



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



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**August 6, 2014**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, August 6, 2014 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 Devarieste Curry. 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 10:31 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting (July 2, 2014) were moved for approval and adopted without objection subject to minor technical edits.

**Mr. Tatum** indicated that the Board would be discussing the certification of Initiative No. 71, and he provided the legal predicate for qualification of the measure to the ballot. The measure was determined to be a proper subject matter for initiative on March 25, 2014. The formulation of the short title and summary statement was issued on April 25, 2014, and the Petitioner submitted the proposed petition to the Board on July 7, 2014.

**Mr. McGhie** read the law for initiative petition approval codified at D.C. Official Code §1-1001.16(i) into the record.

**Mr. Tatum** went on to explain that the Board determined the requisite number of signatures the initiative needed for ballot access was 22,373 signatures city-wide. The petition contained 27,688 signatures. The Board then had to determine whether the petition contained 5% of the registered electors from 5 of the 8 wards in the District. Board staff made the determination that petition met the 5% threshold in 6 wards of the city. Staff then submitted the petition to the Office of Planning to select a random sampling of 100 signatures from each of the aforementioned wards to verify the validity of the signatures pursuant to D.C. Official Code §1-1001.16(o)(1). The Board staff verified the randomly sampled signatures and concluded the petition met the legal predicate of the required number of signatures and the proper ward distribution for ballot access.

**BOARD ACTION:** Board Member Curry moved that the Board certify for the November 2014 General Election ballot Initiative No. 71 Legalization of Minimal Amounts of Marijuana for Personal Use Act of 2014. The Board approved the motion unanimously.

**Mr. Tatum** also reported on the November General Election by giving important upcoming dates. August 6, 2014 is the last day for candidates to submit nominating petitions for ballot access for the General Election. The Challenge period for nominating petitions begins August 9 and ends August 18, 2014. The resolution period of time to resolve any challenges begins August 19 and ends September 8, 2014. The lottery to determine ballot placement is September 12, 2014, and this is also consequently the last day for prospective candidates to withdraw their candidacies so as not to have their name erroneously appear on the final ballot. The deadline for transmission of absentee ballots to UOCAVA (Uniformed Overseas & Citizens Abroad Voting Absentee) is September 19, 2014. October 6, 2014 is the 30-day deadline to register by mail. In-person absentee voting will begin October 20, 2014 and run through November 1, 2014 excluding Sundays.

**Mr. Tatum** reported on general matters and informed the public that September 23, 2014 is National Voter Registration Day, and the Board will actively participate in conjunction with the District's designated National Voter Registration Agencies to register new voters.

**Mr. Tatum** provided an update on the Electronic Record Information Center (ERIC). The Board submitted its voter registration data to ERIC for analysis and comparison with other states' voter registries. The Board expects a report within the next week identifying eligible, unregistered citizens garnered by comparing the voting age driving populace through DMV records so that the Board can reach out to these citizens and provide them an opportunity to register to vote.

**Board Member Curry** noted the problem of low voter turnout, and asked what can legally be done to address this problem. Mr. Tatum responded that the Board has increased outreach efforts with advertising placements on public transportation, but the Board has not officially entered into partnerships with any auxiliary organizations other than the League of Women Voters and the Returning Citizens Organization. Ms. Curry asked directly whether the Board is legally prohibited from reaching out to houses of worship for assistance in this regard. Mr. Tatum responded that the Board staff can look into the legal propriety of enlisting places of worship to publicize the upcoming election.

**Mr. McGhie** presented the adoption of an original petition form for the Initiative Measure entitled: "No Worker Shall Make Less Than the Minimum Wage Act." Jonathan Burkon, Esq. and Dan Nudelman, Esq. represented the proposer, Ms. Stephanie Roth. The proposer, through her legal counsel, adopted the petition form subject to a correction of address on the petition.

**BOARD ACTION:** Board Member Curry moved that the Board adopt the initiative petition form for Initiative Measure No. 73. The Board approved the initiative petition form unanimously.

**Mr. McGhie** presented Emergency and Proposed Rulemaking to amend 3 DCMR §1202 to include the office of Attorney General in the list of contests for the upcoming General Election.

**BOARD ACTION:** Board Member Curry moved that the Board adopt the proposed regulation. The Board approved the proposed Emergency Regulation unanimously.

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

In *Zukerberg v. the Board*, the parties have agreed that the election for Attorney General is to be held during the November General Election; however, they disagree as to how to dispose of the case. The Plaintiff is seeking an order while the Board through its counsel is seeking a motion to dismiss as moot. The Judge has asked the Plaintiff to respond to the motion to dismiss and she will be taking the case under advisement. A status hearing scheduled for July 25 was continued.

*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 will file a reply on Friday August 11, 2014.

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

- With respect to the July 15 Special Election for Ward 8 State Board of Education Member, 2 auditors and 2 members of the Office of the General visited the Malcolm X Elementary School Early Voting Center and ten election precincts on Election Day. The staff encountered no significant issues.
- **July 1 filing date for reports of receipts and expenditures of Constituent Service Programs:** 12 required filers; 12 timely filers filed electronically.
- **July 1 filing date for reports of receipts and expenditures of Senator Representative Statehood Funds:** 2 required filers; 2 timely filers filed electronically.
- **July 31 filing date for reports of receipts and expenditures of Continuing Committees (24 Principal Campaign Committees (PCCs) and 10 Political Action Committees (PACs)):** At this time, OCF is still determining the number of timely filers and those who failed to file.
- **July 10 filing date for reports of receipts and expenditures of Initiatives, Referendum, and Recall Committees:** 4 required filers; 2 timely filers filed electronically; and 2 timely extensions were requested and granted.
- **Referrals to the Office of General Counsel:** Frank E Sewell and David O. Leacraft for failure to file a Statement of Candidacy; Re-Elect Mark Jones 2014, Mark Jones, Treasurer for failure to timely file a Statement of Organization.
- **New Candidates registered:** Mark Nayden for School Board, Ward 6 (July 1, 2014); Janai Reed for the Office of Attorney General (July 1, 2014); Kris Hammond for Chairman, City Council (July 2, 2014); Edward Smith for Attorney General (July 3, 2014); George Jackson, City Council, Ward 5 (July 9, 2014); Lateefah Williams for Attorney General (July 15, 2014); W. Phillip Thomas for Ward 3, State Board of Education (July 15); Thomas Brennan for school Board, Ward 6 (July 16, 2014); and Lorie Masters for Attorney General (July 21, 2014).
- The Audit Branch conducted 79 desk reviews of reports filed during the month of July.
- **Periodic Random Audits of registered candidates:** Gray for Mayor; Bowser for Mayor; Wells for Mayor; Evans for Mayor; Charles Allen for Ward 6; Catania for Mayor; and Orange for Mayor.

- **Report of the Office of the OCF General Counsel (Reported by William SanFord)**
  - **Referrals** –3 from Public Information and Record Management Division and 18 from the Reports Analysis and Audit Division.
  - **Orders Issued** – 9 failure to timely file orders with no fines issued; 4 failure timely file orders with \$5,350 fines imposed; 1 order for failure to timely respond to a request for additional information with a \$2,000 fine imposed; and 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:** Winnifred Carson-Smith for DNC in the amount of \$850 for failure to timely file a report of receipts and expenditures on June 10; Beverly Wheeler for Ward 1 in the amount of \$1,500 for failure to timely file a report of receipts and expenditures on June 10; Frank Sewell for Mayor in the amount of \$1,500 for failure to timely file a report of receipts and expenditures on June 10; Valentine-At-Large in the amount of \$1,500 for failure to timely file a report of receipts and expenditures on June 10; and Winnifred Carson-Smith in the amount of \$2,000 for failure to timely respond to a request for additional information.
- **Office of the General Counsel Investigations:** *OCF Full Investigation 2014-001* Calvin Robinson, Respondent, and the alleged infraction is campaign contribution violations; and *OCF Full Investigation 2014-002* Jeff Smith, Respondent and the alleged infraction is also campaign contribution violations. Both matters are currently pending.

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