

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

SEPTEMBER 2, 2015

+ + + + +

The District of Columbia Board of Elections convened in Room 280 North, 441 4<sup>th</sup> Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:30 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director  
KENNETH MCGHIE, General Counsel  
CECILY COLLIER-MONTGOMERY, Campaign  
Finance Director

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

10:33 a.m.

CHAIR NICHOLS: Good morning.

Welcome. I hereby call to order the regular meeting of the Board of Elections for September 2015.

It is Wednesday, September 2nd, 2015. The time is 10:35 a.m. We are meeting in Room 280 North of One Judiciary Square.

I am Deborah Nichols, Chairman of the Board of Elections. We do not have a quorum this morning. One of our Board Members is away attending a World War II event which commemorates soldiers who fought in the Philippines and his wife's father fought in World War II in the Philippine theater. So, he is not with us this morning.

But, present with us on the dais are Mr. Clifford Tatum, the Board's Executive Director, Ms. Cecily Collier-Montgomery, the Board's Director of Campaign Finance and Mr. Kenneth McGhie, the Board's General Counsel.

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1 Do I need a quorum to adopt the  
2 agenda? So --

3 MR. MCGHIE: Yes. Go ahead. Yes.

4 CHAIR NICHOLS: So, we're going to  
5 just receive this morning the reports of our  
6 officers. We will adopt the minutes of our  
7 August 5th, 2015 meeting at our October 2015  
8 regular meeting.

9 There are no matters that the Board  
10 wishes to address this morning.

11 So, we will move to the Executive  
12 Director's report. Mr. Tatum, please.

13 MR. TATUM: Madam Chair, on my report  
14 agenda is general matters and I just wanted to  
15 bring to the Board's and to the public's  
16 attention that September the 22nd will be  
17 National Voter Registration Day. The month of  
18 September is National Voter Registration Month  
19 and Secretaries of State and election agencies  
20 across the national will be commemorating that  
21 day and will be conducting registration  
22 activities and the Board of Elections here will

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1 be participating in the activities here within  
2 the District.

3 Of note, the Pope arrives on that same  
4 day into the District of Columbia. So, I'm not  
5 sure that we'll get him to register, but --

6 CHAIR NICHOLS: I don't think he  
7 qualifies, of course.

8 MR. TATUM: I don't think he  
9 qualifies, but we will be out in full force on  
10 that day.

11 CHAIR NICHOLS: That's sounds --

12 MR. TATUM: That's all I have.

13 CHAIR NICHOLS: Thank you. All right.  
14 We will then move to the General Counsel's  
15 report. Mr. McGhie.

16 MR. MCGHIE: Okay. The only thing I  
17 have is a new matter that got filed this month --  
18 this past month. It was Harry Wingo versus the  
19 Board of Elections.

20 This involves a challenge to the  
21 Board's formulation of a short title and summary  
22 statement for Initiative 76 which is the District

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1 of Columbia Minimum Wage Act. A complaint was  
2 filed in Superior Court on August 21st  
3 challenging the language that the Board  
4 formulated as being misleading. The Board  
5 entered its appearance and answer on August 27th.  
6 The proposer of the initiative filed a motion --  
7 a consent motion to intervene which was granted  
8 on August 28th and so, now, we're just waiting  
9 for the briefing schedule from the court in order  
10 to file our briefs.

11 Also, a matter that I indicated last  
12 month. McMillian which was dismissed. Mr.  
13 McMillian has now filed a motion for  
14 reconsideration. So, that may or may not come  
15 back up on the agenda.

16 CHAIR NICHOLS: Okay. All right.  
17 Thank you, Mr. McGhie.

18 All right. We will not receive the  
19 report of the Board's Director of Campaign  
20 Finance, Ms. Montgomery.

21 MS. COLLIER-MONTGOMERY: Yes. Good  
22 morning.

1           During the month of August, we were  
2           able to produce the statistics for the July 31st,  
3           2015 Report of Receipts and Expenditures which  
4           was filed by our principal campaign committees  
5           and our political action committees.

6           The total number of required filers  
7           was 88. That represents 70 principal campaign  
8           committees and 18 political action committees.  
9           Seventy-one of our filers timely filed. There  
10          were no extensions requested. There were no late  
11          filers.

12          The total number of failures to file  
13          was 17 and that is broken down to 16 principal  
14          campaign committees and one political action  
15          committee and those referrals were made to the --  
16          those late filings were referred to the General  
17          Counsel for the initiation of the enforcement  
18          process.

19          With respect to our timely filers, all  
20          71 of those electronically filed their reports.  
21          Because, as you know, the law has changed and in  
22          the District of Columbia now with respect to the

1 Office of Campaign Finance, the online filing is  
2 mandatory.

3 Also during the month of August, we  
4 had the August 10th report of receipts and  
5 expenditures. We had 69 required filers. That  
6 is broken down to 25 principal campaign  
7 committees and 44 political action committees.  
8 We had 53 timely filers. One extension was  
9 requested and granted. We had eight late filers  
10 and we had eight failures to file.

11 Sixteen filers of the -- I'm sorry.  
12 Sixteen required filers, and that would be the  
13 late filers as well as the failure to file, were  
14 referred to the General Counsel for again the  
15 initiation of the enforcement process.

16 With respect to the timely filers and  
17 also the late filers, we had a total of 61 who  
18 electronically filed their reports.

19 The names of the committees who are  
20 being referred to the Office of the General  
21 Counsel, the names of those committees will be  
22 posted at the website of the Office of Campaign



1 Finance when our stats are posted later on this  
2 afternoon.

3           During the month of August, we had  
4 three new candidates and committees who  
5 registered to participate in the 2016 election  
6 cycle. David Garber/David Garber for D.C.  
7 Council, At-Large City Council, registered on  
8 August the 3rd, 2015. The Committee for Fair  
9 Employment Laws Initiative opposing Initiative  
10 Number 76 registered on August the 21st, 2015.  
11 David Oberting/Oberting 2016, At-Large City  
12 Council, registered on August the 26th, 2015.

13           Entrance conferences were held for two  
14 of the persons who registered with the office on  
15 August the 13th, 2015. David Garber, Candidate  
16 David Garber for D.C. Council, Robert  
17 Summersgill, Treasurer for David Garber for D.C.  
18 Council.

19           And I would mention again that  
20 training is mandatory under the new law for any  
21 candidates who newly register as well as the  
22 treasurers of any political committees which

1 register with the Office of Campaign Finance.

2 With respect to the Audit Division  
3 during the month of August, the Audit Division  
4 conducted 97 desk reviews of reports which were  
5 filed with the office.

6 In terms of our ongoing audits with --  
7 we have a full field audit which is an  
8 investigative audit which is ongoing and that is  
9 Gray for Mayor.

10 With respect to our periodic random  
11 audits, candidates registered for the 2015  
12 election cycle, we have one periodic random audit  
13 of the financial report which was filed January  
14 31st, 2015 which is ongoing and that's Barry for  
15 Council.

16 With full field audits of our  
17 Inaugural Committees 2015, we have one which is  
18 ongoing: The D.C. Proud Inaugural Committee.

19 Periodic random audits continuing  
20 committees of the January 31st, 2015 filing, the  
21 Morgan for D.C. Periodic Random audit is ongoing.

22 Full field audits of newly elected

1 officials, we have four: LaRudy May 2015,  
2 Brandon Todd for Ward 4, Brianne for D.C.,  
3 Charles Allen for Ward 6.

4 Periodic random audits of PACs and  
5 continuing committees with respect to the July  
6 31st, 2015 filing, we have four: Holness for  
7 D.C., Eric Jones 2014, Fresh PAC, Libertarian  
8 Party of D.C.

9 We issued one audit report on August  
10 the 5th, 2015 and that was of the Committee to  
11 Elect Natalie Williams and that audit report is  
12 available at the website of the Office of  
13 Campaign Finance for public review.

14 I would ask the General Counsel  
15 William Sanford to give the report of the Office  
16 of the General Counsel.

17 MR. SANFORD: Good morning, Madam  
18 Chairman.

19 My name is William Sanford, General  
20 Counsel for the Office of Campaign Finance.

21 During the month of August 2015, the  
22 Office of the General Counsel received 33

1 referrals from the Public Information and Records  
2 Management Division. All referrals were for  
3 failure to file reports. Received 17 referrals  
4 for failure to timely file their July 31st, 2015  
5 report of receipts and expenditures and 16  
6 referrals for failure to timely file the August  
7 10th report of receipts and expenditures.

8 The Office of the General Counsel  
9 completed seven informal hearings and issued  
10 seven orders which included the following. Five  
11 orders were issued for failure to timely file in  
12 which fines totaling \$9,500 were imposed against  
13 the respondents. One order for failure to timely  
14 respond to a request for additional information  
15 was issued in which no fine was imposed and one  
16 order affirming a previous decision and a motion  
17 for reconsideration was issued in which a fine of  
18 \$100 were imposed.

19 The Office of the General Counsel  
20 imposed fines during the month of August against  
21 the following respondents: Youth Action PAC  
22 \$1,900, Gertrude Stein Democratic Club \$600, Bell

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1 for Ward 8 Council \$2,500, Whitaker for Ward 4  
2 \$2,500 and Flenning 2015 for \$2,000.

3 The Office of the General Counsel  
4 collected \$100 in fines from Vanetta Dumars who  
5 was a candidate for an Advisory Neighborhood  
6 Commission position in the November election.

7 During the month of August, the Office  
8 of the General Counsel made a referral of ten  
9 petitions for enforcement to the Office of the  
10 General Counsel at the Board of Elections and  
11 during the month of August, the Office of the  
12 General Counsel maintained seven open  
13 investigations from prior months and no new  
14 investigations were opened.

15 There were no requests for  
16 interpretive opinions during the month of August  
17 and no show cause proceedings were conducted  
18 during the month of August 2015.

19 And that should conclude my report.

20 CHAIR NICHOLS: All right. Thank you,  
21 Mr. Sanford.

22 MR. SANFORD: Thank you.

1 CHAIR NICHOLS: All right. Are there  
2 any public matters to be brought before the Board  
3 this morning? Members of the public.

4 Yes, sir. Would you please come  
5 forward? And would you identify yourself for the  
6 record please?

7 MR. THOMAS: My name is Benjamin E.  
8 Thomas, Jr. I'm a 57 -- 77-year resident of the  
9 District of Columbia. Also, a 57-year resident  
10 of the same house in Ward 7.

11 My purpose today for being here -- I  
12 thank you all for allowing me an opportunity to  
13 come before you. I've been fighting for months  
14 and I'm almost at the point of death because I  
15 haven't got any results.

16 A vacancy occurred in ANC-7E01 because  
17 of the death of our commissioner on December the  
18 21st, 2014.

19 According to the laws of the Board of  
20 Elections and the ANC laws for filling the  
21 vacancy, all of the laws were violated which  
22 caused 7E01 to be denied the right to elect a

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1 person of their choice to represent them.

2 On behalf of the registered voters of  
3 7E01, I requested an explanation as to why those  
4 was allowed to happen from the following branches  
5 of our government on the dates listed below: The  
6 Office of the Mayor February 6th and 12th, 2015;  
7 the Office of Council Member Bonds who is Chair  
8 of the committee with oversight over the ANCs  
9 February 6th, 12th and 17th, 2015; Chair of the  
10 City Council February 14th, 2015; the Board of  
11 Elections on several occasions. I asked to  
12 appear at the Board meeting to voice my concern  
13 and was denied the right to get on the calendar  
14 to speak.

15 None of the above responded to my  
16 requests for an answer as of today. This letter  
17 was dated April 11th.

18 I just found out on Monday of this  
19 week that the reason why is because they no  
20 longer respond to anything except emails or  
21 texting. I have neither one and cannot afford to  
22 get one at this time.

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1           And that is my purpose for coming here  
2 today and I have documents to prove my concerns  
3 and I also brought along a copy of the home rule  
4 and also the home rule for the District of  
5 Columbia in case we had some young people that  
6 didn't understand what our laws were.

7           I'm a staunch believer in the history  
8 and hanging with the past.

9           CHAIR NICHOLS: Me, too.

10          MR. THOMAS: So, if you have any  
11 questions and I also sent a packet, complete  
12 packets of all my complaints and the laws  
13 pertaining to them to the General Counsel in  
14 April.

15          CHAIR NICHOLS: Okay. Okay.

16          MR. THOMAS: The full packet. Like I  
17 said, I got no response from not a single person  
18 and it's very upsetting for me being in this  
19 community and working in the community for the  
20 many years that I have worked.

21          I also worked for the Board of  
22 Elections as an area rep for a number of years.



1 Served as ANC Commissioner for 18 years and I  
2 just felt that I was ignored and insulted as  
3 being a citizen of this city.

4 CHAIR NICHOLS: Well, let me say on  
5 behalf of the Board that I -- if that, in fact,  
6 occurred, I apologize to you sincerely because  
7 that never should have occurred --

8 MR. THOMAS: Thank you.

9 CHAIR NICHOLS: -- at all. I think  
10 you and I have crossed paths many times in the  
11 past.

12 MR. THOMAS: I met -- many, many,  
13 many, many times, Ms. Nichols.

14 CHAIR NICHOLS: Many, many times in  
15 the past.

16 MR. THOMAS: And I met you and Mr.  
17 Tatum at a meeting in Ward 7 a year or so ago.

18 CHAIR NICHOLS: That's right. We had  
19 a long conversation --

20 MR. THOMAS: Yes, we did.

21 CHAIR NICHOLS: -- at the precinct  
22 realignment or either on election day. One of

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1 those.

2 MR. THOMAS: One --

3 CHAIR NICHOLS: Yes, we have talked  
4 many times. I do apologize if that was the case  
5 and I will certainly look into your issues and  
6 make sure that you get a response with supporting  
7 documentation as to what occurred with regard to  
8 how that office was filled and to make sure that  
9 it was done according to law. Which I do believe  
10 that it was, but I want you to see what evidence  
11 there is out there that it was.

12 My apologies again and don't abandon  
13 us. Okay. Please don't.

14 MR. THOMAS: Okay. Um-hum.

15 CHAIR NICHOLS: All right. And let me  
16 say this too before you leave. Anytime you have  
17 a concern about this Board don't wait for an  
18 invitation. That's why we have public matters on  
19 the agenda.

20 MR. THOMAS: Right.

21 CHAIR NICHOLS: You don't need an  
22 invitation. You don't need to get an okay to

1 come. You just come.

2 MR. THOMAS: Okay.

3 CHAIR NICHOLS: And you bring your  
4 matter to this Board and we'll be happy to  
5 respond to it.

6 MR. THOMAS: Right. And the reason  
7 why I was -- because I didn't know about the  
8 timing of the meeting. See.

9 CHAIR NICHOLS: Okay. Okay.

10 MR. THOMAS: Although I worked as an  
11 area rep for a number of years and a couple with  
12 Ward 8 for many, many years, but I had no -- you  
13 know, meetings and I found it only in April when  
14 the meeting day was and would call --

15 CHAIR NICHOLS: First Wednesday every  
16 -- every month, 10:30.

17 MR. THOMAS: Yes. And of course -- of  
18 course, when I called, the lady said let me see  
19 if I can -- if you can get on the agenda and then  
20 she -- she was going to the phone. Said let me  
21 call General Counsel. So, she came -- she came  
22 back and asked me what was my purpose and when I

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1 told her my purpose was the fact that we were  
2 denied the right to elect our own ANC  
3 Commissioner, then she came -- went back to the  
4 General Counsel and she came back and said I  
5 couldn't get on the agenda. So --

6 CHAIR NICHOLS: You can get on the  
7 agenda. That was not --

8 MR. THOMAS: -- yes, so -- so, I --  
9 you know, I -- that was my problem.

10 CHAIR NICHOLS: Yes, that was not  
11 appropriate --

12 MR. THOMAS: Okay.

13 CHAIR NICHOLS: -- nor correct  
14 information. You can always get on this agenda.  
15 You have a right to be heard and that's why we  
16 have the public matters section.

17 And before we go, I'll give you my  
18 phone number and anytime you want to get on the  
19 agenda, you call me and let me know.

20 MR. THOMAS: Okay.

21 CHAIR NICHOLS: And I'll get you on  
22 the agenda. Okay.

1 MR. THOMAS: And while you -- while  
2 you're looking over the situation the laws are in  
3 this book. That's got all the laws pertaining to  
4 the filling of a vacancy as it -- members in this  
5 book and on the -- in the book. I have copy.

6 CHAIR NICHOLS: You submit? Okay.  
7 All right.

8 MR. THOMAS: Yes. And if you need to,  
9 I could -- well, he has -- he has all the laws.

10 CHAIR NICHOLS: Okay.

11 MR. THOMAS: But, and while you're at  
12 it, ma'am, the person -- that we didn't have an  
13 opportunity to elect the person, but the person  
14 was appointed by the Ward 7 democrats and sworn  
15 in by our council member at the Ward 7 democrats'  
16 meeting which also is a violation of the law  
17 according the government, you know, charter.

18 But, and I'd for you to look at that  
19 because we don't have a Commissioner -- ANC  
20 Commissioner now. Suppose to -- suppose to have  
21 lived across the street from me and I knew he  
22 brought a property over there some years ago, but

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1 I hadn't see him in almost two years until the  
2 night before he was going to the first meeting  
3 that he's ever attended since he's been in the  
4 city and came across and knocked on my door to  
5 let me know that he was my ANC Commissioner and I  
6 said oh, I didn't even know we had an election  
7 yet. Oh, I wasn't elected. I was appointed.

8 CHAIR NICHOLS: Okay.

9 MR. THOMAS: So, and that was a long  
10 -- now, I haven't seen him. I only see him once  
11 a month. He owns the property I know, but he has  
12 a new name and different name than what he had  
13 when he registered with the Board of Elections  
14 and the Board of Elections can verify that. He  
15 is -- he's registered as a member of the Board of  
16 Elections I think it was 2010 or something like  
17 that on the one name and he became an ANC  
18 Commissioner by being appointed by the Board  
19 Chairman Democrats under another name and like I  
20 said, I live directly across in front of him and  
21 if I live there and my wife lives there and I  
22 been living there 57 years and I haven't -- I see

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1 him once a month when he comes to collect his  
2 rent.

3 I think it's unfair to us to have  
4 somebody appoint somebody that don't even  
5 represent us. The last time I saw him was in the  
6 June meeting -- at the June meeting and -- and I  
7 haven't seen him since.

8 CHAIR NICHOLS: Very interesting. I  
9 think that's what we talking about.

10 MR. THOMAS: And I'd like to leave  
11 this with you.

12 CHAIR NICHOLS: All right. Thank you.  
13 Yes, sir, please. Please do.

14 MR. THOMAS: Thank you very much.

15 CHAIR NICHOLS: Thank you, sir. Thank  
16 you. All right. Anybody else?

17 There being no further business before  
18 this Board, the meeting is adjourned. The time  
19 is 10:57 a.m. It is still Wednesday, September  
20 2nd, 2015.

21 (Whereupon, the above-entitled matter  
22 went off the record at 10:57 a.m.)

<b>A</b>			
\$1,900 12:22	11:9,11	20:10,13,21 21:6,10	8:14,21 11:14,16,20
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Before: DC BOE

Date: 09-02-15

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