



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
February 5, 2014

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, February 5, 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 was Member Stephen I. Danzansky. Also present on the dais were Clifford Tatum, the Board’s Executive Director, Kenneth McGhie, the Board’s General Counsel, and Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (“OCF”).

Chairman Nichols called the meeting to order at 10:38 a.m.

The meeting agenda was approved and adopted.

The minutes of the last meeting (January 8, 2014) were approved and adopted.

There were no public matters presented.

There were no Board matters presented.

Mr. Tatum introduced Mr. Arlin Budoo, the Board’s Support Service Specialist, to present five proposed precinct relocations for the April 1, 2014 primary election.

Mr. Budoo listed the polling places proposed for relocation: Precinct 3 School Without Walls relocated to St. Paul’s Parish; Precinct 101, River Terrace Elementary School temporarily relocated to The Chateau until the completion of renovations to River Terrace Elementary; Precinct 116, New Image Community Baptist Church relocated to The Ark; Precinct 117, Douglas Community Recreation Center relocated to Turner Elementary School; Precinct 118, Garnet Wilkinson Elementary School relocated to Moten Elementary School.

Chairman Nichols requested clarification on the decision to relocate Precinct 101 to The Chateau, and Mr. Budoo explained that there are no other suitable locations within the precinct boundaries. Moreover, a combination of precincts is infeasible because senior citizens would have to traverse the Benning Road Bridge or travel a great distance in the opposite direction to access the nearest precincts.

Mr. Tatum asked Mr. Budoo to confirm that the Chateau will be closed for business on Election Day, and Mr. Budoo confirmed that the proposed location will be closed with a supervisor present to monitor activity.

Board Member Danzansky thanked Mr. Budoo for what he does for the Board and the citizens of this city to make polling places accessible and notify the community when relocations are made.

Chairman Nichols wished to note for the record which relocation was temporary, and Mr. Budoo confirmed Precinct 101, River Terrace Elementary School was the only temporary relocation. ***Board Action: The Chair entertained a motion from Board Member Danzansky to publish the proposed precinct relocations in the D.C. Register for public comment. The motion carried unanimously.***

Mr. Budoo presented the proposed relocations raised at the January Board meeting for final consideration: Precinct 4, West End Library permanently relocated to School Without Walls; Precinct 5, Georgetown Neighborhood Library permanently relocated to Christ Episcopal Church; Precinct 31, Janney Elementary School permanently relocated to St. Columbia's Episcopal Church; Precinct 70, Perry Street Prep Charter School permanently relocated to Burroughs Elementary School, and; Precinct 139, Thurgood Marshall Elementary School temporarily relocated to Theodore Hagens Cultural Center; and Precinct 38, Parkview Recreation Center permanently relocated to Cesar Chavez Prep Charter School. ***Board Action: The Chair entertained a motion from Board Member Danzansky to finalize these precinct relocations for the April 1st primary. The motion carried unanimously.***

Mr. Tatum presented the results of the candidate qualifying period: for the office of Mayor, Christian Carter was challenged and withdrew; for Ward 1 Member of the Council, Bryan Weaver and Beverley Wheeler withdrew; for the office of U.S. Shadow Senator, Glenda J. Richmond and Martin Sterbal were challenged and withdrew; for the office of National Committeeman for the Democratic State Committee, State Party Offices, Jacque Patterson and the slate consisting of Damian Bascom, Lenwood Johnson, Villareal Johnson and Alicia Swanson-Canty were challenged and withdrew. These candidates' names were removed from the ballot.

The ballot lottery was scheduled to take place on February 7, 2014 at noon to determine the order of candidates on the ballot. The last day to finalize ballot design is also February 7, 2014.

Chairman Nichols noted for the record that the Board received complaints during the last election that the circles voters filled in to denote which candidate was selected were too light—especially for the visually impaired. Mr. Tatum confirmed that he spoke with the vendor to ensure the darkness of the oval to serve the needs of the community. Moreover, Mr. Tatum intends to meet with stakeholders to review the ballot to ensure it is accessible.

Mr. Tatum confirmed that military and overseas ballots have been prepared for mailing by the February 14, 2014 deadline, and that preparations for early voting poll worker training are underway with classes beginning on Monday February 10, 2014.

Mrs. Collier-Montgomery reported on the following items initiated or ongoing in the month of January 2014 at the Office of Campaign Finance (OCF):

- **The 2014 revised Educational Brochure and Campaign Finance Guide were**

available on the OCF website on January 27, 2014.

- **January 16, 2014 OCF established the agency’s Facebook page for the purpose of providing the community with brief posting of news.**
- **January 1, 2014 filing deadline for Reports of Receipts and Expenditures.**
 - **Constituent Service Programs** 12 required filers; 12 timely filers filed their reports electronically and certified their e-filings. Council member Cheh filed a termination report on November 8, 2013.
 - **Senator/Representative Statehood Fund** 2 required filers; 2 timely filers filed their reports electronically and certified their e-filings.
- **January 31, 2014 filing deadline for Reports of Receipts and Expenditures.**
 - **Principal Campaign Committees (PCCs) & Political Action Committees (PACs)** 137 required filers (76 PCCs, 61 PACs); the numbers of timely filers is to be determined and Ms. Collier-Montgomery will report those statistics in her February report.
- 17 candidates and committees registered to participate in the 2014 election cycle, and 13 Committees that registered during the month of December attended the entrance conference for newly-registered candidates.
- The Audit branch conducted 67 reviews of Reports of Receipts and Expenditures filed with OCF: 23 PACs; 23 Constituent Service Funds; 2 Statehood Fund Programs; 18 PCCs; and the exploratory committee of Council member Catania. The Branch issued 13 requests for additional information and referred 4 cases to the Office of the General Counsel.
- **Full Field Investigative Audits**
 - Gray for Mayor – draft report was completed on May 15, 2012, but it has not been disseminated yet as per request of United States Attorney’s Office
 - Bonds for Council - The preliminary audit report was issued on November 27, 2013 and the committee response was due on December 27, 2013, but due to the holiday season, the deadline was extended until January 10, 2014.
- **Periodic Random Audits of Political Action Committees (“PAC’s”) Continuing Committees, Political Campaign Committees and New Candidates Committees: Three (3)**
 - Mara 2013—The Statement of Findings was issued on November 21, 2013, additional information was provided by the committee, and a revised Statement of Findings was issued on December 20, 2013.
 - Brianne for D.C.—The audit notification letter was issued December 4, 2013, and the field audit is in progress. The committee’s October 10, 2013 filing is the subject of the audit.
 - Reta Jo Lewis for Mayor—The audit notification letter was issued December 4, 2013, and the field audit is in progress. The committee’s October 10, 2013 filing is the subject of the audit.
- **Report of the Office of the OCF General Counsel (Reported by William SanFord)**
 - **Referrals** – 4 referrals from the Reports Analysis and Audit Division (“RAAD”).
 - **Orders Issued** – 4 including 3 Failure to Timely File orders in which no fines were imposed; 1 Failure to Respond order in which a \$500 fine was imposed against the Committee to Elect Perry Redd, a candidate for At-Large Council member.

- **Fines Collected** –OCF collected \$4300 in fines: \$200 fine from the Committee to Re-elect Yvette Alexander; \$3,000 fine from the Yvette Alexander Constituent Service Fund; and \$1,100 fine from Pete Ross 2014.
- **Open Investigations/Inquiries: Four (4)**
 - OCF FI 2011-103
 - Complainant: Internally Generated March 15, 2011
 - Respondent: Sulaimon Brown for Mayor Principal Campaign Committee
 - Infraction: Reporting Violations
 - Status: Matter was referred to the Audit Division for a Full Field Audit; Issuance of the Final Audit Report contingent upon coordination with another enforcement agency.
 - OCF FI 2011-104
 - Complainant: Internally Generated March 15, 2011
 - Respondent: Gray for Mayor PCC
 - Infraction: Reporting Violations
 - Status: Matter was referred to the Audit Division for a Full Field Audit; Issuance of the Final Audit Report contingent upon coordination with another enforcement agency.
 - OCF FI 2013-013
 - Complainant: Internally Generated June 24, 2013
 - Respondent: Lee Calhoun
 - Infraction: Campaign contribution violations
 - Status: Pending¹
 - OCF FI 2013-014
 - Complainant: Internally Generated June 24, 2013
 - Respondent: Stanley Straughter
 - Infraction: Campaign contribution violations
 - Status: Pending

Mr. McGhie reported on the status of the two cases the Board is currently litigating. The first case, *Libertarian Party v. the Board*, involves a challenge to now-defunct provisions in the election statute which required petition circulators to be registered voters in or residents of the District. The case is still pending because of unresolved issues about attorneys' fees which may be litigated.

The second case, *Zukerberg v. the Board*, was initiated by the filing of a complaint for declaratory and injunctive relief to prohibit the Board from removing the Attorney General contest from the 2014 ballot. The case is before Judge Laura Cordero, and the next scheduled hearing is February 6, 2014 to entertain dispositive motions.

¹ Messrs. Calhoun and Straughter are gentlemen who were alleged to be part of what has been identified as the Jeffrey Thompson network. Both have pleaded guilty and are awaiting sentencing. Their attorneys have indicated that they will make their clients available to OCF post-sentencing and after proceedings at the U.S. District Court for the District of Columbia have been completed.

Chairman Nichols invited Eric Olsen to make a brief presentation regarding early voting sites.

Mr. Eric Olsen introduced himself as the election training coordinator for the Board, and spoke to the selection process for early voting sites. The Board identified different areas in the city that are underserved by the early voting process where transportation options to the existing early voting centers were limited, or the centers were too far away. Those areas included: the H Street/Trinidad area; the Dupont/Logan Circle area; the Garfield Heights/Naylor Gardens area; the Petworth area; and the Glover Park area.

Chairman Nichols asked why the Board did not put an additional center in Ward 1, and Mr. Olsen explained that the Kennedy Recreation Center in Ward six is in close proximity to Ward 1 and can service the southern part of the ward, while the Emory recreation Center can service voters in the northern part of the ward.

Board member Danzansky wondered whether the Board is collecting data for the benefit of showing that early voting is effective because it increases voter turnout while adding convenience for voters and reliving pressure of Election Day. Mr. Olsen explained that Board data is limited because Early Voting only began in 2010; however, the data the Board has collected thus far is very useful.

There being no further business before the Board, the meeting adjourned at 11:22 a.m.