

**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**May 14, 2015**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Thursday, May 14, 2015 in the Board’s Hearing Room, located in Suite 280 North, One Judiciary Square, 441 4<sup>th</sup> Street, N.W., Washington, D.C. 20001. The Board’s Chairman, Deborah K. Nichols, was present, as was Board Member Stephen Danzansky. Also present on the dais were Kenneth McGhie, the Board’s General Counsel, Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (“OCF”), and Clifford Tatum, the Board’s Executive Director.

**Chairman Nichols** called the meeting to order at 10:32 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting on April 8, 2015 were moved for approval and adopted without objection.

**Mr. Tatum** presented the results of the April 28, 2015 Special Election for Wards 4 and 8 members of the Council for certification. The winner of the Ward 4 contest is Brandon Todd with 4,584 votes. The winner of the Ward 8 contest is LaRuby May with 1,955 votes.

**BOARD ACTION:** The Board certified the results, as read into the record by Mr. Tatum, of the April 28<sup>th</sup> special election to fill the Wards 4 and 8 seats on the Council of the District of Columbia.

**Mr. Tatum** informed the Board that the certified election results would be posted to the Board’s website after the Board meeting.

**Mr. McGhie** presented the litigation status of cases involving the Board:

***Sewell v. D.C. Board of Elections*** Mr. Sewell filed a complaint for harassment in the Superior Court with respect to OCF campaign finance violations assessed against him and their efforts to collect those fines. The Board’s motion to dismiss with prejudice was granted on March 6, 2015 and the Board awaits a written order from the court. Mr. Sewell immediately re-filed the action later that day under a different caption naming Staff Attorney Rudolph McGann and Hearing Officer Franklin Austin of OCF personally as co-defendants with the Board. The Board is waiting for a written order from the prior dismissed case to submit to the court in order to have the present matter dismissed. The Court has scheduled a status hearing on June 19<sup>th</sup> at which point the matter should be dismissed.

***McMillan v. D.C. Board of Elections*** concerns the Board disallowing the slate name “The Rent is too Damn High” from appearing on the Primary Election ballot. The Board filed a motion to dismiss on April 10<sup>th</sup>, and Mr. McMillan did not file his response by the April 23<sup>rd</sup> deadline. The Court has given Mr. McMillan until June 3<sup>rd</sup> to file a response.

**Mr. McGhie** introduced and welcomed the Board's newly hired ADA Coordinator, Ms. Terrica Jennings, who was formerly with University Legal Services.

**Ms. Collier-Montgomery** announced the statistics for OCF as follows:

- OCF's new website launched to address concerns from the public regarding difficulty navigating the former site.
- Staff visited early voting centers on April 23<sup>rd</sup>, and they visited precincts in Wards 4 and 8 on Election Day. When staff observed campaign literature lacking the proper disclaimers, staff brought that to the attention of campaign workers and followed up with emails to campaign treasurers.
- April 1<sup>st</sup> deadline for R&E reports from constituent service programs (CSP) and Senate Statehood Fund programs (SFP). 11 required CSP filers and 3 required SFP filers all filed their reports timely.
- April 20<sup>th</sup> deadline for Eight Day Pre Special Election R&E reports for principal campaign committees (PCC) and political action committees (PAC) participating in the special election cycle. 79 (34 PCCs & 45 PACs) required filers; 64 (25 PCCs & 39 PACs) timely filed; 15 (9 PCCs & 6 PACs) failures to file.
- 16 failures to file include the following: The principal campaign committees were K. Armstead for Ward 8; Fleming 2015, Bell for Ward 8, Anderson Ward for Council, Help Lucius Gallion Help You, Committee to Elect Ron Austin, Edwina for Ward 8, Whitaker for Ward 4, Corley for Ward 4, and Bruce Morrison for Ward 4. The Political Action Committees which were referred were the Ward 6 Democrats, the Mid-Atlantic Regional Council of Carpenters PAC, BB&T District of Columbia PAC, the Republican Committee, Youth Action PAC, and the Credit Union PAC of Washington.
- OCF held 2 entrance conferences: Roy Russell, Treasurer of Democrats for Education Reform, which is an Independent Expenditure Committee, and Jonathan Steingart, Treasurer for the Ward 1 Democrats.
- OCF Audit Branch conducted 82 desk audits and the full field audit of Gray for Mayor is ongoing. The ongoing periodic random audits for candidates are: the Committee to Elect Natalie Williams from Ward 8, Barry for Council, Friends of Leon Andrews and Tengen for D.C.
- The periodic random audits of the Continuing Committees are: The Republican Committee for the District of Columbia, and Morgan for District of Columbia.
- The periodic random audits for the Office of Attorney General are: Lori Masters for Attorney General and Smitty for Attorney General.
- OCF issued 3 audits: the Committee to Elect Eugene Puryear, April 7, 2015; Friends of Courtney R. Snowden, April 7, 2015; Tengen for DC, April 13, 2015. Those audits are available at OCF's website for review by members of the public.

**Mr. Sanford** presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 21 referrals including 16 from the Public Information Division, and 5 from the Reports Analysis Audit Division.
- The Office issued 31 orders including the following: 17 orders for failure to timely file reports in which no fines were imposed; 2 orders for failure to timely respond to a request for additional information, in which no fines were imposed; 9 failure to timely file reports in which fines totaling \$13,800 were imposed; 2 orders for failure to timely respond to a

request for additional information, in which fines totaling \$2,550 were imposed; and 1 order to vacate a previous order upon the respondent's payment.

- The OGC imposed fines against the following committees: Greater Washington Board of Trade was fined \$100; Bruce Majors for Mayor was fined \$1,400; Beverly Wheeler for Ward 1 was fined \$1,500; Martin Sterbal for U.S. Senate was fined \$1,400; Carter at Large, Christine Carter was fined \$1,400; Whitaker for Ward 4 was fined \$2,000; Gaston 2014 was fined \$2,000; Bell for Ward 8 was fined \$2,000; Edwina for Ward 3 was fined \$2,000; Marc Morgan for DC was fined \$2,200; and Marc Morgan for DC was again fined \$350.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.
- OGC issued one interpretive opinion requested by Sylvia E. Anderson, Esquire regarding campaign literature. The issue was whether candidates and their committees were permitted to bring campaign literature into a candidates' forum in a Department of Recreation building and place that literature on a table during the forum. OCF advised that they were permitted to bring the literature into the forum and make it available on a table, but they must remove the literature at the conclusion of the forum and that all candidates must be given identical conditions to display their literature.

There being no further business before the Board, the meeting adjourned at 10:54 a.m.