



DISTRICT OF COLUMBIA
BOARD OF ELECTIONS
WASHINGTON, D.C. 20001-2745



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
October 1, 2014

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, October 1, 2014 in the Board’s Hearing Room, located in Suite 280 North, One Judiciary Square, 441 4th 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 10:41 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting (September 10, 2014) were moved for approval and adopted without objection subject to minor technical edits.

Mr. Tatum gave an update on the status of the General Election preparations. Logic and Accuracy testing of the voting equipment to ensure readiness for the election begins on October 1, 2014. Poll worker training is ongoing with the first Captain’s training to commence on Saturday October 4, 2014. Election worker recruitment is underway with an emphasis on hiring bi-lingual workers. To date, the Board has recruited and assigned over 1,400 workers with needs of an additional 400 workers. The voter guide will be released on October 10, 2014. The Board has not received any comments on the five proposed polling place relocations, and they will have to be made final at some point. The Board has distributed over 2,500 absentee ballots to both domestic and military overseas voters.

Mr. McGhie presented the formulation of an initiative measure for short title and summary statement tentatively entitled: “No Worker Shall Make less than the Minimum Wage Act of 2016”. The proposer, Ms. Stephanie Roth, was accompanied by her legal counsel Messrs. Berkon and Nudelman of Perkins Coie. The proponent offered one amendment of the summary statement as follows: “Insure that the minimum wage increases *not proscribed by current law* will not apply to D.C. Government employees or employees of D.C. Government contractors.”

BOARD ACTION: The Board adopted the summary title, summary statement and legislative form of the proposed initiative.

Mr. McGhie submitted final rulemaking to amend Chapter 12 to determine the order of contests and questions on the Primary, General and Special Election ballots by including the position the Office of the Attorney General.

BOARD ACTION: The Board adopted the amendment to 3 DCMR Section 1202 "Order of Contests."

Mr. McGhie reported on the status of the four cases the Board is currently litigating.

Cheeks v. the Board relates to an appeal of the timeliness of a nominating petition challenge. Mr. Cheeks filed a temporary restraining order to halt proceedings in the nominating petition challenge. Mr. Cheeks was subsequently granted ballot access, and he withdrew his complaint.

Foshager v. the Board. Mr. Foshager filed a petition for review in Superior Court challenging the Board's determination that Mr. Djonkam should be placed on the ballot. The Superior Court dismissed the case for improper venue.

Sewell v. the Board. Mr. Sewell filed a complaint for harassment in the Superior Court with respect to OCF campaign finance violations assessed against him, and the Board filed a motion to dismiss which is currently pending.

McMillian v. the Board concerns the Board disallowing the slate name, "The Rent is too Damn High" from appearing on the Primary Election ballot. The Office of the General Counsel filed a motion to dismiss for lack of standing because the Plaintiff does not reside in the District, and is not a registered voter. The Plaintiff filed an opposition to the Motion to Dismiss and the Board filed a reply on Friday August 11, 2014. No decision has been made as of yet.

Ms. Collier-Montgomery reported on the following items initiated or ongoing in the month of September 2014 at OCF:

- **September 10 filing date for reports of receipts and expenditures of Proposers of initiative, referendum and recall measures:** 5 required filers (initiatives); 5 timely filers.
- **New Candidates registered:** Preston Cornish, City Council from Ward 5 registered on September the 15th, 2014; Kyle Walker, City Council for Chair registered on September the 22nd, 2014; John LaBeaume/LaBeaume 2014 registered as a candidate for the Council from Ward 1 on September the 22nd, 2014 and the Initiative Committee No on 71 registered on September the 23rd, 2014. Entrance conferences for these committees will be held in September and that date is to be determined.
- **Audit Branch has one full field audit** of the Gray for Mayor Campaign.
- **Periodic Random Audits of registered candidates:** Bowser for Mayor; Wells for Mayor; Evans for Mayor; Charles Allen for Ward 6; Catania for Mayor; Friends of Courtney R. Snowden; and Elect Cheeks for Chairman.
- **Periodic Random Audits of July 31st reports:** Biddle 2012 and Hubbard for Ward 5 - 2012.
- **Report of the Office of the OCF General Counsel (Reported by William Sanford)**
 - **Referrals** —4 from the Reports Analysis and Audit Division.
 - **Orders Issued** – 8 failure to timely file orders with no fines issued; 5 failure to timely file orders with \$6,150 fines imposed; 1 order for failure to timely respond to a request for additional information with no fine imposed.
 - **Fines imposed by the Office of the General Counsel:** \$1,350 for failure to timely file against Winifred Carson-Smith a candidate for the Democratic National

Committee, \$1,350 failure to timely file against Christian Carter a candidate for the At-Large position on the District of Columbia's Council, \$900 against Darrell Gaston failure to timely file a candidate for the Ward 8 School Board position, \$1,350 for failure to timely file against Martin Sterbal a candidate for the U.S. Senate and \$1,200 against the Youth Action PAC for failure to timely file.

- **Office of the General Counsel Investigations:** carried 7 open investigations from prior months.

Mr. Charles Sullivan reported that his organization, CURE, is approaching the City Council with proposed legislation tentatively entitled the Voting Rights Amendment Act of 2014. The legislation's main purpose is designating the two jails that service the District of Columbia as early voting sites in an effort to increase absentee participation by eligible prisoners.

Mr. Robert Turner wanted to alert the Board that the Republican Party once again will be initiating an absentee ballot program as it did in 2013 during the special election. The Republican Party would like to renew the request for daily reports of who requested an absentee ballot. **Chairman Nichols** said the Board would have to respond to that request at a later date.

There being no further business before the Board, the meeting adjourned 11:15 a.m.