

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

MARCH 4, 2015

+ + + + +

The Regular Board Meeting of 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 10:35 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman
STEPHEN I. DANZANSKY, Member

BOARD OF ELECTIONS STAFF PRESENT:

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

ALSO PRESENT:

CECILY COLLIER-MONTGOMERY, Director,
Office of Campaign Finance

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

2 10:35 a.m.

3 CHAIR NICHOLS: Good morning.

4 Welcome. I hereby call to order the regular
5 meeting of the Board of Elections for March 2015.

6 It is Wednesday, March 4th, 2015. The
7 time is 10:36 a.m. We are meeting in Room 280
8 North of One Judiciary Square.

9 I am Deborah Nichols, Chairman of the
10 Board of Elections. Present with me this morning
11 is Board Member Stephen Danzansky.

12 MEMBER DANZANSKY: Good morning.

13 CHAIR NICHOLS: Also present this
14 morning Mr. Kenneth McGhie, the Board's General
15 Counsel, Ms. Cecily Collier-Montgomery, the
16 Board's Director of Campaign Finance.

17 MS. COLLIER-MONTGOMERY: Good morning.

18 CHAIR NICHOLS: And Mr. Clifford
19 Tatum, the Board's Executive Director.

20 Without objection, the agenda for this
21 morning's meeting is adopted. Unless there are
22 corrections, the minutes of the Regular Board

1 Meeting of February 4th, 2015 are adopted.

2 Of course, transcripts of the Board's
3 meeting can be reviewed in the Office of the
4 General Counsel.

5 Are there any matters that Board
6 Members wish to address in this public meeting?

7 MEMBER DANZANSKY: None, Madam Chair.

8 CHAIR NICHOLS: All right. We will
9 move then to hearing the report of the Board's
10 Executive Director Mr. Clifford Tatum.

11 MR. TATUM: Madam, there are three
12 items on my report for today.

13 The first is a polling place
14 relocation -- proposed relocation for Precinct
15 115. Mr. Budoo, if you would come forward and
16 present to the Board.

17 MR. BUDOO: Good morning.

18 CHAIR NICHOLS: Good morning, Mr.
19 Budoo.

20 MR. BUDOO: My name's Arlin Budoo,
21 Support Service Specialist for the D.C. Board of
22 Elections.

1 I spoke with Mr. Tatum on Friday after
2 I received an email from the administrative staff
3 of the 7th District Police Station stating that
4 Precinct 115 at the 7th District Police Station
5 which served as a polling place last year for the
6 November the 4th, 2014 general election will not
7 be available for the upcoming Ward 8 special
8 election. We were informed that scheduled
9 renovations will not allow the site to be used as
10 a polling place.

11 So, therefore, I am proposing that we
12 relocate and combine with Precinct 134, Allen AME
13 Church located at 2498 Alabama Avenue, S.E.

14 One note is that the relocation and
15 combined is only across the street from the
16 previous site. So, it will not be out of the way
17 for the majority of the voters.

18 The registration at Precinct 115 as of
19 February 20th, 2015 is 3,393. The registration
20 at Precinct 134 is 2,356. Would give us a grand
21 total of 5,749.

22 Due to what the projections are for

1 the low turnout, I do not see this being a
2 problem with combining both precincts in one and
3 this would just be a one time relocation because
4 I do expect the renovations to be cleared by
5 April 2016 primary.

6 CHAIR NICHOLS: All right. Thank you,
7 Mr. Budoo.

8 Any questions?

9 MEMBER DANZANSKY: No. Mr. Budoo,
10 just would you state for the record just the date
11 that you received this notice from administrative
12 -- it's the 27th. Wasn't it? Of February.

13 MR. BUDOO: Yes, I received the notice
14 on Friday, February the 27th.

15 MEMBER DANZANSKY: Okay.

16 MR. BUDOO: Okay.

17 MEMBER DANZANSKY: Thank you.

18 MR. BUDOO: All right.

19 CHAIR NICHOLS: All right. I will
20 entertain a motion to publish the proposed
21 relocation of Precinct 115 to combine it with
22 Precinct 134 just for this election in the D.C.

1 Register for a 10-day comment period.

2 MEMBER DANZANSKY: Madam Chair, I move
3 we do publish in the Register the fact that
4 Precinct 115 in it's old location will not be
5 available and it will now be combined with
6 Precinct 134.

7 CHAIR NICHOLS: All right. Motion is
8 before us. All in favor.

9 (Ayes.)

10 CHAIR NICHOLS: All opposed. Ayes
11 have it.

12 Thank you, Mr. Budoo.

13 MR. BUDOO: Thank you.

14 MR. TATUM: Madam Chair, the next item
15 on my report is the ballot lottery. Excuse me.
16 The preparation for the April 28th, 2015 special
17 election and the preparation is moving according
18 to schedule.

19 We have the ballot lottery scheduled
20 for March the 6th which is this Friday and that's
21 the mechanism by which we place the candidates
22 names in order on the ballot.

1 Once we complete the ballot lottery,
2 we will then finalize the ballot preparation and
3 begin testing and preparing for the mailing of
4 military and overseas absentee ballots by the
5 following Friday, the 13th.

6 The training is scheduled to begin on
7 March the 24th and again, we'll train by precinct
8 teams.

9 As previously reported, we will have
10 a pilot of epoll books and voting system going
11 for this particular special election. One epoll
12 book vendor will be piloted at the early voting
13 centers and at four polling place locations, two
14 in each ward and we will have a demonstration of
15 new voting equipment at the early voting centers
16 and at two precincts in each of the wards.

17 And, Madam Chair, I believe that
18 concludes my preparation report for April 28th
19 special election and I have no general matters.

20 CHAIR NICHOLS: Thank you, Mr. Tatum.

21 Do you have any questions, Mr.

22 Danzansky?

1 MEMBER DANZANSKY: None, Madam Chair.

2 Thank you.

3 CHAIR NICHOLS: All right. We will
4 move on to hear the General Counsel's Report.
5 Mr. McGhie.

6 MR. MCGHIE: Okay. The first thing I
7 have on my agenda is the approval of an
8 initiative petition and the petition is for the
9 D.C. Character Development and Citizen Education
10 Initiative of 2014.

11 I believe the proposer is present.
12 Can you take a seat at the table?

13 DR. POWELL: Good morning.

14 MEMBER DANZANSKY: Good morning.

15 MR. MCGHIE: And can you state your
16 full name and address just for the record?

17 DR. POWELL: Edwin W. Powell, 1754
18 Verbena Street, N.W., Washington, D.C. 20012.

19 CHAIR NICHOLS: All right. Dr.
20 Powell, do you -- I'm sorry. Overview --

21 MR. MCGHIE: Yes.

22 CHAIR NICHOLS: -- of the process.

1 Mr. McGhie will give us an overview of the
2 process and we are here this morning to approve
3 the petition form for Initiative Measure Number
4 75, Character Development and Citizenship
5 Education Initiative of 2014. Mr. McGhie.

6 MR. MCGHIE: Okay. We're at the stage
7 now where we're going to be issuing you the
8 petition form for you to actually circulate. So,
9 the Board formulated the short title and the
10 summary statement. We published in the D.C.
11 Register. It was not challenged. So, that is
12 the short title and summary statement that we
13 will be going with and that is the short title
14 and the summary statement that was given to you
15 earlier this morning.

16 I also believe that the Register of
17 Voters has a brief memo. So, can you take a seat
18 at the desk as well?

19 Okay. Okay. Obviously, did you look
20 at the original petition form?

21 DR. POWELL: Yes, sir, I did.

22 MR. MCGHIE: And do you agree with or

1 adopt all of the statements on there?

2 DR. POWELL: I do.

3 MR. MCGHIE: And, Ms. Brooks, can you
4 just outline what the requirements would be?

5 MS. BROOKS: Okay. Well, as you're
6 aware, the petition submitted in support of
7 Initiative Measure Number 75, Character
8 Development and Citizenship Education Initiative
9 of 2014 must contain the valid signatures of 5
10 percent of voters registered in the District of
11 Columbia provided that this total includes 5
12 percent of registered voters in each of five or
13 more wards in order for the measure to be placed
14 on the ballot.

15 Pursuant to D.C. Official Code Section
16 1204.102, the number of registered voters used to
17 compute these requirements is the latest official
18 count of registered voters by the Board of
19 Elections which was issued 30 or more days prior
20 to the submission of signatures.

21 While the signature requirement cannot
22 yet be determined, I have calculated for the

1 information of the proponent and public what
2 these requirements would be if the most recent
3 voter registration figures published by the Board
4 were used. The proponent is advised to check
5 with the Board on a monthly basis as new
6 statistics are issued to get up-to-date estimates
7 of signature requirements.

8 The 100-day period for circulating a
9 petition pursuant to D.C. Official Code Section
10 1001.16J1 expires on Monday, August 31st, 2015 at
11 5:00 p.m.

12 I have provided you with a chart with
13 the 5 percent of registered votes in each ward.

14 DR. POWELL: Yes.

15 CHAIR NICHOLS: All right. Dr.
16 Powell, do you approve of the petition form and
17 adopt it as your own?

18 DR. POWELL: Yes, ma'am.

19 CHAIR NICHOLS: All right. Are there
20 any questions from Members?

21 MEMBER DANZANSKY: None.

22 CHAIR NICHOLS: All right. There

1 being no questions we're done.

2 MR. MCGHIE: Well, we need just the
3 Board --

4 CHAIR NICHOLS: A motion?

5 MR. MCGHIE: Yes, a motion for the
6 Board to adopt the petition form.

7 CHAIR NICHOLS: All right. I'll
8 entertain a motion to adopt the petition form.

9 MEMBER DANZANSKY: So moved, Madam
10 Chair.

11 CHAIR NICHOLS: All in favor.

12 (Ayes.)

13 CHAIR NICHOLS: All opposed. Ayes
14 have it.

15 Thank you, Dr. Powell. Good luck.

16 DR. POWELL: Thank you --

17 CHAIR NICHOLS: All right. All right.

18 DR. POWELL: -- very much.

19 MR. MCGHIE: The next thing I have on
20 my agenda is a final rulemaking to amend the 3
21 DCMR Chapters 30, 34, 36-41. These are Office of
22 Campaign Finance Regulations. The regulations

1 appeared in the D.C. Register -- in the January
2 16th D.C. Register as proposed. No comments were
3 submitted. So, the 30-day period for comment has
4 expired. So, now, is the time for the Board to
5 entertain a motion to adopt this final.

6 Since these are Office of Campaign
7 Finance regulations, I will defer to the Office
8 of Campaign Finance to describe what the
9 regulations entail.

10 CHAIR NICHOLS: All right. All right.
11 Ms. Collier-Montgomery.

12 MS. COLLIER-MONTGOMERY: Yes. Good
13 morning. The purpose of these rules is that the
14 regulations will fully implement the D.C. Law 20-
15 79, the Campaign Finance Reform and Transparency
16 Act of 2013, which became effective February the
17 22nd, 2014.

18 Most importantly, the provisions of
19 the Act became applicable on January 31st, 2015.

20 What I would like to do is point out
21 the most significant provisions of the
22 regulations as required by the provisions of the

1 new legislation. The legislation as implemented
2 by our regulations requires mandatory training
3 for all candidates and treasurers of the various
4 committees that register with the Office of
5 Campaign Finance and that would be the political
6 committee, the political action committee as well
7 as the independent expenditure committee.

8 The law also requires mandatory
9 electronic filing for all of the reports that are
10 filed with the Office of Campaign Finance and
11 that would be the reports of receipts and
12 expenditures which are filed by our political
13 committees and our PACs as well as our
14 independent expenditure committees and also the
15 activity reports which are filed by our
16 constituent service programs and statehood fund
17 programs.

18 The law also or our regulations will
19 require more detailed disclosures with respect to
20 the information concerning contributions that are
21 received by the committees from business
22 contributors and basically, the business

1 contributors will be required to provide
2 committees with the names of their affiliated
3 entities and by affiliation, that would be
4 committees that are owned by -- I'm sorry. Not
5 committees. That would be affiliated entities
6 that are owned by the same entity or who share a
7 common owner.

8 The other thing is that our business
9 contributors will be required to provide to our
10 committee the certification that they have not
11 exceeded the contribution limits. They will be
12 required to list the names and addresses of their
13 affiliated entities, their owners as well as the
14 owners of the affiliated entities and the dates
15 that they made contributions to the committees
16 and the amounts of those contributions. The
17 certifications that are made by the treasurers as
18 well as the candidates and anybody else who files
19 the reports of receipts and expenditures are much
20 more detailed.

21 And probably the most important
22 provision of all is the fact that the Office of

1 Campaign Finance will be able to imposed civil
2 penalties against individuals who fail to comply
3 with the law and that would include your
4 candidates or anybody else who files reports with
5 us who fails to file the report on time or who
6 omits information or makes any other violations
7 of the reporting requirements and that would be
8 under our informal hearing process that we will
9 be able to enforce civil penalties against
10 individuals as opposed to what the law required
11 formerly. Which was that the penalties were
12 imposed against the committees themselves and our
13 penalties are also increased from \$2,000 to
14 \$4,000 and that's --

15 CHAIR NICHOLS: That's it. All right.
16 I will entertain a motion to adopt as final
17 rulemaking amendments to Chapters 30, 34, 36
18 through 41 of 3 DCMR.

19 MEMBER DANZANSKY: Yes, Madam Chair.
20 I move we adopt as final the amendments to
21 Chapters 30 through 41 as indicated.

22 CHAIR NICHOLS: Motion is before us.

1 All in favor.

2 (Ayes.)

3 CHAIR NICHOLS: All opposed. Ayes
4 have it. We will --

5 MR. MCGHIE: Today, the last thing I
6 have on my agenda is a litigation status report.
7 There's only two matters pending in court right
8 now.

9 The first one is Sewell v. D.C. Board
10 of Elections & Ethics. As the Board's aware,
11 that was one that was dealing with a harassment
12 complaint. Mr. Sewell filed a complaint -- an
13 amended complaint on September 23rd, 2014. The
14 Board filed a motion to dismiss on February 13th
15 and a status hearing on the Board's motion is
16 scheduled for this Friday, March 6.

17 The only other matter is McMillian v.
18 D.C. Board of Elections & Ethics. That was
19 dealing with The Rent is Too Damn High. The
20 appellant because it's in the court of appeals is
21 -- a briefing schedule is provided by the court.
22 The appellant has to file his statement of issues

1 by March 26. Dispositive motions for both the
2 appellant and the Board are due on April 10th.

3 And that would conclude my litigation
4 status update.

5 CHAIR NICHOLS: Thank you, Mr. McGhie.

6 We will now hear the report of the
7 Board's -- the Director of Campaign Finance.

8 MS. COLLIER-MONTGOMERY: Yes. Good
9 morning again.

10 First, I would like to report to the
11 public that with respect to the new law whose
12 provisions became applicable as of January 31,
13 2015, the first report that will be affected by
14 that will be the report of receipts and
15 expenditures that's due by political committees
16 and candidates as well as PACs who are active in
17 the 2015 election cycle on March the 10th, 2015
18 and basically, again, what that will require is
19 that the reports be electronically filed and for
20 any committees.

21 And candidates who register with the
22 agency after January 31, there will be a

1 requirement of mandatory training. e-
2 applications at our website have been upgraded to
3 include the new disclosures and certifications.

4 During the month of January, the
5 report of receipts and expenditures by our
6 principal campaign committees and our political
7 action committees was due on January 31st, 2015.
8 Because that fell over the weekend, the next
9 business day was February the 2nd, 2015.

10 There are 182 required filers and that
11 breaks down to 122 principal campaign committees
12 and 60 political action committees. The total
13 number of timely filers was 145. There were five
14 extensions requested and granted. The total
15 number of late filers was three. We had 33
16 failures to file and that is broken down to 27
17 principal campaign committees and six political
18 action committees. Thirty-six of these
19 committees were referred to the general counsel
20 for the initiation of the enforcement process and
21 those committees and the names of their
22 treasurers will be posted at our website with the

1 Board's stats.

2 With respect to the Office of Advisory
3 Neighborhood Commissioner, the candidates, their
4 summary financial statement was due on February
5 the 3rd, 2015. With our candidates for Advisory
6 Neighborhood Commission, their summary financial
7 statements are due after the certification by the
8 Board of the election results. Sixty days after
9 that date.

10 So, the total number of required
11 filers was 383. The total number of timely
12 filers was 307. We had 76 failures to file and
13 the number of candidates to be referred to the
14 Office of the General Counsel is to be
15 determined.

16 We had one new candidate who
17 registered in February of 2015 and that was
18 Genora Reed for the Ward 8 member of the City
19 Council. However, she -- and she registered on
20 February the 4th, but she did not qualify for the
21 ballot.

22 In the Audit Branch, the Reports

1 Analysis and Audit Division, the Audit Branch
2 conducted 154 address reviews during the month of
3 February of the reports received and expenditures
4 that had been filed with the agency.

5 With respect to ongoing audits, we
6 have one full-field audit which is ongoing and
7 that the Gray for Mayor.

8 With periodic random audits of
9 candidates who have registered for the upcoming
10 election in 2014, we have three audits that are
11 ongoing, Friends of Courtney R. Snowden, Ruth for
12 Schools and Brian Hart for D.C.

13 With the periodic random audits of the
14 Continuing Committee, we have the Firefighters
15 Committee on Political Activities, the Republic
16 Committee for the District of Columbia, Morgan
17 for District of Columbia and Committee to Elect
18 Eugene Puryear.

19 For the periodic random audits of the
20 Office of the Attorney General, the candidates
21 and their principal campaign committee, the Lori
22 Masters for Attorney General is ongoing and

1 Smitty for AG is ongoing.

2 During the month of February, there
3 were two audits which were issued. Evans for
4 Mayor which was issued on February the 24th, 2015
5 and Biddle 2012 which was issued on February the
6 18th, 2015 and both of those audits are available
7 at our website for review by members of the
8 public.

9 And I would ask Mr. Sanford to give
10 the report of the Office of the General Counsel.

11 MR. SANFORD: Good morning, Madam
12 Chairman and distinguished Board Member
13 Danzansky.

14 My name is William Sanford, General
15 Counsel for the Office of Campaign Finance.

16 During the month of February 2015, the
17 Office of the General Counsel received 42
18 referrals which included 37 from the Public
19 Information and Records Management Division and
20 five from the Reports Analysis and Audit
21 Division.

22 The Office of the General Counsel

1 completed 15 informal hearings and issued 15
2 orders which included the following: Eight
3 orders were issued for failure to timely file
4 reports in which no fines were imposed, one order
5 was issued for failure to respond timely to a
6 request for additional information in which no
7 fine was imposed and six orders were issued for
8 failure to timely file reports in which a total
9 of \$12,000 in fines were imposed.

10 During the month of February, the
11 Office of the General Counsel collected \$900 in
12 fines and imposed fines against the following
13 respondents: Christian Carter for at-large
14 position on the D.C. City Council \$2,000, Beverly
15 Wheeler for Ward 1 -- candidate for Ward 1
16 \$2,000, Bruce Majors, Libertarian candidate for
17 mayor \$2,000, Zuckenburg for attorney general
18 \$2,000, Mark Jones, D.C. Board of Election \$2,000
19 -- D.C. Board of Education, excuse me, Martin
20 Sterbal, U.S. Senate \$2,000 and all these
21 respondents were fined for failing to file their
22 December 10th reports of receipted expenditures.

1 During the month of February 2015, the
2 Office of the General Counsel carried seven open
3 investigations and no new investigations were
4 opened.

5 During that month -- month of
6 February, no show cause proceedings were
7 conducted and no requests for interpretive
8 opinions were received by the Office of the
9 General Counsel.

10 And that should conclude my report.

11 CHAIR NICHOLS: Are there any
12 questions of Mr. Sanford or Ms. Collier-
13 Montgomery?

14 MEMBER DANZANSKY: No. Thank you.

15 CHAIR NICHOLS: All right. Hearing
16 none, are there any public matters to be brought
17 before the Board this morning? Hearing none.

18 There being no further business before
19 us, this meeting is adjourned. The time is 11:01
20 a.m., Wednesday, March 4th, 2015.

21 (Whereupon, the above-entitled matter
22 went off the record at 11:01 a.m.)

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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 03-03-15

Place: Washington, DC

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Court Reporter

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