



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



\* \* \***MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**June 3, 2015**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, June 3, 2015 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 Stephen 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 10:40 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting on May 14, 2015 were moved for approval and adopted without objection.

**Mr. Danzansky** congratulated BOE staff on an efficient and effective recount.

**Mr. Tatum** presented the results of the recount for April 28, 2015 Special Election for Wards 8 member of the Council. The recount commenced on May 28, 2015 at 10:00 a.m. at the request of candidate Mr. Trayon White. Mr. White identified four precincts to begin the recount: precincts 115, 117, 120, and 134. A staff of 15 Board employees completed the recount at roughly 2:33 p.m. on May 28, 2015, and the Board staff provided Mr. White’s representative with the hand tally results in comparison to the certified election results. Upon apprising Mr. White’s representative of the actual costs of conducting the recount of each precinct, the representative requested a suspension of the recount to determine if Mr. White wished to proceed. Mr. White requested a termination of the recount by email, and the Board responded in kind with an emailed invoice of costs incurred reduced by his \$850 deposit. Mr. White has an outstanding balance of \$1,426.80.

**Mr. McGhie** called upon the General Counsel of OCF, Mr. Sanford, and Staff Attorney Rudolph McGann to present petitions for enforcement of OCF orders. Mr. McGann presented the cases for enforcement: Docket No. 14C-075, Martin Sterbal, for failure to timely file the October 10<sup>th</sup> R&E report; Docket No. 14C-073, Darrell Gaston, for failure to timely file the October 10<sup>th</sup> R&E report; Docket No. 14C-072, Christian Carter, for failure to timely file the October 10<sup>th</sup> R&E report; Docket Nos. 14C-069 & 14C-050, James Caviness, for failure to timely file the October 10<sup>th</sup> R&E report and for failure to timely file the August 10<sup>th</sup> R&E report respectively; Docket No. 14C-068, Villareal Johnson, for failure to timely file the July 31<sup>st</sup> R&E report; Docket No. 14C-056, Kevin Valentine, for failure to timely file the August 10<sup>th</sup> R&E report.

**BOARD ACTION:** The Board authorized the General Counsel to enforce the OCF petitions for violations of the Campaign Finance Act.

**Mr. McGhie** presented the litigation status of cases involving the Board:

***Sewell v. D.C. Board of Elections*** 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. The Board filed a motion to dismiss, and Mr. Sewell also filed a Motion to Dismiss without prejudice. The Court granted Mr. Sewell's motion on May 12, 2015.

***McMillan v. D.C. Board of Elections*** concerns the Board disallowing the slate name "The Rent is too Damn High" from appearing on the Primary Election ballot. The Board filed a motion to dismiss on April 10<sup>th</sup>, and Mr. McMillan did not file his response by the April 23<sup>rd</sup> deadline. The Court has given Mr. McMillan until June 3<sup>rd</sup> to file a response.

**Ms. Collier-Montgomery** announced the statistics for OCF as follows:

- New candidates and committees registered to participate in the 2016 election cycle: Raise the Wage (Initiative Committee for the Fair Minimum Wage Act of 2016) registered May 15, 2015.
- OCF held entrance conferences for two citizens: Nellene Lucinda Richardson and Lawrence A. Dixon-Bey.
- OCF has scheduled an entrance conference on June 4, 2015 for "Raise the Wage" committee members: Edwin Jones, Sr. (treasurer), Jimmie Luthuli (chairperson), and Delvone Michael (custodian of records).
- OCF Audit Branch conducted 29 desk audits and the full field audit of Gray for Mayor is ongoing. The ongoing periodic random audits for candidates are: the Committee to Elect Natalie Williams from Ward 8, Barry for Council, Friends of Leon Andrews and Tengen for D.C.
- The periodic random audits of the Continuing Committees are: Mayor Bowser Constituent Service Fund.
- OCF issued 5 audits: Lori Masters for Attorney General, May 29, 2015; Smitty for AG, May 8, 2015; Brian Hart for DC, May 7, 2015; Republican Committee DC, May 28, 2015; and Ward 3 Constituent Service Fund, May 28, 2015. Those audits are available at OCF's website for review by members of the public.

**Mr. Sanford** presented the statistics from the Office of the General Counsel of OCF.

- The General Counsel received 4 referrals from the Reports Analysis and Audit Division.
- The Office issued 18 orders including the following: 5 orders for failure to timely file reports in which no fines were imposed; 2 orders for failure to timely respond to a request for additional information, in which no fines were imposed; 6 failure to timely file reports in which fines totaling \$10,900 were imposed; 2 orders for failure to timely respond to a request for additional information, in which fines totaling \$3,450 were imposed; and 3 orders to vacate a previous order upon the respondent's payment.
- The OGC carried a total of seven open investigations and no new investigations were opened during the month.

There being no further business before the Board, the meeting adjourned at 10:54 a.m.