



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



* * * **MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**
January 7, 2015

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, January 7, 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 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 10:40 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting (December 3, 2014) 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. 17 candidates in Ward 4 have picked up nominating petitions, and 25 candidates in Ward 8 have picked up nominating petitions. Two candidates have subsequently withdrawn their candidacies, leaving 23 active nominating petitions currently being circulated. A candidate filed their nominating petition on January 5th, and the filing deadline for all petitions is January 28, 2015.

Mr. Tatum announced the Board’s canvas for the November 2014 General Election with an anticipation of mailing canvass letters on January 31, 2015 to inactive voters asking them to confirm their current addresses. Typical response times vary from four to six months.

Mr. Sanford presented the Report of the Office of Campaign Finance (OCF).

- OCF required 126 Campaign Finance reports and received 102. 24 delinquent filers were referred to the Office of the General Counsel (OGC) to enforce compliance.
- OCF received 22 registrations from new committees.
- OCF OGC received 27 referrals for failure to file financial reports. 24 emanated from the Public Information and Records Management Division, and three emanated from the Reports Analysis and Audit Division.
- OCF OGC issued 12 orders: four for failure to timely file reports with no fines issued; and eight for failure to timely file reports with a total of \$13,850 in fines assessed.
 - Christian Carter At-Large, \$1,900; James Caviness for Mayor, \$1,900; Martin Sterbal for U.S. Senate, \$1,900; Winifred Carson for DNC, \$250; Darrell Gaston for Ward 8, \$1,900; Jacque Patterson for Ward 8, \$2,000; Committee to Elect Villareal Johnson, \$2,000; and Two is Enough D.C. 2014 \$2,000.
- OCF had seven open investigations during the month of December.
- OCF OGC conducted three show cause proceedings: *Eidinger v. Jones* for (1) failure to timely register his committee in opposition to Initiative 71, “Vote No on Initiative 71”;

(2) failure to timely register his other committee in opposition to Initiative 71, "Two is Enough;" and Drissel v. Sawyer for (3) failure to timely file a report with OCF and failure to timely register.

Mr. McGhie presented a proposed initiative for the Board to determine whether the measure is a proper subject for initiative. The initiative is entitled: "D.C. Character Development and Citizens Education Initiative of 2014." The measure has met the statutory clerical requirements with respect to its filing. No opponents to the measure were present for the hearing. The proponent, Mr. Edwin Powell, appeared before the Board accompanied by Ms. Sierra Sears who is assisting him with the measure. The measure creates a voluntary advisory board to offer recommendations to institute a character development curriculum in D.C. public, charter and private schools. Mr. Powell offered anecdotal evidence of palliative or salutary effects of such programs in response to Board member Curry's inquiry. Mr. McGhie submitted for the record the opinion of the acting Attorney General that the proposed measure is a proper subject for initiative, and he concurred with the Attorney General's position.

Mr. McGhie deferred to Mr. Sanford who submitted emergency proposed rulemaking to amend Chapters 30, 34, 36-41 to bring OCF into compliance with the Campaign Finance and Transparency Act of 2013. In conformance with existing law, OCF shall require individuals who bundle contributions to register. Moreover, OCF will require independent expenditure committees to register and institute mandatory training for candidates and treasurers of campaign committees. All contributions in the form of cash and money orders exceeding \$100 are prohibited. Civil penalties are increased to a maximum of \$4,000 for the first violation and an aggregate maximum of \$10,000. Candidates and their treasurers can be held personally liable for any violations of the act.

BOARD ACTION: The Board adopted the proposed emergency regulations and will publish them in the D.C. Register for a period of time for public comment.

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.

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 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.

Libertarian Party v. the Board concerned a complaint regarding non-resident eligibility to circulate petitions. The matter was moot with the passage of legislation allowing non-residents to circulate. The plaintiffs were seeking attorney fees, and that motion was denied by the court in this matter and the case has been dismissed.

There being no further business before the Board, the meeting adjourned at 11:10 a.m.