

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Board of Elections and Ethics
441 4th Street, N.W.
Washington, D.C. 20001

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS
REGULAR BOARD MEETING

DEBORAH K. NICHOLS, Board Chairman
STEPHEN I. DANZANSKY, Board Member
DIONNA M. LEWIS, Board Member

10:45 a.m. to 10:53 a.m.
Wednesday, February 3, 2016

One Judiciary Square
441 4th Street, N.W., Room 280 North

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PRESENT:

Board of Elections and Ethics:

DEBORAH K. NICHOLS, Board Chairman

STEPHEN I. DANZANSKY, Board Member

DIONNA M. LEWIS, Board Member

Acting Executive Director:

TERRI STROUD

General Counsel:

KENNETH J. MCGHIE

Office of Campaign Finance:

CECILY COLLIER-MONTGOMERY

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1 that may be necessary.

2 Are there any members of the Board who
3 wish to bring matters before the Board in this
4 public meeting?

5 [No audible response.]

6 CHAIRPERSON NICHOLS: All right. Hearing
7 none we will move to receive the report of our
8 Acting Executive Director, Terri Stroud.

9 MS. STROUD: Good morning, everyone. The
10 first matter on the agenda for me is our
11 preparations for the primary election, which will
12 take place on June 14th, 2016. Our candidate
13 ballot access process began on Friday, January
14 22nd. We closed at noon that day due to the
15 upcoming inclement weather.

16 To date, 24 candidates have picked up
17 nominating petitions. We post the names of
18 candidates who have picked up nominating
19 petitions for the various contests daily on our
20 website in the Newsroom Section.

21 February 16th is the last day to submit a

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1 petition in support of an initiative measure for
2 the primary. And February 22nd is the first day
3 that any nominating petition may be filed.
4 Again, March 16th is the deadline for filing
5 nominating petitions for all candidates.

6 General matters, for the record, there
7 are 438,373 voters registered in the District of
8 Columbia as of January 31st. And we have
9 conducted list maintenance activities.
10 Specifically based upon information that we
11 received from EIRC, the Electronic Registration
12 Information Center, we mailed notices to
13 approximately 13,000 -- specifically, 13,650
14 individuals who appear to be registered both in
15 the District and another jurisdiction.

16 In our mailing we asked the voters to
17 give us information about their voter
18 registration status by no later than February
19 18th, 2016, so that we can update our records.
20 And that's all I have for my report today, Madam
21 Chair.

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1 CHAIRPERSON NICHOLS: All right. Are
2 there any questions of Ms. Stroud?

3 [No audible response.]

4 CHAIRPERSON NICHOLS: All right. Hearing
5 none we will move to receive the report of our
6 general counsel, Mr. Kenneth McGhie.

7 MR. MCGHIE: Okay. The only thing I have
8 on my agenda is a litigation status update. And
9 the only matter that we have pending in court is
10 *Harry Wingo v. the Board of Elections*, which the
11 Board is well familiar with. That was a
12 challenge to the Board's Short Title and Summary
13 Statement for Initiative 76 by the plaintiffs.

14 There was a -- oh, the matter has been
15 completely briefed by the parties and there was a
16 status hearing on last Friday, January 29th, at
17 which time the Judge ruled from the bench and the
18 judge denied our motion for summary judgment in
19 the intervener's motion for summary judgment, and
20 granted the plaintiff's motion for summary
21 judgment on the sole ground that the Board was

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1 not properly constituted because of a D.C. code
2 statute that dealt with -- that put a limitation
3 of 180 days on the hold-over provisions for
4 boards and commissions.

5 The judge felt that the D.C. code statute
6 overruled the Home Rule Act, because it was
7 passed after the Home Rule Act.

8 And so what has transpired since then is
9 that we have filed a motion to amend his
10 judgments. We filed that yesterday and the
11 Attorney General also filed a motion to
12 intervene, and both those are still -- both those
13 motions are pending. But I've just been informed
14 that the law clerk for the judge contacted us and
15 would like us to all confer on a briefing
16 schedule for a briefing schedule. So I'm
17 assuming now that he wants all the parties to
18 brief the issue of the legality of the Board's
19 action.

20 And that's where we stand now. So we
21 will contact all the parties when we leave here

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1 today, and confer with a briefing schedule.

2 CHAIRPERSON NICHOLS: All right. Are
3 there any questions of Mr. McGhie?

4 [No audible response.]

5 CHAIRPERSON NICHOLS: All right. Hearing
6 none we will move to receive the report of our
7 Campaign Finance Director, Ms. Cecily Collier-
8 Montgomery.

9 MS. COLLIER-MONTGOMERY: Yes. Good
10 morning. During the month of January there were
11 three calling deadlines in the office. The first
12 was for the Constituent Service Program, the
13 Report of Receipts and Expenditures was due on
14 January the 1st, 2016. We had 12 required
15 filers. All 12 timely filed and also
16 electronically filed their reports of receipts
17 and expenditures.

18 January 1st, 2016 was also the deadline
19 for the filing of the Report of Receipts and
20 Expenditures from our Statehood Fund Program. We
21 have three required filers and all three timely

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1 filed and electronically filed their report.

2 January the 31st, 2016 was the deadline
3 for the filing of the Report of Receipts and
4 Expenditures by Principle Campaign Committee and
5 Political Action Committee. Because this date
6 fell on the weekend this business date upon which
7 the report was due was February the 1st. We had
8 147 required filers. In terms of the timely
9 filers as well as those who failed to file, and
10 also the number of electronic filing, we're still
11 in the process of collecting that data.

12 During the month of January we had four
13 new candidates and committees who registered to
14 participate in the 2016 election cycle. Delmar
15 Chesley, Chesley for D.C. Council Ward 7,
16 registered on January the 4th, 2016. Aaron
17 Holmes, Holmes of Ward 8 registered on January
18 the 14th, 2016. Robert Kabel, Kabel 2016,
19 Republican National Committeeman, registered on
20 January the 21st, 2016. Walter Deleon, Deleon
21 2016 registered as a candidate for At-large State

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1 Board of Education on January the 28th, 2016.

2 We also held three entrance conferences
3 during the month of January. The first one was
4 on January the 12th, 2016. The attendees were
5 David Satterfield, Treasurer for Homan for DC NCW
6 and Oberting 2016; Samuel Hughes, Treasurer for
7 Chesley for D.C. Council, Ward 7; DeLmar Chesley,
8 Candidate Chesley for D.C. Council, Wart 7.

9 On January the 19th, 2016, the
10 participants were Robert White, Candidate, Robert
11 White At-Large 2016; Christy White, Treasurer,
12 Robert White At-Large 2016; George Jonathan
13 Caley, Treasurer of Jack Jacobson for School
14 Board.

15 And also on January the 27th, 2016, the
16 participants were LaRuby Z. May, Candidate for
17 Reelect LaRuby May; Monica Tahlisha Ray,
18 Treasurer for Reelect LaRuby May; Jakarya Branch,
19 Assistant Treasurer Reelect LaRuby May.

20 And as you know, again, training is
21 mandatory for all of our newly registered

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1 candidates and treasurers.

2 During the month of January in our Report
3 Analysis and Audit Division the Audit Division
4 conducted 30 dense reviews of financial reports
5 that have been filed as well as amended reports.
6 With respect to our ongoing audits with the
7 periodic random audits we have, of the continuing
8 committees, a periodic random audit which is
9 ongoing of the January 31st, 2015 filing of
10 Morgan for D.C. With our Constituent Service
11 Program, with respect to the October the 1st,
12 2015 filing, the Yvette Alexander Constituent
13 Service Fund. With our full field audits and
14 term of our ongoing audits of our newly elected
15 officials we have four. LaRuby May, 2015,
16 Brandon Todd for Ward 4, Brianne for D.C., and
17 Elissa, 2014.

18 With our investigative audits we have
19 one, Gray for Mayor. And with respect to that
20 investigative audit the audit report was issued,
21 completed on January the 29th, 2016 and is

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1 available at our website for review by members of
2 the public. I would ask the General Counsel to
3 give the report for the Office of the General
4 Counsel.

5 MR. SANFORD: Good morning, Madam
6 Chairman and distinguished Board Members. My
7 name is William Sanford, General Counsel for the
8 Office of Campaign Finance. During the month of
9 January 2016 the Office of General Counsel
10 received five referrals from the Reports Analysis
11 and Audit Division. The office completed five
12 informal hearings and issued four orders, which
13 included the following.

14 Two orders for failure to timely file
15 reports in which no fines were imposed, one order
16 regarding a motion for reconsideration in which
17 no fine was imposed, and one order regarding a
18 motion for reconsideration in which a fine
19 against the Committee Treasurer was vacated.

20 During the month of January the Office of
21 the General Council collected \$700 in fines from

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1 the following respondents. \$200 from Mark Jones
2 for the Reelect Mark Jones School Board campaign,
3 2014; \$200 from Beverly Wheeler, Beverly Wheeler
4 for Ward 1; \$250 from a Committee to Elect Ron
5 Molten, a candidate for Ward 7, and \$50 for the
6 Latino Caucus.

7 During the month of January the Office of
8 the General Counsel carried seven active
9 investigations, and no new investigations were
10 activated or opened. And during the month of
11 January 2016 there were no requests for
12 interpretive opinions, and no show-cause
13 proceedings were conducted. And that should
14 conclude my report.

15 CHAIRPERSON NICHOLS: All right. Are
16 there any questions of Mr. Sanford or Ms.
17 Collier-Montgomery?

18 [No audible response.]

19 CHAIRPERSON NICHOLS: All right. Hearing
20 none are there any public matters to be brought
21 before the Board this morning?

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1 [No audible response.]

2 CHAIRPERSON NICHOLS: All right. Hearing
3 none, there being no further business before us,
4 this meeting is adjourned. The time is 10:53
5 a.m. on Wednesday, February 3rd, 2016.

6 [Whereupon, at 10:53 a.m., the Regular
7 Board Meeting was adjourned.]

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