

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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PUBLIC MEETING

+ + + + +

WEDNESDAY

MARCH 5, 2014

+ + + + +

The Public Hearing convened in Room
280 North, 441 4th Street, N.W., Washington,
D.C., 20001, pursuant to notice at 10:30 a.m.,
Deborah K. Nichols, Chairperson, presiding.

BOARD OF ELECTIONS AND ETHICS MEMBERS
PRESENT:

DEBORAH K. NICHOLS, Chairperson
STEPHEN I. DANZANSKY, Board Member

BOARD OF ELECTIONS AND ETHICS STAFF PRESENT:

KENNETH J. MCGHIE, General Counsel
CECILY COLLIER-MONTGOMERY, Director of
Campaign Finance
TAMARA ROBINSON, Public Information
Officer
WILLIAM SANFORD, General Counsel,
Office of Campaign Finance

The transcript constitutes the
minutes from the Special Board Meeting held
on March 5, 2014.

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10:32 a.m.

CHAIR NICHOLS: Good morning.

Welcome.

I hereby call to order the March 2014 Regular Meeting of the Board of Elections. It is Wednesday, March 5th, 2014. It is 10:33 a.m. And 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 is Mr. Stephen Danzansky.

Also present on the dias this morning, Mr. Kenneth McGhie, General Counsel to the Board, Ms. Cecily Collier-Montgomery, the Board's Director of Campaign Finance and Ms. Tamara Robinson who is sitting in for our Executive Director this morning, Mr. Clifford Tatum.

Without objection, the agenda for today's meeting is adopted. And without objection, the minutes for the regular meeting

1 of the Board on February 5th, 2014, are
2 adopted but I'll inquire of Mr. Danzansky
3 whether he has any corrections or
4 representations.

5 MEMBER DANZANSKY: No, they're just
6 fine as corrected.

7 CHAIR NICHOLS: All right. Then
8 those minutes are adopted.

9 Are there any public matters to be
10 brought before the Board this morning?
11 Hearing none.

12 Are there any matters which Board
13 Members wish to raise in this public meeting?

14 MEMBER DANZANSKY: None, Madam
15 Chair.

16 CHAIR NICHOLS: None.

17 Yes, ma'am?

18 MS. WELLS: I have a matter that
19 I'd like to bring to the Board's attention.

20 CHAIR NICHOLS: And what would that
21 be, Ms. Wells?

22 MS. WELLS: I have a case for a

1 furlough dock payment

2 CHAIR NICHOLS: A what?

3 MS. WELLS: A court case, Octavia
4 Wells v. Barack Obama for furlough dock and
5 I'm asking that that case be endorsed.

6 CHAIR NICHOLS: That is not

7 MS. WELLS: by somebody on the
8 Board.

9 CHAIR NICHOLS: within the
10 Board's jurisdiction, Ms. Wells. That's not
11 within our jurisdiction to handle

12 MS. WELLS: To get a case endorsed?

13 CHAIR NICHOLS: No.

14 MS. WELLS: There's nobody in this
15 room that can endorse the case?

16 CHAIR NICHOLS: No. No, ma'am, not
17 on this Board.

18 MS. WELLS: To get the U.S. Senate
19 it makes no sense. To get the U.S. Senate
20 and the U.S. Representative position paid?

21 CHAIR NICHOLS: No, ma'am. Not on
22 this Board.

1 All right. We will move on now to
2 the Executive Director's Report, Ms. Robinson.

3 MS. ROBINSON: Good morning, Madam
4 Chair and Board Members.

5 Once again, Mr. Tatum asked that I
6 submit the Executive Director's report on his
7 behalf, in his absence today.

8 I have a few brief notes regarding
9 preparation for the primary and other general
10 matters. To begin, just a quick update that
11 our mobile app, DC BOE Vote successfully
12 launched last week, Wednesday, February 26th.
13 The app is available at Votefordc.com and can
14 be downloaded to any Smartphone or tablet.

15 DC BOE Vote allows all voters to
16 register to vote and request absentee ballots
17 without printing or mailing any documents. So
18 essentially they can find the app from their
19 Smartphone or tablet and that will be captured
20 by us.

21 Logic and accuracy testing has
22 been completed on all voting equipment and no

1 issues were reported. Election Day and early
2 voting ballots have been ordered and early
3 voting ballots should be in by Friday March
4 7th and Election Day ballots are due early
5 next week.

6 As far as absentee ballots are
7 concerned, 2,300 were mailed to residents on
8 Friday, February 28th. Co-worker training is
9 proceeding without any issues, although class
10 was delayed on Monday due to weather and D.C.
11 Government closure. We are currently in the
12 process of rescheduling that class but all
13 other trainings are proceeding as usual.

14 For advertising, early voting on
15 election day advertising began on Monday,
16 March 3rd. We began with Metro bus and Metro
17 station print add on several bus routes and at
18 nine Metro stations across the District.

19 TV PSAs began airing yesterday as
20 well on Comcast Spotlight and they expect more
21 PSAs to run on D.C. TV which is our public
22 access channel next week.

1 We have some radio PSAs coming up
2 on WHUR starting March 17th as well as
3 scheduled to run on several radio stations
4 just on March 31, April 1st, especially, Get
5 Out to Vote campaign.

6 Voter Guides are due to every
7 household by next Tuesday which is March 11th.
8 And voter outreach, our specialist, Kathy
9 Fairley, is beginning the process potentially
10 to visit approximately 21 licensed nursing
11 homes and assisted living facilities across
12 the District and she is essentially delivering
13 absentee ballots to senior citizens in those
14 facilities.

15 And, finally, you have our voter
16 registration photos which are current as of
17 February 28th, 2014. We have a total of
18 446,194 voters registered in the District,
19 337,980 are registered Democrats, 27,213
20 registered Republicans, D.C. Statehood Green,
21 3,613, Libertarian 231, other parties 1,025
22 and no party affiliation 76,132.

1 And, Madam Chair, that is the end
2 of the report.

3 CHAIR NICHOLS: Thank you, Ms.
4 Robinson.

5 Are there any questions of Ms.
6 Robinson this morning? All right.

7 We will now move on to the
8 Director of Campaign Finances Report, Ms.
9 Collier-Montgomery.

10 MS. COLLIER-MONTGOMERY: Yes, good
11 morning.

12 First, I would like to report that
13 during the month of February the Office of
14 Campaign Finance on February the 26th, 2014,
15 started the site visits of the campaign
16 officers of candidates and principal campaign
17 committees who are participating during this
18 election cycle.

19 On February the 26th, staff from
20 the Office of the General Counsel as well as
21 from our Audit Division visited the offices of
22 the Muriel Bowser for Mayor as well as Jack

1 Evans for Mayor. I would also report on the
2 status of the pending legislation, the
3 Campaign Finance Reform and Transparency
4 Amendment Act of 2013. That is Act Number 20-
5 0249. With that particular act the act was
6 signed on Friday, the 27th of December, 2013,
7 by the Mayor and then was transmitted to the
8 Congress for its review and the project law
9 date for the legislation is March the 6th,
10 2014.

11 Some of the key provisions because
12 it will impact upon the responsibilities of
13 the Office of Campaign Finance, the first one
14 would be that electronic filing will be
15 mandatory for candidates and campaign
16 committee with the exception of where good
17 cause is shown.

18 Also, there will be a separate
19 schedule which will be required for the
20 reporting of bundling in excess of \$10,000.
21 Business contributors and that would include
22 any entity that makes a contribution as well

1 as its affiliated entities must report to the
2 affiliated entities. Also, the civil
3 penalties will change because there will be
4 now authority to impose civil penalties
5 against candidates as well as anyone else who
6 is responsible for filing committee reports,
7 who fails to file or does not timely file or
8 who files inaccurate information.

9 The effective date of the Act
10 again if it's returned would be on tomorrow's
11 date. In terms of the applicability of the
12 provisions, the provisions would not be
13 effective until January 15th, 2015, or until a
14 later date depending on the inclusion of the
15 funds necessary to implement the Act. From
16 the standpoint of our office, the Act will
17 require significant upgrades to our electronic
18 calling system as well as the proposal of
19 regulations to fully implement the provisions
20 of the law.

21 I would also report that January
22 the 31st was a filing deadline for the filing

1 of reports by principal campaign committees
2 and political action committees. At the
3 February meeting because of the due date of
4 the January 31st report I was not able to
5 report the stats. On today's date I do have
6 the statistics for that report filing date.

7 The required filers, the total
8 number was 137, that's 76 principal campaign
9 committees and 61 PAC. The total number of
10 timely filed was 119. There were two
11 extensions which were requested. There were
12 two extensions which were granted. The total
13 number of late filers was two. The total
14 number of failures to file was 13. The total
15 number of referrals to the Office of the
16 General Counsel was 15. With respect to the
17 filing, 105 of the filers electronically filed
18 their reports with the Office of Campaign
19 Finance.

20 During the month of February there
21 were nine new candidates in committees who
22 registered to participate in the 2014 election

1 cycle. Sian Ofaolain, Ward 6, Democratic
2 State Committee registered on February the
3 3rd. Martin Moulton, U.S. Representative,
4 registered on February the 3rd. Dyana
5 Forester, Ward 1, Democratic State Committee,
6 registered on February 5th. Bryan Weaver,
7 Weaver Campaign Committee, Ward 1 City
8 Council, Registered on February the 10th.
9 Victoria Gordon, Victoria Gordon 4 Mayor,
10 Registered on February the 10th. Bryan Hart,
11 Brian Hart 4 D.C., at-large City Council,
12 registered on February the 10th. Glenda
13 Richmond, Committee to Elect Glenda J.
14 Richmond, U.S. Senator 2014, registered on
15 February the 14th. Silvia Martinez, at-large
16 Democratic State Committee, registered on
17 February the 24th. Mario Cristaldo, at-large,
18 Democratic State Committee, registered on
19 February the 24th.

20 Entrance Conferences will be
21 scheduled for new candidates and committees
22 from this group during the month of March

1 2014.

2 The referrals to the General
3 Counsel's office for failure to timely file
4 the January 31st, 2014, report are as follows.
5 For the Principal Campaign Committee, the
6 Committee to Re-elect Senator Strauss,
7 Treasurer Richard Bianco; Carol Schwartz 2008,
8 Treasurer Juliette Smith; Friends of Tarek
9 Stevens, Treasurer, Tarek Stevens; Committee
10 to Elect Villareal V.J. Johnson, Treasurer
11 Timothy Lewis' Committee to Elect Ronald Motel
12 for Ward & City Council, Treasurer Ronald
13 Moten; Committee to elect Trayon White,
14 Treasurer Trayon White; Committee to Elect
15 Natalie Williams, Treasurer Natalie Williams;
16 Patterson for Ward 8, Treasurer Timothy Lewis;
17 Committee to Elect Sekou Biddle At-Large,
18 Treasurer Bandele McQueen; Biddle 2012,
19 Treasurer William Broan; Christian Carter for
20 Mayor 2014, Treasurer Noah Harmony Shoatz;
21 Sewell for Mayor 2014, Treasurer Otis Suition;
22 Vote Valentine 2014, Treasurer Justin

1 Flemings.

2 The Political Action Committees
3 which were referred are People for a Strong
4 Society, Treasurer Ben Foshager; Washington,
5 D.C. Association of Realtors, Treasurer Edward
6 Krauze.

7 For the Failure to File the
8 Statement of Organization which included the
9 bank account information, Kathy Henderson for
10 Councilmember 3014, Treasurer Kathy Henderson.

11 In our Audit Division during the
12 month of February the Audit Division completed
13 desk reviews of 127 Reports of Receipts and
14 Expenditures.

15 In terms of ongoing audits, the
16 full-field audits are Gray for Mayor, Bonds
17 for Council. The periodic random audits are
18 the Caribbean-American Political Action
19 Committee. The periodic random audits of
20 candidates registered for the upcoming
21 election 2014 are Brianne for D.C., Reta Jo
22 Lewis for Mayor, Bowser for Mayor and Cheh

1 2014.

2 At this point I would ask the
3 General Counsel to give the report on the
4 Office of the General Counsel.

5 CHAIR NICHOLS: I had just one
6 question before Mr. Sanford proceeds about the
7 new candidates and committees registered for
8 the 2014 election cycle. So, other than the
9 state committees these are for the general
10 election?

11 MS. COLLIER-MONTGOMERY: Yes.

12 CHAIR NICHOLS: Okay.

13 MS. COLLIER-MONTGOMERY: Yes.

14 CHAIR NICHOLS: Okay. All right.

15 Sorry, Mr. Sanford, proceed.

16 MR. SANFORD: Good morning, Madam
17 Chair and Distinguished Board, William
18 Sanford, General Counsel for the Office of
19 Campaign Finance.

20 During the month of February 2014
21 the Office of the General Counsel received 17
22 referrals. Sixteen of the referrals came from

1 the Public Information and Records Management
2 Division and one referral was from the RAD
3 Division.

4 The Office of the General Counsel
5 completed six hearings and issued nine orders
6 which included the following. Five orders for
7 failure to timely file reports in which a
8 total of \$3,450 in fines were imposed. One
9 order for failure to timely file in which no
10 fine was imposed. One order for failure to
11 timely respond to a request for additional
12 information in which a fine of \$1,150 was
13 imposed and two orders in which the
14 respondents had failed to respond to a request
15 for additional information in which no fines
16 were imposed.

17 During the month of February the
18 Office of the General Counsel collected \$500
19 in fines and the fine was paid by the
20 Committee to Elect Perry Red. And the Office
21 of the General Counsel referred five petitions
22 for enforcement to the Office of the General

1 Counsel for the Board of Elections. And the
2 outstanding fines totaled \$49,750.

3 The Petitions for Enforcement
4 included the following. Kwame for Chair,
5 \$45,000 outstanding fine. Frank Sewell for
6 Mayor, \$1,700 unpaid outstanding fine.
7 Friends of Tarek Stevens a fine of \$1,800
8 unpaid. Nestor for Mayor \$1,100 in
9 outstanding fines and Tim Clair ANC
10 Commissioner \$150 in outstanding fine.

11 During the month of February there
12 were four open investigations. They included
13 LCF 2011-103, 2011-104, 2013-013 and 2013-014.
14 These are all part of the ongoing
15 investigation into the campaign violations
16 that were alleged during the 2010 election.

17 No new investigations were
18 initiated during the month of February 2014.

19 The Office of the General Counsel
20 received one request for interpretative
21 opinion and that request was submitted by
22 Lloyd Jordan, Esquire of the Motley/Waller,

1 LLP law firm and that was submitted on the
2 10th of February. The issue was contributions
3 by labor organizations and its affiliated PAC.
4 That interpretative opinion is pending the
5 submission of additional information from the
6 requestor.

7 And during that month of February
8 there were no show-cause proceedings and that
9 should complete my report.

10 CHAIR NICHOLS: Are there any
11 questions of Mr. Sanford? All right. Hearing
12 none.

13 Thank you, Mr. Sanford.

14 MR. SANFORD: Thank you.

15 CHAIR NICHOLS: We'll move on to
16 the General Counsel's Report.

17 MR. MCGHIE: Okay. The Board just
18 has two matters pending in Court. The
19 litigation matters are Libertarian Party, et
20 al v. D.C. Board of Elections II and
21 Zuckerberg v. D.C. Board of Elections.

22 The Libertarian Party there's been

1 no change in the status of that matter since
2 I last reported it. The matter is still
3 pending in court for resolution on attorney
4 fees. The Zuckerberg matter has been
5 resolved. As you will recall Mr. Zuckerberg
6 filed a complaint in D.C. Superior Court for
7 declaratory injunctive relief to enjoin the
8 Board from removing the Office of Elected
9 Attorney General from the 2014 ballot based on
10 recently passed council legislation that would
11 delay the election until 2018. The matter was
12 heard in Superior Court first for preliminary
13 injunction on February 6 and it was denied by
14 the court on February 7th. Mr. Zuckerberg
15 filed an immediate appeal of the denial of the
16 preliminary injunction to the Court of Appeals
17 on February 12th and that was denied on
18 February 13th. And then the Superior Court
19 heard a decision on the underlying matter, the
20 underlying complaint in which the Office of
21 the Attorney General filed a Motion to Dismiss
22 on behalf of the Board and the District of

1 Columbia that were the Defendants and the D.C.
2 Council and the court granted their Motion to
3 Dismiss with prejudice against Mr. Zuckerberg
4 on February 26th and that would conclude that
5 matter and also my report on the litigation
6 status.

7 CHAIR NICHOLS: All right. Thank
8 you, Mr. McGhie.

9 Are there any questions of Mr.
10 McGhie?

11 All right. Hearing none, there
12 being no further business before us

13 MS. WELLS: I have a question.

14 CHAIR NICHOLS: Yes, ma'am.

15 MS. WELLS: On the Get Out to Vote
16 Radio One ad can I ask who is going to be the
17 voice for the ad.

18 MS. ROBINSON: I don't know.

19 CHAIR NICHOLS: Yes, we don't know.

20 MS. WELLS: I would like to put my
21 name in for that.

22 CHAIR NICHOLS: All right. Thank

1 you. MS. ROBINSON: I believe
2 that it has to be one of our employees who do
3 that.

4 MS. WELLS: Well, find out and let
5 me know because I'm requesting it.

6 CHAIR NICHOLS: All right. There
7 being no further business before us, this
8 meeting is adjourned. The time is 10:54 a.m.
9 It is still Wednesday, March 5th, 2014.

10 (Whereupon, the above matter was
11 adjourned at 10:53 a.m.)

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In the matter of: Public Meeting

Before: DC BOE

Date: 03-05-14

Place: Washington, DC

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