

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

THURSDAY

MAY 14, 2015

+ + + + +

The District of Columbia Board of Elections 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 MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman
STEPHEN I. DANZANSKY, Member
CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
WILLIAM O. SANFORD, Office of Campaign
Finance, General Counsel

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director
KENNETH MCGHIE, General Counsel

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Adjourn

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

10:32 A.M.

CHAIRPERSON NICHOLS: Good morning.

Welcome. I hereby call to order the regular meeting of the Board of Elections for May 2015. It is Thursday, May 14, 2015. The time is 10:34 a.m. We are meeting in Room 280 North of One Judiciary Square.

I am Deborah K. Nichols, Chairman of the Board of Elections and present with me this morning is Board Member Stephen Danzansky. Also present this morning are Mr. Clifford Tatum, the Board's Executive Director; Ms. Cecily Collier-Montgomery, the Board's Director of Campaign Finance; and last, but not least, our General Counsel, Mr. Kenneth McGhie.

Without objection, the agenda for this morning's meeting is adopted.

Unless there are corrections to the minutes, without objection the minutes of the Board's meeting of April 8, 2015 are adopted.

Are there any matters that members of

1 the Board wish to raise in this public meeting?

2 MR. DANZANSKY: None, Madam Chair.

3 CHAIRPERSON NICHOLS: All right,
4 hearing none, we will now receive the report of
5 the Board's Executive Director, Mr. Tatum.

6 MR. TATUM: Thank you, Madam Chair.
7 I have two items on my report agenda today. The
8 certification of the April 28, 2015 Special
9 Election for Wards 4 and Ward 8, members of the
10 Council, the District of Columbia, and general
11 matters.

12 As the Board is aware, we conducted an
13 April 28, 2015 special election in both Wards 4
14 and Ward 8. We tabulated votes on election night
15 on April the 28th without incident. We processed
16 special ballots over the course of the next seven
17 days and finalized the completion of those
18 special ballots the week of April the 11th. We
19 tabulated absentees and special ballots on --
20 excuse me, May 7th in front of political
21 observers from both of the campaigns for Ms.
22 LaRuby May and Mr. Trayon White. We finalized

1 the tabulation on Friday, April the 8th, which
2 was the cutoff time for all absentee ballots.
3 And special ballot information that we brought to
4 our office for proofs.

5 On May the 11th, we conducted the
6 post-election audit by manually counting the
7 results in Precincts No. 55 and 65 in Ward 4 and
8 Precincts 118 and 122 in Ward 8. And as a result
9 of that manual audit, we determined that there
10 was a small discrepancy between the machine count
11 results and the hand count results. The
12 differences between the machine count and the
13 hand count are commonly the result of either
14 additional, incomplete marks made by a voter on
15 the ballot or counting errors on the part of the
16 audit teams. Each of these discrepancies was
17 within the margin of error specified by law of
18 .25 percent or 20 percent of the margin of
19 victory.

20 Accordingly, the results of the
21 election did not change and as a result of that
22 successful audit, we posted the audit report to

1 the website for public viewing. We are now
2 asking the Board to certify the election results
3 for Ward 4 and Ward 8 with the following: the
4 winner of the Ward 4 member of the contest for
5 Council of the District of Columbia is Brandon
6 Todd with 4,584 votes. And the winner of the
7 Ward 8 member of the Council of the District of
8 Columbia contest is LaRuby May, with 1,955 votes.
9 So Madam Chair, I would ask, the Board would ask
10 for a certification of these results and a motion
11 to that effect.

12 CHAIRPERSON NICHOLS: All right. I
13 will entertain a motion to certify the results as
14 read into the record by Mr. Tatum of the April
15 28, 2015 special election to fill the Ward 4 and
16 Ward 8 seats on the Council of the District of
17 Columbia.

18 MR. DANZANSKY: So moved, Madam Chair.

19 CHAIRPERSON NICHOLS: All right, all
20 in favor, say aye.

21 (Chorus of ayes.)

22 All opposed, say nay. Hearing none,

1 the motion carries.

2 MR. TATUM: Thank you, Madam Chair.
3 I'd ask that the certifications be made a part of
4 the record, as well as the certified election
5 results would be made a part of the record as
6 well.

7 CHAIRPERSON NICHOLS: All right.

8 MR. TATUM: We would post the
9 certified election results to the website after
10 this meeting.

11 Madam Chair, on my agenda for general
12 matters, I have no general matters today, so that
13 concludes my report.

14 CHAIRPERSON NICHOLS: Thank you, Mr.
15 Tatum. A job well done by staff in carrying out
16 the duties and responsibilities with regard to
17 the administration of the special election
18 conducted on April 28, 2015 in Wards 4 and 8.

19 We will move now to the General
20 Counsel's report, Mr. McGhie.

21 MR. MCGHIE: Yes, I have two matters
22 and it's the same two matters I have been

1 reporting on for the last couple of months. It's
2 the matter of Sewell versus Board of Elections
3 and Miller versus the Board of Elections.

4 With regard to the Sewell matter, that
5 matter was -- we filed our motion to dismiss and
6 it was dismissed by the Court of Appeals, but Mr.
7 Sewell immediately -- it was dismissed with
8 prejudice by the Court of Appeals. Mr. Sewell
9 immediately refiled his action. But because it
10 was dismissed with prejudice, the matter was, to
11 bring it to the court's attention, should be
12 disposed of. So it is just a question of us
13 getting that before the court. It indicates the
14 court has scheduled a status hearing on June
15 19th, so I'm pretty sure it will get dismissed on
16 June 19th.

17 And with McMillian versus the Board,
18 again, this is the person that filed a claim
19 because of his allegation that "the rent is too
20 damn high." We filed our motion to dismiss on
21 April 10th. He was supposed to file on April
22 23rd. He did not file on April 23rd and so the

1 court decided to give him an additional time to
2 file in response to our motion to dismiss. So on
3 May 4th, the court ordered that he file his
4 response to our motion to dismiss by on or before
5 June 3rd. That would conclude my litigation
6 reporting.

7 CHAIRPERSON NICHOLS: And one other
8 matter --

9 MR. MCGHIE: And one more matter that
10 I have is that the Board has hired an ADA
11 coordinator and her name is Terrica Jennings.
12 She comes to us from the University of Legal
13 Services, so we'd like to welcome her at this
14 time to the Board.

15 CHAIRPERSON NICHOLS: Welcome, Ms.
16 Jennings. We're happy to have you on board and
17 look forward to you doing great things in the
18 area of helping us to address ADA compliance
19 issues with regard to our polling places.

20 All right, with that, we will -- do
21 you have any questions, Mr. Danzansky?

22 MR. DANZANSKY: No, I have no

1 questions.

2 CHAIRPERSON NICHOLS: With that, we
3 will move on to the report of our campaign
4 finance, Ms. Montgomery.

5 MS. MONTGOMERY: Good morning, the
6 first thing I would like to report is that during
7 the month of April, on April 15th, the new
8 website for the Office of Campaign Finance
9 launched. And with our new website, what we were
10 trying to address were the concerns of the public
11 that we received as a result of a survey that we
12 -- an online survey which we offered to members
13 of the public to give us their comments on our
14 website and that was done about a year or so ago.
15 And basically, even though the public was
16 satisfied with the content and the information
17 that was provided at the site, they were very
18 concerned with the fact that the site was not
19 easy to navigate. So the new website that was
20 launched addresses those -- that particular
21 concern. The website is less cluttered and it is
22 much easier to navigate.

1 During the month of April also staff
2 visited the early voting centers on April 23rd,
3 2015 and on election day they visited precincts
4 in both Wards 4 and 8. In Ward 4, there were 15
5 precincts visited and in Ward 8, there were 9
6 precincts visited. And overall, the visits were
7 uneventful in terms of what the observations of
8 the staff were. Where there was campaign
9 literature that did not have the proper
10 disclaimers, the staff brought that to the
11 attention of the campaign workers who were there
12 and the Office of the General Counsel followed up
13 with emails to the treasurers to let them know
14 that in the future they must have the disclaimers
15 on their campaign literature.

16 April the 1st was the deadline for the
17 filing of the report of receipts and expenditures
18 by our constituent service program. There are 11
19 required filings and all of the programs timely
20 filed and they were all electronically filed and
21 certified their filings as well.

22 With our Senator Representative

1 Statehood Fund program, there were three required
2 filings on April the 1st and all three timely
3 filed and electronically filed.

4 The Eight Day Pre-Special Election
5 report of receipts and expenditures was due on
6 April the 20th, 2015 for our principal campaign
7 committees and PACs participating in the special
8 election cycle. There were 79 required filers,
9 34 PCCs, and 45 PACs. Sixty-four timely filed
10 their reports and there were 25 PCCs and 39 PACs.
11 There was one late filer. With our failures to
12 file, there were 15, 9 PCCs, and 6 PACs. And one
13 of the failures to file was a paper filing and
14 again, I would again state that in the District
15 of Columbia, effective with our March 10 filing,
16 even though the law became effective on January
17 31, electronic filing is now mandatory and if
18 there's a paper submission, it's treated as a
19 failure to file. So there was one PCC which
20 submitted a paper filing and that was treated as
21 a failure to file.

22 Overall, there was 16 referrals which

1 were made to the General Counsel for failure to
2 timely file the 8 Day Special Election Pre-Report
3 of Receipts and Expenditures. The principal
4 campaign committees were K. Armstead for Ward 8;
5 Fleming 2015, Bell for Ward 8, Anderson Ward for
6 Council, Help Lucius Gallion Help You, Committee
7 to Elect Ron Austin, Edwina for Ward 8, Whitaker
8 for Ward 4, Corley for Ward 4, and Bruce Morrison
9 for Ward 4.

10 The Political Action Committees which
11 were referred were the Ward 6 Democrats, the Mid-
12 Atlantic Regional Council of Carpenters PAC, BB&T
13 District of Columbia PAC, the Republican
14 Committee, Youth Action PAC, and the Credit Union
15 PAC of Washington.

16 With the entrance conferences for the
17 month of April, we held two, one on April 9th,
18 and one on April 23rd, 2015. With the entrance
19 conference that was held on April 23rd, two of
20 the participants were the treasurers of newly
21 registered Political Action Committees who
22 attended. And again, the training for new

1 treasurers and candidates is now mandatory in the
2 District of Columbia. And those were Roy
3 Russell, Treasurer of Democrats for Education
4 Reform, which is an Independent Expenditure
5 Committee, and also Jonathan Steingart, Treasurer
6 for the Ward 1 Democrats.

7 On April 22nd, we also mailed letters
8 to all of our active Principal Campaign
9 Committees, PACs, constituent services, and
10 statehood programs, as well as our initiative and
11 referendum committees to once again advise of our
12 new regulations and the changes in our law which
13 required that where committees or programs
14 received business contribution that they must
15 list the affiliated entities of those business
16 contributors because they do share a single
17 contribution limit.

18 In our audit branch during the month
19 of April, the audit branch conducted 82 desk
20 reviews. With respect to our ongoing audit, we
21 have the full field audit of Gray for Mayor.
22 With periodic random audits for candidates

1 registered for the 2015 election, we have the
2 Committee to Elect Natalie Williams from Ward 8,
3 Barry for Council, Friends of Leon Andrews and
4 Tengen for D.C.

5 We also have an ongoing audit with
6 respect to inaugural committees who registered
7 and that would be the DC Proud Inaugural
8 Committee, periodic random audits for the
9 candidates who registered for the 2014 election
10 which are ongoing, Ruth for Schools, Brian Hart
11 for DC. With respect to our continuing
12 committees, the Republic Committee DC, Morgan for
13 DC. Periodic random audits of candidates for the
14 Office of Attorney General, Lori Masters for
15 Attorney General and Smitty for AG. During the
16 month of April we issued three audits. One was
17 the Committee to Elect Eugene Puryear, April 7th,
18 2015. The second was Friends of Courtney R.
19 Snowden, which was issued on April 7th, 2015.
20 And the last one was Tengen for DC, April 13th,
21 2015 and those audits are available at our
22 website for review by members of the public. And

1 I would ask Mr. Sanford to give the Report of the
2 Office of the General Counsel.

3 MR. SANFORD: Good morning, Madam
4 Chair, and distinguished Board Member Danzansky.
5 I am William Sanford, General Counsel for the
6 Office of Campaign Finance. During the month of
7 April, the Office of the General Counsel received
8 21 referrals for informal hearings; 16 of the
9 referrals were from the Public Information and
10 Records Management Division; and 5 referrals were
11 from the Reports Analysis and Audit Division.

12 The Office of the General Counsel
13 conducted 16 informal hearings and issued 31
14 orders which included the following: 17 orders
15 were issued for failure to timely file in which
16 no fines were imposed; 2 orders were issued for
17 failure to timely respond to a request for
18 additional information in which no fines were
19 imposed; 9 orders were issued for failure to
20 timely file a report in which fines totaling
21 \$13,800 were imposed; 2 orders were issued for
22 failure to timely respond to a request for

1 additional information in which fines totaling
2 \$2,550 were imposed; and one order to vacate a
3 previous order upon the respondent's payment of
4 -- full payment of the fine was also issued.

5 Also, during the month of April, the
6 Office of the General Counsel imposed fines
7 against the following committees: Greater
8 Washington Board of Trade was fined \$100 for
9 failing to timely file the report. Bruce Majors
10 for Mayor was fined \$1,400. Beverly Wheeler for
11 Ward 1 was fined \$1,500. Martin Sterbal for U.S.
12 Senate was fined \$1,400. Carter at Large,
13 Christine Carter was fined \$1,400. Whitaker for
14 Ward 4 was fined \$2,000. Gaston 2014 was fined
15 \$2,000. Bell for Ward 8 was fined \$2,000.
16 Edwina for Ward 3 was fined \$2,000. Marc Morgan
17 for DC was fined \$2,200. And Marc Morgan for DC
18 was again fined \$350.

19 During the month of April, you
20 referenced the General Counsel, seven opened
21 investigations and no new investigations were
22 opened during that month. And during the month

1 of April, the Office of the General Counsel
2 received one request for an alternative of
3 payment and that was request was transmitted by
4 Sylvia E. Anderson, Esquire and it was regarding
5 campaign literature. The issue was whether or
6 not the candidates and their committees were
7 permitted to bring campaign literature into a
8 candidates' forum in a Department of Recreation
9 building and place that literature on a table
10 during the forum. We advised that they were
11 permitted to bring the literature into the forum
12 and make it available on a table, but we also
13 advised that they must remove the literature at
14 the conclusion of the forum and that all
15 candidates must be given identical conditions to
16 display their literature. They agreed to comply
17 with that advice.

18 During the month of April, the Office
19 of the General Counsel did not conduct any show
20 cause proceedings. And that should conclude my
21 report.

22 CHAIRPERSON NICHOLS: Thank you, Mr.

1 Sanford. Are there any questions of Ms.
2 Montgomery or her staff? All right, hearing
3 none, thank you.

4 Are there any public matters to be
5 brought before the Board this morning? Hearing
6 none and there being no further business before
7 the Board, this meeting is adjourned. The time
8 is 10:54 a.m.

9 (Whereupon, the above-entitled matter
10 went off the record at 10:54 a.m.)

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<p style="text-align: center;">A</p> <p>\$1,400 17:10,12,13 \$1,500 17:11 \$100 17:8 \$13,800 16:21 \$2,000 17:14,15,15,16 \$2,200 17:17 \$2,550 17:2 \$350 17:18 a.m 1:12 3:2,7 19:8,10 above-entitled 19:9 absentee 5:2 absentees 4:19 action 8:9 13:10,14,21 active 14:8 ADA 9:10,18 additional 5:14 9:1 16:18 17:1 address 9:18 10:10 addresses 10:20 Adjourn 2:15 adjourned 19:7 administration 7:17 adopted 3:18,21 Adoption 2:3,4 advice 18:17 advise 14:11 advised 18:10,13 affiliated 14:15 AG 15:15 agenda 2:3 3:17 4:7 7:11 ago 10:14 agreed 18:16 allegation 8:19 alternative 18:2 Analysis 16:11 Anderson 13:5 18:4 Andrews 15:3 Appeals 8:6,8 April 2:4,8 3:21 4:8,13 4:15,18 5:1 6:14 7:18 8:21,21,22 10:7,7 11:1,2,16 12:2,6 13:17,17,18,19 14:7 14:19 15:16,17,19,20 16:7 17:5,19 18:1,18 area 9:18 Armstead 13:4 asking 6:2 Atlantic 13:12 attended 13:22 attention 8:11 11:11 Attorney 15:14,15 audit 5:6,9,16,22,22 14:18,19,20,21 15:5 16:11 audits 14:22 15:8,13,16</p>	<p>15:21 Austin 13:7 available 15:21 18:12 aware 4:12 aye 6:20 eyes 6:21</p> <hr/> <p style="text-align: center;">B</p> <p>B 2:9 ballot 5:3,15 ballots 4:16,18,19 5:2 Barry 15:3 basically 10:15 BB&T 13:12 Bell 13:5 17:15 Beverly 17:10 board 1:4,6,11,14,19 2:4,5,12,12 3:5,10,11 4:1,12 6:2,9 8:2,3,17 9:10,14,16 16:4 17:8 19:5,7 Board's 3:13,14,21 4:5 branch 14:18,19 Brandon 6:5 Brian 15:10 bring 8:11 18:7,11 brought 5:3 11:10 19:5 Bruce 13:8 17:9 building 18:9 business 14:14,15 19:6</p> <hr/> <p style="text-align: center;">C</p> <p>call 2:2 3:4 campaign 1:16,17 2:14 3:14 10:3,8 11:8,11 11:15 12:6 13:4 14:8 16:6 18:5,7 campaigns 4:21 candidates 14:1,22 15:9,13 18:6,8,15 Carpenters 13:12 carries 7:1 carrying 7:15 Carter 17:12,13 cause 18:20 Cecily 1:16 2:14 3:13 centers 11:2 certification 2:8 4:8 6:10 certifications 7:3 certified 7:4,9 11:21 certify 6:2,13 Chair 4:2,6 6:9,18 7:2 7:11 16:4 Chairman 1:15 3:9 Chairperson 1:13 3:3 4:3 6:12,19 7:7,14 9:7 9:15 10:2 18:22</p>	<p>change 5:21 changes 14:12 Chorus 6:21 Christine 17:13 claim 8:18 Clifford 1:21 2:7 3:12 cluttered 10:21 Collier 3:13 Collier-Montgomery 1:16 2:14 Columbia 1:2,11 4:10 6:5,8,17 12:15 13:13 14:2 comes 9:12 comments 10:13 Committee 13:6,14 14:5 15:2,8,12,17 committees 12:7 13:4 13:10,21 14:9,11,13 15:6,12 17:7 18:6 commonly 5:13 completion 4:17 compliance 9:18 comply 18:16 concern 10:21 concerned 10:18 concerns 10:10 conclude 9:5 18:20 concludes 7:13 conclusion 18:14 conditions 18:15 conduct 18:19 conducted 4:12 5:5 7:18 14:19 16:13 conference 13:19 conferences 13:16 constituent 11:18 14:9 content 10:16 CONTENTS 2:1 contest 6:4,8 continuing 15:11 contribution 14:14,17 contributors 14:16 convened 1:11 coordinator 9:11 Corley 13:8 corrections 3:19 Council 4:10 6:5,7,16 13:6,12 15:3 Counsel 1:17,22 3:16 11:12 13:1 16:2,5,7 16:12 17:6,20 18:1,19 Counsel's 2:10 7:20 count 5:10,11,12,13 counting 5:6,15 couple 8:1 course 4:16 court 8:6,8,13,14 9:1,3</p>	<hr/> <p style="text-align: center;">D</p> <p>D 1:21 2:7 D.C 1:12 2:12,12 15:4 damn 8:20 Danzansky 1:15 3:11 4:2 6:18 9:21,22 16:4 day 11:3 12:4 13:2 days 4:17 DC 15:7,11,12,13,20 17:17,17 deadline 11:16 Deborah 1:12,15 3:9 decided 9:1 Democrats 13:11 14:3 14:6 Department 18:8 desk 14:19 determined 5:9 differences 5:12 Director 1:16,21 3:13 3:14 4:5 Director's 2:6 disclaimers 11:10,14 discrepancies 5:16 discrepancy 5:10 dismiss 8:5,20 9:2,4 dismissed 8:6,7,10,15 display 18:16 disposed 8:12 distinguished 16:4 District 1:2,11 4:10 6:5 6:7,16 12:14 13:13 14:2 Division 16:10,11 doing 9:17 due 12:5 duties 7:16</p> <hr/> <p style="text-align: center;">E</p> <p>E 18:4 early 11:2 easier 10:22 easy 10:19 Education 14:3 Edwina 13:7 17:16 effect 6:11 effective 12:15,16 Eight 12:4 either 5:13 Elect 13:7 15:2,17 election 2:8 4:9,13,14 5:21 6:2,15 7:4,9,17</p>
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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Regular Board Meeting

Before: DC BOE

Date: 05-14-15

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.

Neal R Gross

Court Reporter

NEAL R. GROSS

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