



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



* * * **MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**
February 4, 2015

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, February 4, 2015 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 10:34 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting (January 7, 2015) were moved for approval and adopted without objection subject to minor technical edits.

Mr. Tatum presented an update on the April 28th Special Elections in Wards 4 and 8 for Councilmember. The challenge period for all candidates’ nominating petitions began January 31, 2015 and will end on February 9, 2015. The final date for the Board to resolve all challenges is March 2, 2015, and the ballot placement lottery will be conducted on March 6, 2015. 20 precincts will be operational in Ward 4 and 17 precincts will be operational in Ward 8. The Board will operate 3 early voting centers: Takoma Park Recreational Center in Ward 4 with 10 DRE machines; Malcolm X Elementary School in Ward 8 with 10 DRE machines; and One Judiciary Square will have paper ballots for each contest and 3 DRE machines.

Mr. Tatum announced the Board’s completion of its After-Action Report of the November 2014 General Election, which is publicly available. The Board will have a performance hearing scheduled for February 12, 2015 before the Judiciary Committee.

Mr. Tatum also reported on the final development stages of the Board’s online signature exchange with the DMV office which is a new component of the canvassing process. The project is being conducted offline and will not impact any voters who are currently being registered for the impending Special Elections.

Mr. McGhie presented a proposed initiative for the Board to formulate the short title and summary statement. The initiative is entitled: “Initiative Measure No. 75, Character Development and Citizenship Education Initiative of 2014.” The summary statement is as follows:

This initiative, if passed, will establish a 15 member Character Development and Citizenship Education Council in the District of Columbia. The Character Development and Citizenship Education Council will develop a plan to identify issues impacting on the social and emotional outcome of youth, submit a report to District government officials, and address disciplinary issues; submit a final

report and recommendation to District government officials on how to implement a non-religious character development and citizenship education curriculum in the District's public and charter schools; and complete this work within 12 months after its creation.

BOARD ACTION: The Board adopted the proposed short title and summary statement as read by the General Counsel.

Mr. McGhie presented final rulemaking to amend 3 DCMR Chapter 9 §§ 9-10 which establishes the timeframe in which the Board can hold a special election. The 30 day comment period expired, and no comments were received.

BOARD ACTION: The Board adopted the regulations as final and will publish them in the D.C. Register.

Mr. McGhie deferred to staff attorney Rudolph McGann to present OCF petitions for enforcement. The cases were as follows:

- OCF Docket No. 14C-055 Respondent Darrell Gaston for failure to timely file the August 10th report of receipts and expenditures due August 11.
- OCF Docket No. 14C-058 Respondent Martin Sterbil for failure to timely file the August 10th report of receipts and expenditures due August 11.
- OCF Docket No. 14R-047 Respondent Bruce Majors for failure to submit a written response to a request for additional information dated July 25, 2014 and due August 9, 2014.
- OCF Docket No. 14R-001 Respondent Terrence Jordan of the Nestor for Mayor Campaign for failure to submit a written response to a request for additional information dated December 16, 2014 and due December 31, 2014.

BOARD ACTION: The Board instructs the General Counsel to enforce the orders in these cases with the Superior Court.

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

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 their efforts to collect those fines, and the Board filed a motion to dismiss which is currently pending. The Court scheduled a status hearing for February 6, 2015.

McMillan v. the Board concerns the Board disallowing the slate name, "The Rent is too Damn High" from appearing on the Primary Election ballot. The Board OGC 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. The matter was dismissed in the Board's favor on December 9, 2014. Mr. McMillan filed an appeal without the proper fees, and the Court of Appeals by order dated January 13, 2015 instructed the appellant to pay the fees or file a formal motion by February 12, 2015.

Ms. Collier-Montgomery announced that the provisions of the Campaign Finance Reform and Transparency Amendment Act of 2013 became effective on January 31, 2015. Candidate and Treasurer training is now a mandatory requirement. Electronic filing of all reports is also mandatory starting with the March 1 reports of principal campaigns and committees in the 2015 election cycle. OCF has begun to implement the new law by offering the requisite training beginning last December through January. OCF also submitted its bi-annual report to the Council, Mayor and the public. The report is accessible on the OCF website.

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

- January 1st deadline for R&E reports from constituent service programs (CSP) and statehood fund programs (SFP). CSP-12 required filers all filed timely. SFP-2 required filers filed timely.
- January 31st deadline for R&E reports from principal campaign committees (PCC) and political action committees (PAC). 124 PCCs and 66 PACs, and the actual number of timely filers and failures to file is to be determined.
- OCF conducted 2 entrance conferences on January 14th (15 participants) and January 16th (18 participants).
- OCF register 9 new committees in January: Trayon White for Ward 8 2015 on January the 2nd, 2015. Dr. Vanterpool for Wad 8, Ward 8, City Council, January the 5th, 2015. Sheila Bunn for Ward 8, Ward 8, City Council, January the 7th, 2015. Friends of Leon T. Andrews, Jr., Ward 4, City Council, January the 7th, 2015. Barry for Council, Ward 8, City Council, January the 7th, 2015. Toliver for Ward 4, Ward 4, City Council, January the 9th, 2015. Corley for Ward 4, Ward 4, City Council, January the 9th, 2015. Nicole Jones, Ward 8, City Council, January the 12th, 2015. Help Lucius Gallion Help You, Ward 8, City Council, January the 21st, 2015.
- OCF Audit Branch conducted 54 desk audits and the full field audit of Gray for Mayor is ongoing. The ongoing periodic random audits are: Evans for Mayor, Friends of Courtney R. Snowden, Ruth for Schools, and Brian Hart for D.C. The periodic random audit of the Continuing Committee Biddle 2012 is also ongoing. For the periodic random audits for the Office of Attorney General, OCF has ongoing periodic random audits of the principal campaign committees of Lori masters for Attorney General, and Smitty for Attorney General.
- OCF issued three audits: District of Columbia State Federation Business & Professional Women's Club Political Action Committee, issued on January 23rd, 2015; The Evans Constituent Service Funds issued on January 23rd, 2015; and Friends of Jim Graham issued on January 23rd, 2015. And the reports are available for review by the public at our Web site.

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

- The General Counsel received 5 referrals from the Reports Analysis Audit Division, and 3 of those referrals were subsequently withdrawn.
- The Office conducted 4 informal hearings and issued 9 orders including the following: 3 orders for failure to timely file reports in which no fines were imposed. 1 order for failure to timely respond to a request for additional information, in which no fine was imposed. 4 orders for failure to timely file reports in which a total of \$4,650 in fines were imposed. And 1 order for failure to timely respond to a request for additional information, in which a fine for \$2,000 was imposed.

- OCF OGC conducted 2 show cause proceedings: (1) OCF 2014-P-021 Eidinger v. Jones for failure to include disclaimer information in campaign literature, and failure to file a Statement of Organization for his committee in opposition to Initiative 71, and the order was issued January 5, 2015; (2) OCF 2014-P-022 Drissel v. Sawyer failure to timely file a report with OCF and failure to timely register, and the order was issued January 15, 2015.

There being no further business before the Board, the meeting adjourned at 11:09 a.m.