



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
June 4, 2014

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, June 4, 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 were Board Members Devarieste Curry and Stephen I. 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 10:35 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last two regular meetings (April 23, 2014 and May 7, 2014) were moved for approval. The transcript of the April meeting was unavailable for review before the May meeting due to the short time between the meetings.

Mr. McGhie presented the “No Worker Shall Make Less Than the Minimum Wage Act of 2014” initiative for proper subject review by the Board. Mr. Jonathan Berkon, Esq., represented Ms. Stephanie Roth, the proponent of the measure, and she was also present. Counsel for the proponent formally requested that the Board expedite deliberation to ensure the start of the petition process in hopes of getting the measure on the November ballot. Mr. McGhie noted for the record that the Attorney General is of the opinion that the measure is a proper subject for initiative and concurred with the Attorney General’s assessment. Chairman Nichols indicated that the Board would meet in session to deliberate whether the “No Worker Shall Make Less Than the Minimum Wage Act of 2014” is a proper subject for initiative, but could make no guarantees of approval by June 23 in light of the regulatory requirements of notice placed in the D.C. Register.

Mr. McGhie presented the “Fair Minimum Wage Act of 2014” initiative for the formulation of its Short Title and Summary Statement. Mr. Delvone Michael, Treasurer of the Committee in support of the measure, was present as a representative for the measure. Mr. McGhie read the summary statement into the record, and Chairman Nichols informed Mr. Michael that the Board has five days to submit the Short Title, Summary Statement, and legislative form to the D.C. Register for publication.

BOARD ACTION: By motion and unanimous consent, the Board approved the Short Title and Summary Statement.

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

The first case, *Libertarian Party v. the Board*, is still pending because of unresolved issues about attorneys' fees which may be litigated.

The second case, *Zukerberg v. the Board*, was appealed to the Court of Appeals on February 27, 2014. Oral Argument occurred on May 29, 2014. The Attorney General filed a 28(k) letter to the Court of Appeals to submit additional facts concerning the Council's pending legislation authorizing an Attorney General election on the November ballot.

Mr. Tatum updated the Board on the July 15, 2014 special election for Ward 8 state school board. As of May 23, 2014, the Board conducted a ballot lottery and the candidates have been assigned their positions on the ballot. Five candidates submitted nominating petitions and two candidates were challenged. 17 polling locations will be open, and the Board will open an early voting center at the Malcolm X Elementary School from July 5 through July 12. In-person absentee voting will take place at One Judiciary Square from June 30 through July 12. Ads for the election are scheduled to run in the Washington Informer in the June 23 and July 7 issues.

Mr. Tatum also updated the Board with respect to two ongoing audits the Board is currently undergoing. One audit concerns the voter registration system, and the other relates to Help America Vote Act expenditures.

Mr. Tatum explained that the Board has been requested to comment on three pieces of election-related legislation currently before the Council of the District of Columbia: The Board of Elections Nominating Petition Circulator Affidavit Emergency Amendment Act of 2013; The Party Officer Elections Emergency Amendment Act of 2013; and the Special Election Reform Amendment Act of 2013.

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

- **New Candidates registered:** David Do/David Do for Ward 1 (School Board, Ward 1) registered on May 7, 2014; Graylan Hagler/Hagler for DC (At-Large, City Council) registered May 9; C. M. Hudson/Committee to Elect Charles Matthew Hudson for DC Council At-Large registered May 19; Elissa Silverman/Elissa 2014 (At-Large, City Council) registered May 19; Lillian Perdomo/Yes for Lillian Perdomo (School Board, Ward 1), registered May 23rd. OCF also conducted entrance conferences on May 19 for Elissa Silverman 2014, and OCF has scheduled the remaining candidates registered in May for conferences on June 11, 2014.
- **The Audit branch conducted 6 reviews of Reports of Receipts and Expenditures filed with OCF.**
- **Full Field Investigative Audits**
 - Gray for Mayor.
- **Periodic Random Audits of Political Action Committees ("PAC's") Continuing Committees, Political Campaign Committees, and New Candidates Committees: Three (3)**
 - Caribbean-American PAC final audit issued May 5, 2014.
 - D.C. Freedom PAC final audit issued May 5, 2014.
 - Reta Jo Lewis for Mayor final audit issued May 5, 2014.

- **Periodic Random Audits of registered candidates:**
 - Bowser for Mayor.
 - Wells for Mayor.
 - Evans for Mayor.
- **Periodic Random Audits of Constituent Service Programs:**
 - Vincent Orange Constituent Service Fund.
 - Ward 8 Constituent Service Fund.
 - Council Member Bowser Constituent Service Fund.
- **Report of the Office of the OCF General Counsel (Reported by William SanFord)**
 - **Referrals** – 2 referrals from the Reports Analysis and Audit Division (“RAAD”).
 - **Orders Issued** – 3 failure to timely file orders with no fines issued; 8 timely file orders with \$10,050 fines issued; and 3 failure to timely respond to a request for information orders with no fines issued.
 - **Office of the General Counsel imposed fines:** Frank Sewell for Mayor, failure to timely file a January 31, 2014 report; Frank Sewell for Mayor, failure to file an eight-day pre-primary report; Christian Carter for Mayor, failure to file a March 10, 2014 report; Nestor for Mayor, failure to file a March 10, 2014 report; Frank Sewell for Mayor, failure to timely file a March 10, 2014 report; Martin Sterbal, failure to timely file a March 10, 2014 report; Nestor for Mayor, failure to timely file an eight-day pre-primary report; and Martin Sterbal, failure to timely file an eight-day pre-primary report.
 - **Open Investigations/Inquiries: Five (5)**
 - OCF FI 2011-103
 - OCF FI 2011-104
 - OCF FI 2013-013
 - OCF FI 2013-014
 - OCF FI 2013-015

Mr. Charles Sullivan spoke on eligible voters being given the opportunity to vote when they are incarcerated in the D.C. Jail facilities. He thanked the Board of Elections for its commitment to this cause. He believes the library facilities in the jails would make useful voting registration sites; and wants to ensure all prisoners can vote regardless of the classification of the offense as a felony.

Mr. Michael Sindram lodged his disapproval of efforts to legalize marijuana by way of initiative and legislative efforts. Mr. Sindram also raised the recurring issue of a rescinded grant from ANC SMD 4A.

There being no further business before the Board, the meeting adjourned 11:42 a.m.

