



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



**MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING**  
**April 23, 2014**

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, April 23, 2014 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 were Member Devarieste Curry and Member Stephen I. Danzansky. Also present on the dais were the Board’s Executive Director Clifford Tatum, Staff Attorney Rudolph McGann, sitting in for the Board’s General Counsel, Kenneth McGhie, and Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (“OCF”).

Chairman Nichols called the meeting to order at 10:35 a.m.

The meeting agenda was approved and adopted.

The minutes of the last meeting (March 5, 2014) were approved and adopted.

**Ms. Dorothy Brizill** alleged witnessing an instance of pre-circulation of the Marijuana Initiative petition during the April 1 primary election. Ms. Brizill testified that an individual soliciting signatures represented that the signatories were signing the actual petition for ballot access. Mr. Edinger, the proponent of the proposed initiative, explained the campaign dispatched approximately 60 people to identify potential supporters to help collect signatures for the initiative petition upon issuance by the Board. Mr. Edinger identified one volunteer who admitted to mistakenly assuming he was collecting signatures for the actual as yet unreleased petition. Mr. Edinger assured the Board that this was not a deliberate effort to confuse people, and the individual was not authorized to speak on behalf of the campaign. Chairman Nichols informed the parties that the Board will have the appropriate officer of the Board initiate a review of this complaint.

**Mr. Calvin Gurley** raised the issues of whether the electronic signature pads used during the election for sign in actually captured the signatures of voters; and whether the Board was able to find the five missing paper audit tapes as reported in the Washington Post newspaper. He felt it appropriate to wait for the Executive Director’s report to address any of his lingering unanswered issues.

There were no Board matters presented.

**Mr. Tatum** announced the results of the April 1, 2014 Mayoral, Congressional and Council Primary Election of the District of Columbia. Mr. Tatum noted for the record that total number of votes cast was 99,394, which represents approximately 27% of the electorate.

**BOARD ACTION:** The Board certified the election results unanimously.<sup>1</sup>

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<sup>1</sup> The winners of individual contests are posted at the Board’s website [www.dcboee.org](http://www.dcboee.org).

**Mr. Tatum** forecasted a cost of \$287,000 for the Special Election for Ward 8 Member of the State Board of Education.

**Mr. McGann** presented proposed rulemaking to amend 3 DCMR Chapters 10, 11, and 14-17 to establish the maximum number of signatures that the Board will consider on nominating and ballot measure petitions at no more than twice the requisite minimum number of signatures for ballot access. The Board will accept only the number of petition sheets that bear the maximum number of signatures allowed and return petition sheets in excess of that number.

**BOARD ACTION:** The Board unanimously accepted the proposed rulemaking for publication in the D.C. Register for a thirty-day comment period.

**Mr. McGann** presented the proponents of “Legalization of Possession of Minimal Amounts of Marijuana for Personal Use Act of 2014” with the original petition form for adoption. The proponent adopted the petition and was given an estimate of the signatures required for ballot access.

**BOARD ACTION:** The Board accepted the proponent’s adoption of the petition form and issued an original petition form.

**Mr. McGann** 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. The plaintiff filed a motion to expedite and brief on March 10, 2014. The Court granted the motion in part by calendaring the matter for oral argument in May, but afforded the Board a complete briefing schedule. Amicus briefs were filed by Appleseed and D.C. Vote on March 31. The Board, through its counsel from the Office of the Attorney General, filed a reply brief on April 25, 2014.

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

- **March 10, 2014 filing deadline for Reports of Receipts and Expenditures.**
  - **Principal Campaign Committees (PCCs) & Political Action Committees (PACs)** 104 required filers (54 PCCs, 50 PACs); 86 timely filers (42 PCCs, 44 PACs); 1 extension was granted; 1 late filer; 15 failures to file (9 PCCs, 6 PACs); 16 referrals to OCF’s Office of the General Counsel (10 PCCs, 6 PACs).
- **March 24, 2014 deadline for 8-Day Pre-Primary Reports of Receipts and Expenditures.**
  - **Principal Campaign Committees (PCCs)** 48 required filers; 39 timely filers; 2 late filers; 7 failures to file; 9 referrals to the Office of the General Counsel.
- **5 candidates and committees registered to participate in the 2014 election cycle:** *David Catania/Catania for Mayor* 3/12/14; *Wendell Felder/Wendell for DC Council (At-Large, City Council)*, 3/18/14; *Philip Pannell/Pannell for Education (School Board, Ward-8)*, 2/5/14; *John Cheeks/Elect Cheeks for Chairman (Chairman, City Council)*; and *Nydria Humphries (School Board, Ward-8)*. Entrance conferences for the newly-registered

candidates are scheduled for 4/24/14.

- **Referrals to OCF's Office of the General Counsel for failure to timely file the March 10, 2014 reports for PCCs are as follows:** Christian Carter for Mayor 2014 (Treasurer, Noah Harmony Shoatz); Vitoria Gordon for Mayor (Treasurer, Victoria Gordon); Beverley Wheeler for Ward 1 (Treasurer, Beverley Wheeler); Nestor for Mayor 2014 (Treasurer, Terrence Jordan); Cmtee. To Elect Glenda J. Richmond US Senator 2014 (Treasurer, Glenda Richmond); Sewell for Mayor 2014 (Treasurer, Otis Sution); New Dawn (Treasurer, Anthony Muhammad); Friends of Calvin Gurley 2014 (Treasurer, Charmaine Davis); Weaver 2014 (Treasurer, M. Mindy Moretti); and Martin Sterbal for US Senate (Treasurer, Martin Sterbal).
- **Referrals to OCF's Office of the General Counsel for failure to timely file the March 10, 2014 reports for PACs are as follows:** Libertarian Party of District of Columbia (Chairperson, Ryan Sabot); Greater Washington, DC Insurance & Fin. Advisors PAC (Treasurer, Matthew Grace); D.C. Democratic State Committee (Treasurer, William O'Field); Citizens for Empowerment (Treasurer, Brett McMahan); Ward 4 Democrats (Treasurer, Kimberly Tignor); and The Mid Atlantic Reg. Council of Carpenters (Treasurer, Benjamin Glenn).
- **Referrals to OCF's Office of the General Counsel for failure to timely file the 8-Day Pre-Primary, 2014 reports are as follows:** Christian Carter for Mayor 2014 (Treasurer, Christian Carter); Vitoria Gordon for Mayor (Treasurer, Victoria Gordon); Carlos Allen for Mayor (Treasurer, Carlos Allen); Nestor for Mayor 2014 (Treasurer, Terrence Jordan); Martin Sterbal for US Senate (Treasurer, Martin Sterbal); Sewell for Mayor 2014 (Treasurer, Otis Sution); New Dawn (Treasurer, Anthony Muhammad); Friends of Calvin Gurley 2014 (Treasurer, Charmaine Davis); and Carson-Smith for DNC (Treasurer, Winifred Carson-Smith).
- **The Audit branch conducted 156 reviews of Reports of Receipts and Expenditures filed with OCF.**
- **Full Field Investigative Audits**
  - Gray for Mayor.
  - Bonds for Council final audit report issued 3/25/14.
- **Periodic Random Audits of Political Action Committees ("PAC's") Continuing Committees, Political Campaign Committees and New Candidates Committees: Seven (7)**
  - Caribbean-American Political Action Committee.
  - D.C. Freedom PAC.
  - D.C. for Democracy final audit report issued 3/25/14.
  - Reta Jo Lewis for Mayor
  - Bowser for Mayor.
  - Wells for Mayor
  - Brianne for D.C. final audit report issued 3/31/14.
- **Report of the Office of the OCF General Counsel (Reported by William SanFord)**
  - **Referrals** – 16 referrals from the Public Information and Records Management Division, and 8 referrals from the Reports Analysis and Audit Division ("RAAD").
  - **Orders Issued** – 9 failure to timely file orders with no fines issued; 5 failure to timely respond to a request for information order with no fines issued.

- **Outstanding Fines Referred for Enforcement.** The Office of the General Counsel referred five petitions for enforcement to the Office of the General Counsel for the Board with outstanding fines totaling \$49,750. Kwame for Chair, \$45,000; Frank Sewell for Mayor, \$1,700; Friends of Tarek Stevens, \$1,800; Nestor for Mayor, \$1,100; and Tim Clair for ANC Commissioner, \$150.
- **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. Gurley** testified that he in fact filed his March 10<sup>th</sup> and eight-day pre-primary reports of receipts and expenditures, and Mr. Sanford explained that the statistics in his report covered the month of March, and because Mr. Gurley's hearing and resolution of his case occurred in April, then his compliance would not be reflected in his current report. Mr. Gurley also raised the issue of the electronic the poll books' signature capture function on Election Day. Chairman Nichols and Mr. Tatum explained that the upload of signatures captured on the electronic poll books is a fully electronic process, but Mr. Gurley could watch the download of the signatures into the registry. Mr. Gurley also raised concerns about an article in the Washington Post concerning audit tags on voting machines, and Chairman Nichols explained that the Board has a hearing before the Council on April 29 that will clarify this issue. Finally Mr. Gurley requested the Precinct Captain reports, and Chairman Nichols assured him that they would be available at a reasonable time for public inspection.

There being no further business before the Board, the meeting adjourned 11:39 a.m.