Chairman of the Council of
21 the District of Columbia, no winner.

22 For the at-large member of the

1 Council of the District of Columbia, the
2 nominee is Eugene Puryear, P-U-R-Y-E-A-R, with
3 268 votes.

4 For the Ward 1 member of the
5 Council -- Ward 1 member of the Council of the
6 District of Columbia, no winner.

7 Ward 3 member of the Council of
8 the District of Columbia, no winner.

9 For the Ward 5 member of the
10 Council of the District of Columbia, no
11 winner.

12 For the Ward 6 member of the
13 Council of the District of Columbia, no
14 winner.

15 For the United States Senator of
16 the District of Columbia nominee is David
17 Schwartzman with 382 votes.

18 And, for the United States
19 Representative of the District of Columbia, no
20 winner.

21 The final party is the Libertarian
22 Party. For the delegate to the United States

1 House of Representatives, the nominee is Sarah
2 Jane Panfil, P-A-N-F-I-L, with 30 votes.

3 The mayor of the District of
4 Columbia, the nominee is Bruce Majors with 30
5 votes.

6 For the Chairman of the Council of
7 the District of Columbia, the candidate is
8 Kyle -- the nominee is Kyle Walker, K-Y-L-E,
9 with 11 votes.

10 The at-large member of the Council
11 of the District of Columbia was Frederick
12 Steiner, S-T-E-I-N-E-R, with 27 votes.

13 For the Ward 1 member of the
14 Council of the District of Columbia, no
15 winner.

16 The Ward 3 member of the Council
17 of the District of Columbia, Ryan Sabot, S-A-
18 B-O-T, with two votes.

19 For the Ward 5 member of the
20 Council of the District of Columbia, no
21 winner.

22 For the Ward 6 member of the

1 District of Columbia, of the Council of the
2 District of Columbia, the nominee is Pranav,
3 P-R-A-N-A-V, Badhwar, B-A-D-H-W-A-R, with
4 eight votes.

5 The United States Senator of the
6 District of Columbia, the nominee is John
7 Daniel, D-A-N-I-E-L, with 30 votes.

8 For the United States
9 Representative of the District of Columbia,
10 the nominee is Martin Moulton, M-O-U-L-T-O-N,
11 with 30 votes.

12 And, Chair, that concludes the
13 reading of the certifications into the record,
14 and I'd ask the Board to consider a motion to
15 certify the results of this April 1, 2014,
16 primary election.

17 CHAIRMAN NICHOLS: Thank you, Mr.
18 Tatum.

19 Are there any questions from
20 members of the Board?

21 (No response.)

22 CHAIRMAN NICHOLS: I have -- what

1 is the total? What was the total number of
2 votes actually cast?

3 MR. TATUM: Madam Chair, the total
4 number of votes cast for election night,
5 including absentees and specials and early
6 voting is 99,394 ballots cast.

7 CHAIRMAN NICHOLS: And, that
8 represented what percent about?

9 MR. TATUM: That represented 26.9,
10 27 percent of the registered voters in the
11 District of Columbia.

12 CHAIRMAN NICHOLS: Okay, all right.
13 The -- the Board will accept the executive
14 director's report of the results of the April
15 1 primary election. I will entertain a motion
16 from a member of the Board to approve the
17 director's election certification results.

18 MEMBER DANZANSKY: So moved, Madam
19 Chair.

20 MS. COLLIER-MONTGOMERY: I
21 seconded.

22 CHAIRMAN NICHOLS: All in favor

1 aye.

2 (Chorus of ayes.)

3 CHAIRMAN NICHOLS: All opposed.

4 (No response.)

5 CHAIRMAN NICHOLS: Ayes have it.

6 Thank you.

7 We'll move to your general
8 matters, Mr. Tatum.

9 MR. TATUM: Madam Chair, under the
10 general matters, we've provided to the Board,
11 as well as posted to the website, a list of
12 candidates who have qualified for the July 15,
13 2014, Ward 8 Member of the State Board of
14 Education special election. There are
15 currently six candidates who have qualified
16 who have submitted their, their petitions to
17 our office for consideration.

18 I've also included in your packet
19 the special election calendar for the July 15
20 contest. The -- we are currently in the
21 challenge period and unless some of the,
22 someone is challenged, there would be six

1 candidates on the ballot for the July 15
2 special election.

3 We have submitted to counsel and
4 the mayor the cost to conduct this special
5 election, as well as two options for
6 mitigating the actual cost to conduct this
7 election. And, the options were to either
8 conduct the contest by mail using a vote by
9 mail program, or to delay to waive the 114-day
10 special election deadline to move that contest
11 to the November 2014 election date, and those
12 matters are being considered by the counsel.

13 We understand there may be some
14 special, special legislation, emergency
15 legislation passed that would move that
16 contest to the November election, but until
17 that is actually passed, we have to proceed as
18 if the, as if we're moving forward with the
19 July 15 election.

20 CHAIRMAN NICHOLS: And, this may
21 cost --

22 MEMBER DANZANSKY: Mr. Tatum, what

1 is the cost of that if nothing happens?

2 MR. TATUM: The cost for this
3 particular election is \$287,000 and some
4 change, but the rough estimate is \$287,000.
5 We submitted a budget over to --

6 MEMBER DANZANSKY: So, over a
7 quarter million dollars for this one?

8 MR. TATUM: That is correct. Those
9 costs were projected based on what our actual
10 costs were to conduct a May 2012 ward-based
11 special election where the precinct numbers
12 were roughly the same. Ward 5 had 18
13 precincts, Ward 7 has 17, and the registered
14 number of voters 54,000 compared to 55,000, so
15 we believe those actual costs would be about
16 the same given some inflation since 2012.

17 Unless legislation is passed, we
18 will be conducting a Ward A special election.
19 The -- and, Madam Chair, that actually
20 concludes my matters under the general, my
21 report under general matters.

22 CHAIRMAN NICHOLS: All right.

1 Thank you, Mr. Tatum.

2 We will move now to the general
3 counsel's report. And, again, substituting
4 for Mr. McGhie this morning will be Mr.
5 Rudolph McGann. I will turn the meeting over
6 to Mr. McGann to present an overview of the --
7 oh, sorry. Let's do the proposed Rulemaking.
8 Sorry.

9 MR. MCGANN: Thank you, Madam
10 Chair. Good morning.

11 The first item on the general
12 counsel's agenda is the submission of proposed
13 regulations for the intent to adopt, and no
14 fewer than 30 days. These new regulations are
15 intended to establish a maximum number of
16 signatures that the Board will consider on
17 nominating and ballot measure petitions, and
18 provided the Board will only accept the number
19 of petition sheets that bear the maximum
20 number of signatures allowed and return the
21 petition sheets containing signatures in
22 excess of that, that number.

1 The maximum number will be
2 established as twice the statutory minimum
3 number of signatures for any, any measure both
4 nominating petitions and ballot measure
5 petitions. And, at this time, I would like to
6 ask for a motion to submit these measures to
7 the Register for publication of notice.

8 CHAIRMAN NICHOLS: I'll entertain a
9 motion from the, from a member of the Board to
10 approve the proposed regs for publication in
11 the D.C. Register for a 30-day period of
12 review and comment subject to minor edits.

13 MEMBER DANZANSKY: So moved, Madam
14 Chair.

15 MS. COLLIER-MONTGOMERY: I'll
16 second.

17 CHAIRMAN NICHOLS: All in favor
18 aye.

19 (Chorus of ayes.)

20 CHAIRMAN NICHOLS: All oppose.

21 (No response.)

22 CHAIRMAN NICHOLS: Ayes have it.

1 We'll now move on to Initiative
2 71.

3 MR. MCGANN: At this time, the
4 Board will approve the petition form for
5 Initiative Measure Number 71, Legalization of
6 Possession of Minimal Amounts of Marijuana for
7 Personal Use Act of 2014.

8 I see that the proponent has
9 stepped forward. Sir, could you state your
10 name and address for the record?

11 MR. EIDINGER: Sure. My name is
12 Adam Eidinger, 1858 Mintwood Place, NW, Number
13 4, Washington, D.C. 20009.

14 MR. MCGANN: Okay. Pursuant to
15 D.C. Code 10 -- 1-1001.16(g), the Board must
16 approve an initiative referendum petition form
17 before it can be circulated. The Board is
18 required to prepare and provide to the
19 proposer at a public meeting an original form,
20 which a proposer must formally adopt as his or
21 her own.

22 The Board has prepared -- Madam

1 Chairman, the Board has prepared an original
2 petition form for the Initiative Measure
3 Number 71, Legalization of Possession of
4 Minimal Amounts of Marijuana for Personal Use
5 Act of 2014.

6 CHAIRMAN NICHOLS: All right. Do
7 you approve the petition form and do you adopt
8 it as your own?

9 MR. EIDINGER: Yes. I've seen the
10 petition for it.

11 CHAIRMAN NICHOLS: You've seen
12 this?

13 MR. EIDINGER: I have, and if --
14 with this minor correction have made and --

15 CHAIRMAN NICHOLS: What correction
16 is that?

17 MR. EIDINGER: The address. It
18 said Avenue instead of Place, and it's
19 actually Mintwood Place.

20 CHAIRMAN NICHOLS: Mintwood Place?

21 MR. EIDINGER: Place, right.

22 CHAIRMAN NICHOLS: Okay.

1 MR. EIDINGER: I think it's what it
2 says now, right?

3 CHAIRMAN NICHOLS: It says Avenue,
4 number four.

5 MR. EIDINGER: Oh, maybe your copy
6 does. I believe counsel showed me another
7 copy of a version where it had been changed.

8 CHAIRMAN NICHOLS: It should be
9 Place.

10 MR. EIDINGER: It should be Place.

11 CHAIRMAN NICHOLS: All right.
12 Anything else?

13 MR. EIDINGER: I just want to thank
14 the Board members, this might be my only
15 chance to do it, and particularly the Chair,
16 for this public process. I think it's
17 actually been really informative to the
18 community about how doing a ballot initiative
19 isn't as simple as just scribbling out an
20 idea. It really has to go through a process,
21 and I am very thankful we are making it to
22 this day, and I want to just thank you all,

1 and particularly, the Chair.

2 CHAIRMAN NICHOLS: Thank you, Mr.
3 Eidinger.

4 Are there any question or comments
5 from members of the Board?

6 MS. COLLIER-MONTGOMERY: Madam
7 Chair, I don't know if this is the appropriate
8 time to ask this question, but I wanted to --
9 because we didn't -- I wanted to ask the
10 gentleman a question relating to Ms. Brizill's
11 observation, which I think deserve -- I wanted
12 to hear something more.

13 I understand you said there was
14 one person and that you had trained 95
15 percent, but there were 5 percent that perhaps
16 that's not trained. And, I suppose what would
17 give me a sense of comfort where I need to
18 hear more, do you, do you understand the
19 process for collecting petitions? And, do you
20 have a process in place to ensure that you
21 comply with this Board's regulations and rules
22 for collecting petitions?

1 For example, with respect to the
2 ones out just gathering information, did you
3 have a process to have the names of everyone
4 that you had out there you knew who you had
5 out there?

6 MR. EIDINGER: Yes, and it was very
7 easy for us to, once we knew which polling
8 station that the complaint was coming from,
9 because Ms. Brizill had talked, spoken with
10 me, we were able to talk to that person. And,
11 our -- she was correct. The person was -- had
12 not read the instructions that were on the, on
13 the clipboard they were handed.

14 We were very clear this was not
15 for signature gathering for the initiative,
16 but to help us get the signatures at a later
17 date when we had the petitions.

18 MS. COLLIER-MONTGOMERY: I guess
19 the question is, you said that person hadn't
20 read the instructions on the clipboard. How
21 are you going to ensure that your people read
22 the instructions and follow them then?

1 MR. EIDINGER: I guess 95 percent
2 had come and went through a training and had
3 been spoken with and actually was -- had --
4 was given an opportunity to ask questions.
5 And, usually, our trainings take two and a
6 half hours, but this one person, one person
7 was -- had to work late, was very enthusiastic
8 the night before the election, and was begging
9 for their clipboard because they wanted to
10 work the poll.

11 They had taken the day off from
12 work, and so literally, the clipboard was left
13 in a plastic bag with leaflets outside the
14 door of the campaign office and they came and
15 picked it up.

16 MS. COLLIER-MONTGOMERY: Do you
17 plan to use --

18 MR. EIDINGER: I don't think we're
19 going to -- no, we're not going to do that
20 ever again. This is a big lesson for us. We
21 will number -- every single person who takes
22 the petition from us, whether they are a hired

1 circulator or whether they are a volunteer
2 circulator, from our perspective, we're going
3 to track each petition copy we give them.

4 So, if we give them ten sheets, we
5 expect ten sheets back. We don't want people
6 collecting signatures, and then not turning
7 them in. That's disenfranchising the people
8 who signed those petitions.

9 We -- we want to make sure that --
10 we're actually doing 100 percent verification.
11 We have the voter -- we have the registered
12 voter file, which is updated periodically too.
13 We've even created software so we can auto-
14 check signatures that we enter into our master
15 list against the Board of Elections' database.

16 I wish this was something we could
17 just do as easily as online, but that source
18 is not offered, so we had to actually create
19 our own software to do that. We are going to
20 be extremely careful with the signature
21 gathering.

22 Everybody who's not from D.C. is

1 coming here, and before they even get a
2 petition, they have to prove that they've
3 registered with the Board of Elections as an
4 authorized gatherer. If they don't have ID,
5 they can't prove who they are, they can't be
6 collecting signatures.

7 And, the same goes for District
8 residents, which about, you know, half of our
9 signature gatherers who have signed up so far
10 are from D.C., they know they have to have an
11 ID or a photo registration card or something
12 that shows where their permanent address is
13 and it's here in D.C.

14 So, we're collecting that, we're
15 coping people's IDs, like we're not just
16 handing them out to whoever wants them.
17 That's not going to be the strategy at all for
18 us. And, we feel that, you know, we have a
19 real task at hand here.

20 We only have 75 days. We don't
21 want to force a special election on this or be
22 part of the next election. We want to be on

1 the ballot in November, so we'll be back
2 within 75 days, I think, is what we have with
3 our, with our petitions completed.

4 But, I -- I can assure you that we
5 are well aware of Ms. Brizill's issue, and I
6 think it's a legitimate issue. If I had been
7 there, I would have also argued with the
8 person they were wrong.

9 But, I was at the polls that day
10 and we had people going, checking on our
11 people all around the city as well, and I
12 think by and large, it was -- actually, people
13 were handing out accurate information. Just,
14 unfortunately, one poll, one person didn't,
15 and we just learned a lesson.

16 We'll never -- if you missed the
17 training, you just -- you just can't -- we
18 can't include you. You have to come to the
19 training first.

20 CHAIRMAN NICHOLS: All right.

21 Thank you.

22 Are there any other questions?

1 Any other questions?

2 (No response.)

3 CHAIRMAN NICHOLS: Do we have any
4 members of the public who have any questions
5 of the proposer?

6 (No response.)

7 CHAIRMAN NICHOLS: All right.

8 Yes, sir.

9 MR. SCHILLER: I had a quick
10 question.

11 CHAIRMAN NICHOLS: Could you
12 identify yourself for the record?

13 MR. SCHILLER: Yes. My name is
14 Nikolas Schiller. My address is 942
15 Westminster Street, NW, Washington, D.C.

16 My question is concerning --

17 MR. MCGANN: Could you come to the
18 table, please?

19 MR. SCHILLER: Sorry. Agenda item
20 A, the Rulemaking that was just discussed.

21 CHAIRMAN NICHOLS: Will not --

22 MR. SCHILLER: Will not apply to

1 this?

2 CHAIRMAN NICHOLS: No, it will not.

3 MR. SCHILLER: Okay. That's my
4 only question.

5 CHAIRMAN NICHOLS: Okay.

6 MR. EIDINGER: And, I guess I have
7 one question. Are you giving me only one copy
8 today or are you giving me on colored paper or
9 something? Because we've been getting --

10 CHAIRMAN NICHOLS: That's a good
11 question. I see the -- come to the table, Ms.
12 Brooks, and answer that question for us.

13 MS. BROOKS: Yes. My name is Karen
14 Brooks from the Registrar of Voters.

15 Yes, you will only receive one
16 copy -- you will make copies of, and it's --
17 just one-sided. It has to be two-sided when
18 you return to us.

19 CHAIRMAN NICHOLS: I think his
20 question too was colored paper.

21 MS. BROOKS: No paper, colored
22 paper. It will be on white paper.

1 CHAIRMAN NICHOLS: So --

2 MS. BROOKS: Yes. White paper,
3 yes. I'm sorry.

4 CHAIRMAN NICHOLS: That's okay.
5 Yes, we've had green, blue, --

6 MS. BROOKS: That's for nominated
7 petitions.

8 CHAIRMAN NICHOLS: -- yellow.
9 Okay, so this time we'll have white?

10 MS. BROOKS: Just white, yes.

11 CHAIRMAN NICHOLS: All right.

12 Are -- are there any other --
13 thank you, Ms. Brooks.

14 MS. BROOKS: You're welcome.

15 CHAIRMAN NICHOLS: Yes, sir, Mr.
16 Gurley.

17 MR. GURLEY: Just curiosity -- my
18 name is Calvin Gurley. It shouldn't be too
19 long, but do we have --

20 CHAIRMAN NICHOLS: Excuse me?

21 PARTICIPANT: You have to come
22 forward.

1 MR. GURLEY: Okay.

2 CHAIRMAN NICHOLS: We can't hear
3 you.

4 MR. GURLEY: Okay. Can you read --
5 if someone could read the summary of interest
6 for a second just, of the initiative?

7 CHAIRMAN NICHOLS: That's already
8 been posted in the D.C. Register here.

9 MR. GURLEY: Okay. It's already
10 been posted?

11 CHAIRMAN NICHOLS: Yes, and that is
12 -- we are past that process. So, what we will
13 do is entertain a motion from a member of the
14 Board to approve the petition form adopted by
15 the proponent of Initiative Measure Number 71.

16 MEMBER DANZANSKY: I move, Madam
17 Chair, that we approve the petition form as
18 agreed to by the proponent.

19 MS. COLLIER-MONTGOMERY: I second.

20 CHAIRMAN NICHOLS: All in favor.

21 (Chorus of ayes.)

22 CHAIRMAN NICHOLS: All opposed.

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(No response.)

CHAIRMAN NICHOLS: Ayes have it.
General Counsel.

MR. MCGANN: At this time, the next
item on my agenda is litigation status --

CHAIRMAN NICHOLS: Wait a minute.
We --

MR. MCGANN: Oh, I'm sorry.

CHAIRMAN NICHOLS: We need to have
the Registrar of Voters to -- you want to go
--

MR. MCGANN: Yes. I'm sorry about
that.

CHAIRMAN NICHOLS: To present to us
the --

MR. MCGANN: If you could --

CHAIRMAN NICHOLS: -- calculation
on the approximate signature requirement for
informational purposes only based on the
number of voters currently registered.

Yes, sir.

MR. MCGANN: Madam Registrar, I'm

1 going to refer you to give the, the
2 approximation of vote totals that the campaign
3 would need for ballot access.

4 CHAIRMAN NICHOLS: Signature,
5 signatures.

6 MR. MCGANN: Signatures.

7 MS. BROOKS: Okay, the number of
8 signatures required for this initiative would
9 be 23,373. And --

10 MS. BRIZILL: Can you speak up,
11 please?

12 MS. BROOKS: I'm sorry.

13 PARTICIPANT: Sorry. Can you speak
14 up, please?

15 MS. BRIZILL: Twenty-two thousand -
16 -

17 MS. BROOKS: Twenty-two thousand,
18 three, seven, three. We always suggest that
19 you check stats at the end of each month
20 because the number may change because the
21 system is constantly going up.

22 And, if you'd like the measure

1 replaced on the ballot for the November
2 election, we need to see it by July 7 by 5:00
3 p.m. If you used your 180 days, the filing
4 deadline is October 20, and the same time is
5 5:00 p.m.

6 CHAIRMAN NICHOLS: Thank you, Ms.
7 Brooks.

8 Are there any questions?

9 MR. TATUM: Actually, I just --

10 CHAIRMAN NICHOLS: Yes, sir.

11 MR. TATUM: We've made -- Ms.

12 Brooks, we made the -- provided the proposal
13 with this memo that indicates the five percent
14 breakdown in each of the wards.

15 MS. BROOKS: Yes.

16 MR. TATUM: Okay.

17 CHAIRMAN NICHOLS: All right. We
18 will now move on to the next item on the
19 general counsel's agenda.

20 MR. MCGANN: Okay. The next item
21 on the general counsel's agenda is the
22 litigation status for the cases that the Board

1 is currently involved in.

2 The first one is Libertarian
3 Party, et.al. versus D.C. Board of Elections.
4 This isn't a new matter. This matter is for
5 all intents and purposes complete other than
6 the issue of attorneys' fees and there's been
7 no reportable change in status as of this
8 time.

9 With respect to Zukerberg versus
10 D.C. Board of Elections, the, the plaintiff in
11 that case, Mr. Zukerberg, filed an appeal on
12 February 27 of the Superior Court's grant of
13 a motion to dismiss. Mr. Zukerberg filed a
14 motion to expedite and brief in this matter
15 with the D.C. Court of Appeals on March 10.

16 The Court granted the motion to
17 expedite in part by calendering the matter for
18 oral argument in May, but afforded the Board
19 the full complement of its briefing schedule
20 to prepare its brief and response.

21 Amicus briefs were filed by
22 Appleaseed and DC Vote on March 31, and the

1 Board, through its counsel in the Office of
2 the Attorney General, filed a reply brief on
3 April 25. Oral argument is scheduled for May
4 29 in the matter.

5 And, that concludes the General
6 Counsel's report.

7 CHAIRMAN NICHOLS: Thank you so
8 much, Mr. McGann. Great job.

9 MR. MCGANN: Thank you.

10 CHAIRMAN NICHOLS: All right, we
11 will now move on to the Board's director of
12 Campaign Finance, Ms. Cecily Collier-
13 Montgomery, for her report.

14 MR. MCGANN: Yes. Good morning.
15 The first thing I would like to report is that
16 on election night, April 1, 2014, 16 members
17 of the staff of the Office of Campaign
18 Finance, visited 76 of the election precincts
19 to make observations in terms of the placement
20 of campaign literature, as well as to observe
21 any, what may have appeared to be expenditures
22 from the various campaigns on activity at the

1 polls.

2 Overall, the Campaign Finance
3 staff observed that the election officials, as
4 well as the volunteers, adhered to the
5 District's election law guidelines and
6 campaign finance regulations regarding the
7 placement of disclaimers on campaign
8 literature, as well as the placement of the
9 electioneering markers and the observation of
10 the placement of those markers with respect to
11 campaign activity at the polls.

12 During the month of March, there
13 were two report dates. The first volume
14 deadline was the March 10, 2014, the filing
15 deadline for the report of receipts and
16 expenditures by principal campaign committees
17 and political action committees, who were
18 active during the election cycle.

19 The total number of required
20 filers was 104. That breaks down to 54
21 principal campaign committees and 50 political
22 action committees.

1 There were 86 timely filers.
2 Forty-two of these were PCCs and forty-four
3 were PACs. There was one extension requested
4 and granted.

5 As far as late filers were
6 concerned, there was one. The total number of
7 failures to file were 15. The total number of
8 referrals to the Office of the General Counsel
9 were 16. And, that breaks down to ten
10 principal campaign committees and six
11 political action committees.

12 Seventy-eight of the timely filers
13 electronically filed their reports and
14 certified their e-filings, and that breaks
15 down to 37 of the PCCs and 41 of the PACs.
16 And, again, I would remind the public that as
17 of January 2015, electronic filing will be
18 mandatory.

19 With respect to the eight-day pre-
20 primary report of receipts and expenditures,
21 which was due on March the 24th, 2014, there
22 were 48 required filers, and all of these were

1 principal campaign committees. Thirty-nine of
2 the PCCs timely filed. There were no requests
3 for extensions. There were two late filers
4 and seven failures to file and nine PCCs were
5 referred to the General Counsel's Office for
6 the initiation of the informal hearing
7 process.

8 Overall, 36 of the principal
9 campaign committees electronically filed their
10 reports. During the month of March, we had
11 five new candidates and committees who
12 registered, again, for the 2014 election
13 cycle.

14 David Catania/Catania for Mayor
15 registered on March the 12th, 2014. Wendell
16 Felder/Wendell for DC Council (At-Large, City
17 Council) registered on March the 18th, 2014.
18 Philip Pannell/Pannell for Education (School
19 Board, Ward 8) registered on March the 21st,
20 2014. John Cheeks/Elect Cheeks for Chairman
21 (Chairman, City Council) registered on March
22 the 26th, 2014. Nydria Humphries (School

1 Board, Ward 8) registered on March the 28th,
2 2014.

3 The Office of Campaign Finance
4 will conduct entrance conferences for these
5 new candidates and committees on April the
6 24th, 2014.

7 With respect to the referrals to
8 the General Counsel, which were made for the
9 failure to file the March 10 report of
10 receipts and expenditures, as well as the pre-
11 primary report of receipts and expenditures,
12 the names of those principal campaign
13 committees, as well as political action
14 committees, are included in our stats, and
15 their names will be published at our website.

16 In our report's analysis and audit
17 division, the audit division completed 156
18 desk reviews of the reports, which were filed
19 during the month of March. There are ongoing
20 audits. The full field audits are the Gray
21 for Mayor.

22 We have periodic random audits of

1 the Caribbean-American Political Action
2 Committee, as well as of the D.C. Freedom
3 Political Action Committee. There are also
4 ongoing periodic random audits of candidates
5 who have registered for the upcoming elections
6 in 2014.

7 And, those committees are Reta Jo
8 Lewis for Mayor, Bowser for Mayor, and Wells
9 for Mayor. And, these random audits will be
10 conducted of the March 10, 2014, filing.

11 At this time, I would ask the
12 General Counsel to give the legal report for
13 the Office of Campaign Finance.

14 MR. SANFORD: Good morning, Madam
15 Chairman, and distinguished Board members. My
16 name is William Sanford. I'm general counsel
17 for the Office of Campaign Finance.

18 During the month of March 2014,
19 the Office of the General Counsel received 24
20 referrals, 16 of those referrals came from the
21 public information and records management
22 division. They included ten referrals of

1 principal campaign committees and six
2 referrals of PACs, Political Action
3 Committees, and eight referrals came from the
4 reports analysis and audit division, which
5 included seven referrals of principal campaign
6 committees and one political action committee.

7 The Office of the General Counsel
8 issued 14 orders during the month of March
9 2014, and they included the following:

10 Nine orders were issued for
11 failure to timely file in which no fines were
12 imposed, and five orders were issued for
13 failure to timely respond to a request for
14 additional information in which no fines were
15 imposed.

16 The -- during the month of March,
17 there were 49,000 received, \$150,000, \$750 in
18 fines. And, they included the following:
19 \$45,000 fine for Kwame for Chair, \$1,700 fine
20 for Frank Sewell for Mayor, \$1,800 fine was
21 imposed against Tarek Stevens, \$1,100 in fines
22 were imposed against Nestor for Maylor, and a

1 \$150 fine was imposed against Tim Clark, an
2 ANC in the District of Columbia.

3 All of these matters have been
4 referred to the Office of the General Counsel
5 for the Board for petitions reinforcement.

6 During the month of March 2014,
7 the Office of the General Counsel carried five
8 open investigations. The other four
9 investigations have been previously reported.

10 One additional investigation was
11 open, and that was OCF Full Investigation
12 2013-015, and it was internally generated and
13 the respondent in this is Jeffrey Thompson.
14 The infraction for alleged campaign
15 contribution violations. However, due to
16 current criminal investigations regarding Mr.
17 Thompson, this matter will remain ongoing.

18 During the month of March 2014,
19 there were no requests for payments and no-
20 show cause proceedings were conducted. And,
21 that concludes my report.

22 CHAIRMAN NICHOLS: Are there any

1 questions of Mr. Sanford or Ms. Collier-
2 Montgomery?

3 (No response.)

4 CHAIRMAN NICHOLS: Thank you, Mr.
5 Sanford.

6 All right, Mr. Gurley.

7 MR. GURLEY: Thank you, Madam
8 Chair.

9 CHAIRMAN NICHOLS: Maybe I should
10 have you -- I see that you have a Friends of
11 Calvin Gurley --

12 MR. GURLEY: Gurley.

13 CHAIRMAN NICHOLS: -- 2014.

14 MR. GURLEY: Yes.

15 CHAIRMAN NICHOLS: So, you all have
16 failed to file the March 10th report of
17 receipts and expenditures.

18 MR. GURLEY: Yes.

19 CHAIRMAN NICHOLS: Really? And, so
20 do you -- and you didn't do the eight-day --

21 MR. GURLEY: The eight-day pre --

22 CHAIRMAN NICHOLS: Pre-primary?

1 MR. GURLEY: -- pre-primary.

2 CHAIRMAN NICHOLS: You have any
3 intension of filing that?

4 MR. GURLEY: Yes, they've been
5 filed.

6 CHAIRMAN NICHOLS: They've been
7 filed? No. They've been referred for further
8 investigation and action because they haven't
9 been filed. Do you plan to file it out of
10 curiosity?

11 MR. GURLEY: Yes, and they've been
12 filed.

13 CHAIRMAN NICHOLS: No, they have
14 not been filed, but -- they've not been filed
15 let me just tell you that.

16 MR. GURLEY: Okay. Ma'am, let me
17 inform you, okay. I have had a hearing, okay.
18 And, upon the hearing --

19 CHAIRMAN NICHOLS: Mr. Sanford,
20 would you come forward, please?

21 MR. GURLEY: I've had a hearing,
22 and at the hearing, it was requested and

1 assigned that I do file, and those two reports
2 were filed.

3 CHAIRMAN NICHOLS: Were they --
4 have they been filed, Mr. --

5 MR. SANFORD: And, what date did
6 you have your hearing, Mr. Gurley?

7 MR. GURLEY: I don't have the
8 information here, but there was a hearing.

9 MR. SANFORD: Regarding the failure
10 to timely file the eight-day pre-primary
11 report?

12 MR. GURLEY: Pre -- and March 10th.

13 MR. SANFORD: Was it a consolidated
14 hearing?

15 MR. GURLEY: Yes, it was
16 consolidated hearing.

17 MR. SANFORD: Okay. Do you recall
18 the date of those hearings because according
19 to our records you are not in compliance?

20 MR. GURLEY: As a --

21 CHAIRMAN NICHOLS: It's just a
22 question, but that is an issue. You know --

1 MR. GURLEY: I'm puzzled that the
2 hearings haven't --

3 CHAIRMAN NICHOLS: No, that's not
4 that they are current in their information, so
5 -- all right.

6 MR. GURLEY: Madam Chair, Madam
7 Chair --

8 CHAIRMAN NICHOLS: No, Mr. -- no,
9 Mr. Gurley. Hold on. I like when people come
10 before us to make complaints.

11 MR. GURLEY: Okay.

12 CHAIRMAN NICHOLS: This is my
13 personal as Chair. It's my -- I think they
14 should come with clean hands having met all of
15 our rules and regulations, but you may proceed
16 now. You may proceed, Mr. Gurley, with your
17 issue.

18 MR. GURLEY: Madam Chair, I agree
19 with you. As a matter of fact, as soon as I
20 get home, I'm going to send -- I guess, I can
21 send you a copy.

22 CHAIRMAN NICHOLS: You don't have

1 to send it to me.

2 MR. GURLEY: Okay, or --

3 CHAIRMAN NICHOLS: You can send it
4 to the general counsel.

5 MR. GURLEY: I'll send it to the
6 general counsel.

7 CHAIRMAN NICHOLS: And, the Office
8 of Campaign Finance.

9 MR. SANFORD: Sure. And, let me
10 just say then, these are the stats for March.
11 Now, if your hearing was in April, they would
12 not be included in --

13 MR. GURLEY: Okay, then the hearing
14 was in April.

15 CHAIRMAN NICHOLS: The hearing was
16 in April?

17 MR. GURLEY: The hearing was in
18 April.

19 CHAIRMAN NICHOLS: And, what was
20 the result of the hearing?

21 MR. GURLEY: I will get that soon.
22 They have not -- I think --

1 CHAIRMAN NICHOLS: You filed it --

2 MR. GURLEY: -- after the hearing -

3 -

4 CHAIRMAN NICHOLS: We'll clarify

5 it, but when I see your, you know, --

6 MR. GURLEY: But, there was a

7 hearing.

8 CHAIRMAN NICHOLS: Let's proceed

9 with your issue.

10 MR. GURLEY: Okay. First thing

11 comes to mind right now, okay, is the Special

12 Election for the Education in Ward 8, and the

13 counsel, I guess, is pending as far as

14 rescheduling that to November.

15 I was just wondering if there's a

16 scheduled date for printing ballots, and if

17 so, have that been communicated to the counsel

18 to let them know they need to do something as

19 far as making decisions before you spend the

20 money to print the ballots. That's all I

21 wanted to say at that. That's the first

22 thing.

1 The first thing that's on my list
2 here is, excuse me, is the election. And, my
3 concern is I'm just tired of hearing the
4 government being wrong in some of their
5 operations as being reported and why it should
6 impose. I would like for the government just
7 to really be on top of their operations, so
8 this is my concern right now.

9 Okay. The first one, I think, I
10 discussed with Mr. Tatum was the point of the
11 handheld voters' signature scan is a pair, in
12 which the pair did not transcribe encryption
13 of the signature.

14 And, when I asked the lady behind
15 the table if I could see my signature, she
16 declined, but she did tell me that my
17 signatures did take, but these signature pads
18 are not working as far as when you into a
19 retail store, you're asked to sign the tape
20 and you can see your clear signature on that
21 particular electronic pad.

22 This has concerned me in which if

1 there's no signature recorded. Now, I'd like
2 to see if I could and get permission from you,
3 Madam Chair, to at least see my particular
4 signature that was recorded from the
5 electronic pad. That should be recorded, I
6 mean, in the record.

7 CHAIRMAN NICHOLS: I'll take that
8 under submission.

9 MR. GURLEY: Okay.

10 CHAIRMAN NICHOLS: I don't see why
11 not.

12 MR. GURLEY: Okay.

13 CHAIRMAN NICHOLS: We could show
14 you your signature.

15 MR. GURLEY: Okay, yes. I was
16 hoping that the rest of the signatures were
17 public, but they're not. You don't --

18 CHAIRMAN NICHOLS: I don't --

19 MR. GURLEY: Okay. I'm just
20 asking.

21 CHAIRMAN NICHOLS: Yes, sir.

22 MR. GURLEY: But, I think, that's a

1 serious situation in which those signatures --
2 and I would like to, and I ask to request --
3 this is second. I requested from Mr. Tatum to
4 view or to verify the updating or the
5 downloading of the signature, voters'
6 signatures to the, to the records or to the
7 ballots.

8 And, given the time that he was
9 doing that, I was hoping that I would have a
10 chance to, to witness the download, but if Mr.
11 Tatum, if you and I can just let me know what
12 that process was and --

13 CHAIRMAN NICHOLS: What are you
14 going to see?

15 MR. GURLEY: What I'm going to see?

16 CHAIRMAN NICHOLS: What do you
17 think you will see?

18 MR. GURLEY: Well --

19 CHAIRMAN NICHOLS: If it's a
20 download -- I'm not sure what --

21 MR. GURLEY: He can explain it to
22 you.

1 CHAIRMAN NICHOLS: Yes. I mean,
2 you could -- I don't see why you can't watch
3 it. I don't know that you're going to see
4 anything, you know.

5 MR. TATUM: Madam Chair, that's
6 what I tried to explain, so -- Mr. Gurley did
7 express the desire at the audit to see they
8 uploaded the signatures, and I explained that
9 what we do, the process is to download from
10 the e-poll books onto a SD card the results
11 from the e-poll books, and then those results
12 are accumulated, and then read into the voter
13 registration system.

14 So, it's a fully electronic
15 process, so there's -- there is nothing that
16 he would see other than us moving a SD card
17 from one file to the next file, but I did say
18 to him that we would show him the process
19 afterwards, but I didn't want to interrupt my
20 guys doing what they're doing now. Yes. So,
21 we will make it available for him to see. It
22 won't be as it's happening, but we will show

1 him what the process is.

2 CHAIRMAN NICHOLS: And, we'll let
3 you see your signature.

4 MR. GURLEY: Okay. Thank you.
5 Great. Great.

6 MR. TATUM: And, then conversely,
7 not conversely, but in addition to that, there
8 is a report that we will generate that will
9 show us the signatures that are uploaded, but
10 that's not a report that would be made public
11 number one because it's voter-specific data
12 that --

13 CHAIRMAN NICHOLS: Yes. Personally
14 identifiable information.

15 MR. TATUM: Exactly. Exactly.

16 CHAIRMAN NICHOLS: And, you know,
17 we do have secrecy with regard to ballot,
18 balloting. Is that a proper terminology? In
19 other words, when you go to vote, you know,
20 you sign in, but you're voting and everything,
21 --

22 MR. GURLEY: Oh, yes.

1 CHAIRMAN NICHOLS: -- and that is
2 tied to your vote of record. That signature
3 is tied to your vote of record, so you could
4 see your own.

5 MR. GURLEY: Right. Okay, good.
6 Would there be any -- would there be any
7 discrepancy in the number of signatures
8 compared to the number of votes or ballots
9 cast?

10 MR. TATUM: Well, and that's part
11 of the audit process, so --

12 MR. GURLEY: Okay.

13 MR. TATUM: -- now my staff is
14 counting the number of voter cards that was
15 collected at each polling place to match to
16 the number of signatures that were collected
17 on the, on the e-poll book, so that we make
18 sure that all the signatures that were signed
19 in were actually captured. So, you are right.
20 I mean, we go through this process, so -- I
21 think, his first concern was that he couldn't
22 see the signature on the pad and we are aware

1 of that.

2 CHAIRMAN NICHOLS: That's because
3 of the age of the equipment.

4 MR. TATUM: Right.

5 CHAIRMAN NICHOLS: That's what that
6 is. We have not -- unfortunately, we're not
7 up-to-date for retake, you know. I get you.
8 You know, we're not --

9 MR. GURLEY: Well, my thing is I
10 understand the situation of electronics in
11 which after you capture the signature, you can
12 just go into the system and upload compared to
13 we used to have a master logbook where the
14 folks had to sign, and then you probably have
15 to read from the logbook to match the system
16 whatever inputs and match --

17 CHAIRMAN NICHOLS: Well, I don't
18 know what that --

19 MR. GURLEY: -- it and say -- I
20 don't know. Okay. Similar.

21 MR. TATUM: So, we did ask was
22 there a comparison of the signature collected

1 at the polling place to the voter registration
2 record, and there's not. There's never been
3 a comparison.

4 CHAIRMAN NICHOLS: No, never. It's
5 a manual -- we have like 123,000 people. We
6 don't have the manpower to go and compare each
7 signature.

8 MR. GURLEY: But, another question
9 that comes to what he just mentioned is if we
10 have an auditor still pending there, which is
11 verification of the signatures, the voters'
12 signatures to the number of ballots, and that
13 hasn't been completed yet. Am I saying that
14 right? It has not completed?

15 MR. TATUM: Well, the -- the post-
16 election audit has been completed, but we do
17 a reconciliation.

18 MR. GURLEY: Okay, right. You call
19 that reconciliation.

20 MR. TATUM: Yes, reconciliation.

21 MR. GURLEY: Would that have any
22 effect on the, on the election --

1 MR. TATUM: No.

2 CHAIRMAN NICHOLS: No.

3 MR. GURLEY: It wouldn't?

4 CHAIRMAN NICHOLS: No.

5 MR. GURLEY: Okay. I'm just
6 saying. Thank you for the --

7 CHAIRMAN NICHOLS: No, we want you
8 to know, you know, so many mis, you know,
9 perceptions out there that are inaccurate or
10 incomplete. I mean, where we can educate,
11 we'd like to.

12 MR. GURLEY: Thank you very much.
13 The -- there's one other one, and that is the
14 article that came in the, the Washington Post
15 in which, I don't know if you read, but it had
16 something to do with audit tags, paper audit
17 tags missing the serial numbers.

18 And, as a result of that, BOE
19 drove off into the night to find those missing
20 machines to download their votes. So, perhaps
21 Mr. Tatum can clarify?

22 CHAIRMAN NICHOLS: No. We're

1 having a hearing on the 29th --

2 MR. GURLEY: Okay.

3 CHAIRMAN NICHOLS: -- and we'll
4 clarify all that at that time.

5 MR. GURLEY: Now, how am I supposed
6 to know that, Madam?

7 CHAIRMAN NICHOLS: Come to the
8 hearing. Oh, about the hearing?

9 MR. GURLEY: About the hearing
10 pertaining to this --

11 CHAIRMAN NICHOLS: Well, that's all
12 -- that's all Mr. McDuffie's hearing.

13 MR. GURLEY: Oh, yes, okay. I
14 didn't know that was the hearing --

15 CHAIRMAN NICHOLS: Yes, but --

16 MR. GURLEY: Okay.

17 CHAIRMAN NICHOLS: But we will
18 receive any kind of information that you may
19 have in regard to the issue, but we'll be
20 responding to all that at that time.

21 MR. GURLEY: Okay.

22 CHAIRMAN NICHOLS: That okay? Be

1 all ears now.

2 MR. GURLEY: That's just the
3 concern I brought up.

4 CHAIRMAN NICHOLS: Yes, I
5 appreciate that.

6 MR. GURLEY: Okay.

7 CHAIRMAN NICHOLS: Anything else?

8 MR. GURLEY: Oh, yes. There is a -
9 - there is a -- let me find it. Here we are.
10 And, maybe you can, I guess, explain what
11 reasonable is because I'm trying to see -- but
12 anyway. What I'm trying to find is that it
13 said that the captain's log and their records
14 would be available to the public within a
15 reasonable time to the public to view
16 captain's --

17 CHAIRMAN NICHOLS: It won't be
18 available -- they are compiling that at this
19 point. Where did you see that?

20 MR. GURLEY: Let me find it.

21 CHAIRMAN NICHOLS: I doubt that's
22 made available to the public. I don't -- I

1 don't know, but we can check on that.

2 MR. GURLEY: Yes, yes, yes. Let me
3 see if I can find it here. Here we are. Can
4 I --

5 CHAIRMAN NICHOLS: Sure. And, that
6 comes from --

7 MR. GURLEY: 721.6.

8 CHAIRMAN NICHOLS: Okay.

9 MR. GURLEY: I'll probably misread
10 it wrong.

11 CHAIRMAN NICHOLS: That's -- okay.
12 This is -- what did you call it?

13 MR. GURLEY: I hope I didn't
14 misread it wrong.

15 CHAIRMAN NICHOLS: Yes, you're
16 probably -- I'm understanding -- if this says
17 the precinct captain shall keep a record of
18 the names and addresses of individuals who (a)
19 attempted to register on election day, but
20 could not provide proof of residence, and (b),
21 successfully registered on election day and
22 voted.

1 MR. GURLEY: Was that supposed to
2 be made to the public within reasonable days
3 that --

4 CHAIRMAN NICHOLS: I don't know
5 that that's made available to the public in
6 terms of special ballots.

7 MR. TATUM: Special ballots.

8 CHAIRMAN NICHOLS: Special ballot.

9 MR. GURLEY: I'm sorry now.

10 CHAIRMAN NICHOLS: You're going to
11 do the numbers.

12 MR. TATUM: Those are provisional
13 ballots. We would release the numbers, but
14 not the --

15 CHAIRMAN NICHOLS: Personally
16 identifiable information.

17 MR. TATUM: According to the Help
18 America Vote Act, the status of a person's
19 provisional ballot is known to that person
20 only. It's not made available to the public,
21 so we would tell you 10,000 special ballots
22 were processed, 7,000 were counted, and 3,000

1 were not, and that would be the, be the end of
2 that report.

3 CHAIRMAN NICHOLS: Is that what
4 you're looking for?

5 MR. GURLEY: Not provisional
6 ballots, but not for --

7 CHAIRMAN NICHOLS: What were --
8 what are you looking for?

9 MR. GURLEY: I was looking for --
10 let me see --

11 CHAIRMAN NICHOLS: Precinct captain
12 -- it says something about --

13 MR. GURLEY: We're saying something
14 pursuing precinct captains, their -- I'm
15 sorry. Their activities are being -- the
16 numbers they added up or they're beginning --
17 the activities of the precinct captain are
18 being --

19 CHAIRMAN NICHOLS: Oh, the record
20 shall be made available. Precinct -- oh, here
21 it is. You circled the --

22 MR. GURLEY: Yes.

1 CHAIRMAN NICHOLS: -- the one above
2 it. It's 721.7.

3 MR. GURLEY: Seven, okay.

4 CHAIRMAN NICHOLS: Precinct captain
5 reports and records shall be made available
6 for public inspection at a reasonable date
7 following an election. Understood, yes.

8 MR. GURLEY: Okay. Now, a
9 reasonable -- a reasonable time being what now
10 here?

11 CHAIRMAN NICHOLS: Oh, I'm not
12 sure.

13 MR. GURLEY: Hopefully, before the
14 next election though, right?

15 CHAIRMAN NICHOLS: Oh, yes, most
16 definitely before. Most definitely.

17 MR. GURLEY: And, that's about it,
18 Ma'am.

19 CHAIRMAN NICHOLS: They're
20 compiling all of that information as we speak.
21 Thank you, Mr. Gurley.

22 MR. GURLEY: I hope I didn't hold

1 you up.

2 CHAIRMAN NICHOLS: No, sir.

3 MR. GURLEY: Okay.

4 MR. GURLEY: There being no further
5 business before the Board, this meeting is
6 adjourned. It is 11:39, still Wednesday,
7 April 23, 2014.

8 (Whereupon, proceedings in the
9 above-entitled matter concluded at 11:38 a.m.,
10 on April 23, 2014.)

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This is to certify that the foregoing transcript

In the matter of: Board of Elections Regular Board
Meeting

Before: Deborah Nichols, Presiding

Date: April 23, 2014

Place: Washington, D.C.

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