

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

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WEDNESDAY,
SEPTEMBER 10, 2014

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The Board met in Room 280 North,
One Judiciary Square, 441 4th Street, N.W.,
Washington, D.C. 2001, pursuant to notice, at
10:00 a.m., Deborah K. Nichols, Chairman,
presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman
STEPHEN I. DANZANSKY, Member

ALSO PRESENT:

CECILY COLLIER-MONTGOMERY, Director
Office of Campaign Finance
KENNETH MCGHIE, ESQ., General Counsel
CLIFFORD D. TATUM, Executive Director
WILLIAM STANFORD, ESQ., General
Counsel, Office of Campaign Finance

C-O-N-T-E-N-T-S

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P-R-O-C-E-E-D-I-N-G-S

10:44 a.m.

CHAIRMAN NICHOLS: Good morning.
Welcome. I hereby call to order the Regular Meeting of the Board of Elections for September 2014. It is Wednesday, September 10, 2014 and the time is 10:44 a.m. We are meeting in Room 280 North at One Judiciary Square.

I am Deborah K. Nichols, Chairman of the Board of Elections. Present with me this morning is Board Member Stephen Danzansky. Also present this morning Mr. Kenneth McGhie, the Board's General Counsel; Cicely Collier-Montgomery, the Board's Director of Campaign Finance and Mr. Clifford Tatum, the Board's Executive Director.

Without objection the agenda for this morning's meeting is adopted.

Are there any corrections or technical edits to the Minutes?

ALL: None.

1 CHAIRMAN NICHOLS: All right. So
2 the Minutes of the Regular Board Meeting of
3 August 6, 2014 are adopted subject to minor
4 technical edits.

5 Are there any matters that members
6 of the Board wish to address in this public
7 meeting? Hearing none, we will move to the
8 Executive Director's Report. Mr. Tatum?

9 MR. TATUM: Thank you Madam
10 Chair. The first item on my report is the
11 qualification of candidates for the November
12 4, 2014 election.

13 The challenge process was
14 completed yesterday and the Board issued all
15 orders out to candidates who have been
16 challenged and who were either achieved ballot
17 access or denied ballot access and we have
18 prepared a finalized list of candidates for
19 both ANC and the major party positions that is
20 currently posted on the website and any
21 voters can go to that website and take a look
22 at who the finalist candidates are.

1 Based on that final list we are
2 making changes to both our paper ballot and
3 our electronic ballot. We will have the
4 ballot lottery on September 12th starting at
5 10 a.m. and will proceed until concluded and
6 after that lottery we will place the
7 candidates on the ballot in the order in which
8 they were drawn in the lottery and finalize
9 the ballot and prepare for the UCOAVA mailing
10 deadline which is September 19th.

11 The next items on my report is the
12 polling place relocations and I'll ask Mr.
13 Arlin Buddo to come forward and submit the
14 report to the Board. There are five precincts
15 that would need to be relocated for this
16 upcoming general election.

17 MR. BUDDO: Good morning.

18 CHAIRMAN NICHOLS: Good morning,
19 Mr. Buddo. How are you this morning?

20 MR. BUDDO: I'm all right. The
21 first item for relocation is Precinct No. 6.
22 Precinct No. 6, which is Duke Ellington

1 School of the Arts which we used as a polling
2 place for the April 1, 2014 mayoral primary,
3 will not be available due to construction that
4 is underway and not due to be completed until
5 the beginning of the school year 2016.

6 Therefore, I am proposing that we
7 temporarily relocate to the Georgetown
8 Community Library located at 3260 R Street,
9 N.W. I do want to make a note that the
10 boundary for Precinct 6 and Precinct 5 is
11 Wisconsin Avenue; the library is on the
12 opposite side of Wisconsin Avenue so it is
13 slightly outside the precinct boundaries.

14 But I did speak with the ANC
15 Commissioner, chairperson for that area, and
16 his recommendation was the library. So they
17 have approved the relocation even though it is
18 outside the precinct boundaries.

19 The building is accessible. We
20 will be using the large meeting room
21 downstairs. There is street parking and a
22 small parking lot on the side of the library

1 as well.

2 The next relocation is Precinct
3 No. 28. During the April 2013 special
4 elections and the April 1, 2014, the church
5 had previously scheduled activities so we were
6 not able to use the Church of the Annunciation
7 as a polling place so therefore we combined
8 with Precinct 12. This was the St. Sophia's
9 Greek Orthodox Church.

10 I did speak with the facility
11 contact, Ms. Belmonte, at the Annunciation
12 Church who informed me that it would be
13 available for the November 4, 2014 general
14 election. So I am proposing that we relocate
15 back to the Church of the Annunciation located
16 at 3810 Massachusetts Avenue, N.W.

17 The next relocation is Precinct
18 No. 49 which is Raymond Elementary School.
19 The area has grown in size and we were looking
20 to relocate the precinct because we were using
21 only a classroom inside the school, we did not
22 have use of the multi-purpose room or any

1 larger area.

2 They have completed renovations at
3 a brand new recreation center which is
4 attached to the school, it's just around the
5 corner from the school, but it's part of the
6 block so I am therefore requesting that we
7 relocate to the Raymond Recreation Center
8 located at 3725 10th Street, N.W.

9 The next relocation is Precinct
10 99, Ward Memorial Church, which we did use in
11 the April 1, 2014. I was informed by the
12 facility contact that they had some structural
13 damage after the earthquake that we had a
14 couple of years ago that they did not know
15 about so I'm thinking that someone may have
16 come and looked at space and that the pastor
17 of the church did condemn the space for no use
18 at all and they are in the process now of
19 putting out bids for architectural firms to
20 come and renovate with the construction
21 underway so it would not be available for the
22 November 4, 2014 general elections.

1 Therefore, I am proposing that we
2 relocate and combine with Smothers Elementary
3 school located at 4400 Brook Street, N.E.
4 It's directly around the corner from the
5 polling space from the current spot about two
6 blocks so will not be out of the way for the
7 normal voters of that area.

8 CHAIRMAN NICHOLS: Smothers is
9 already used.

10 MR. BUDDO: Yes. Smothers is
11 currently Precinct 98.

12 CHAIRMAN NICHOLS: Okay.

13 MR. BUDDO: Okay. In that room
14 we would use the multipurpose room and in the
15 past elections when we've had an issue with a
16 certain spot and we were not able to relocate
17 to something that the Board deemed reliable or
18 a large enough space, what we would do is we
19 would set up both precincts in the
20 multipurpose room and we would have Precinct
21 98 on one side of the room and Precinct 99 on
22 the other side of the room.

1 One note I do want to make though
2 is that the registration for the area for
3 Precinct 99 is 1,735 so even though it should
4 be a large group of people at one location at
5 one time if we're looking at the numbers it
6 should move pretty smoothly. And we have done
7 this before at that site because we did have
8 prior issues at Precinct 99 where they have
9 another issue with the facility as well. So we
10 have done this before.

11 CHAIRMAN NICHOLS: I know we've
12 done it at Bunker Hill.

13 MR. BUDDO: Right. We did it at
14 Bunker Hill and we actually did it for some
15 others then.

16 And the last relocation is
17 Precinct 101 which is River Terrace Elementary
18 School. As you know, prior to the April
19 election they had come before the Board to
20 make a recommendation of relocating to The
21 Chateau which is at 3439 Benning Road.

22 I just want to make a note. River

1 Terrace Elementary School is now currently
2 under renovation and if you know the area, you
3 know that area sits off by itself and there is
4 nothing within close proximity.

5 I did a survey of the area and
6 there was a church and a few other locations
7 but they were not accessible at all.

8 So my last choice was to reach out
9 to the ANC and see if there was anything that
10 they'd recommend in the area. And she has
11 adamantly recommended The Chateau for this one
12 temporary relocation. I do note that the
13 renovations for the school will be complete by
14 1st September 2015 so this will be just a
15 temporary relocation for this one election
16 barring any other special elections that we
17 may have.

18 CHAIRMAN NICHOLS: All right.
19 Are there any questions? Then we need a
20 motion to approve the proposed precinct
21 relocations for publication and the D.C.
22 Register for a period of comment.

1 BOARD MEMBER DANZANSKY: Just one
2 question, Madam Chair, if I may. I remember
3 on one of these precinct locations last year
4 the council person in whose district that
5 resided sent a note in, whatever. Do we
6 regularly notify members of the Council?

7 MR. BUDDO: I'm sorry. Yes sir.
8 After the Board meeting what I normally do is
9 give the recommendations to the registrar for
10 the Board of Elections who then puts it in the
11 D.C. Register.

12 I also send out notices to the
13 council members as well as the ANCs affected
14 in the precinct areas as well.

15 BOARD MEMBER DANZANSKY: Okay. So
16 they've been notified if they have any
17 objections?

18 MR. BUDDO: Yes, they have.

19 BOARD MEMBER DANZANSKY: Okay.
20 Thank you. I move we adopt the changes in
21 voting places as outlined in the testimony of
22 Mr. Buddo.

1 CHAIRMAN NICHOLS: The motion is
2 seconded. All in favor, aye? All opposed?

3 (VOTE TAKEN)

4 The motion carries. Okay.

5 MR. TATUM: Madam Chair, the next
6 item on my report is the preparation statement
7 for the upcoming November general election.
8 As indicated, we have the ballot lottery
9 scheduled for September 12th at 10 a.m. We
10 are currently conducting training for early
11 voting, training which started on Tuesday the
12 9th and will continue through October 31st.

13 The training, as you may recall,
14 we discussed the different types of things
15 that we were going to do. The staff is
16 conducting a straight one-to-one training
17 class per position so checking clerks and
18 training of checking clerks.

19 We've talked about whether we can
20 do a team training by precinct and we resolved
21 to simply train by position so checking clerks
22 will train as checking clerks, ballot clerks

1 will train as ballot clerks and special ballot
2 clerks will train as special ballot clerks.

3 We simply didn't have the time and
4 the space to conduct the team training for
5 this upcoming November election.

6 We, as discussed with the Board,
7 have increased the number of early voting
8 center locations from 13, which was used in
9 the primary election, to 9. There's 9
10 locations. The Ward 1, Columbia Heights
11 location; Ward 2, One Judiciary Square; Ward
12 3, Chevy Chase Community Center; Ward 4,
13 Takoma Community Center; Ward 5, Turkey
14 Thicket Rec Center; Ward 6, King Greenleaf Rec
15 Center as well as the Sherwood Recreation
16 Center; Ward 7, Dorothy Height/Benning
17 Library and Ward 8, the Malcolm X Elementary
18 School.

19 And the chief technology officer
20 is working with OCTO to ensure connectivity at
21 those locations and I think actually they went
22 out yesterday or the day before to verify the

1 Malcolm X location. So far it's looking good
2 for connectivity.

3 We will have 10 IvoTronics at each
4 of the early voting centers and here at
5 Judiciary Square, we will have paper ballots
6 and there will be 14 and 100s to tabulate, to
7 collect the paper ballots that are [inaudible]
8 the scanned ballots.

9 We have set up the IvoTronic with
10 early voting ballot styles and we've
11 determined that all of the ballot styles will
12 fit onto one IvoTronic, which means we won't
13 have to go through that designation as we did
14 two years ago so we're pleased with that. We
15 used to have our vendor come in to support the
16 programming effort there.

17 We've had discussions about the
18 number of Ivos that will be deployed to the
19 polling places and we'll finish that
20 discussion as we've indicated.

21 As Mr. Buddo just indicated we've
22 relocated five polling places. We will

1 propose to relocate five polling places and
2 publish those for notice and then provide
3 notices to the voters that are impacted by
4 those relocations and, as discussed with the
5 Board, we will send out multiple notices and
6 take additional steps to ensure those voters
7 are aware of their relocations.

8 We have proposed to train at least
9 1,800 to 1,900 poll workers and the training
10 staff have set up the scheduled classes to
11 accommodate 20 to 25 persons per training
12 class to allow for a mandatory training class
13 and to do more hands on assessment and to
14 evaluate whether the poll workers can
15 actually perform the tasks that are being
16 requested of them.

17 And, as indicated, we have
18 designed the ballot based on the number of
19 contests and the number of candidates who have
20 qualified for the ballot.

21 This will be a two-sided paper
22 ballot and, as indicated, as we've done in the

1 past a two-sided paper ballot will indicate
2 both sides of the ballot so that the voters
3 will be informed that there are two sides. We
4 also train our poll workers to remind the
5 voter that there's two sides to the ballot.

6 The touch screen has one contest
7 that will spill over from one column to a
8 second column and that is the At-Large contest
9 and there was no other way to program the
10 touch screen to avoid that. But all of the
11 contests will be on the ballot as well, on the
12 electronic ballot.

13 The initiative will appear on the
14 second page of the paper ballot and the last
15 page of the touch screen voting machine.

16 CHAIRMAN NICHOLS: Can I ask you
17 a question? Why do we have to do two-sided
18 ballots?

19 MR. TATUM: Because of the number
20 of contests that appear on the ballot and the
21 length of the ballot is a 15-inch and all of
22 the contests will not appear on the front side

1 of the ballot.

2 CHAIRMAN NICHOLS: The number of
3 contests? ANCs and attorney general, at-
4 large?

5 MR. TATUM: Yes.

6 CHAIRMAN NICHOLS: Does the
7 number of candidates have anything to do with
8 that?

9 MR. TATUM: Yes, it does. It
10 does.

11 CHAIRMAN NICHOLS: Okay.

12 MR. GURLEY: Can I ask a

13 question? CHAIRMAN NICHOLS: Not
14 now, Mr. Gurley. No, not now. Proceed, Mr.
15 Tatum.

16 MR. TATUM: Madam Chair, based on
17 the layout of the paper ballot and the
18 Ivotronics in its initial draft format, we
19 have sent the ballot out to an external group
20 to review for Spanish translation. We've had
21 an internal translation, we've had the second
22 translation reviewed by I believe it was the

1 Office of Latino Affairs for the mayor.

2 We have also had the training
3 materials reviewed. We've created for the
4 first time election materials in Mandarin. In
5 the format that we've laid out the paperwork,
6 the English language is written on the paper
7 and the Mandarin translation appears below the
8 English language and we will propose to do
9 that with our Spanish language as well but
10 didn't have the time to complete that for this
11 upcoming election.

12 So we've had our translations
13 reviewed. The Office of Asian Pacific, the
14 mayor's office assisted with the Mandarin
15 translation to make sure it was proper.

16 We will conduct after the
17 September 12 ballot lottery, we will finalize
18 the ballots and we'll begin burning media
19 cards the week of September 23rd. We will
20 have all of our touch screens and N-100s
21 serviced on the week of the 29th and 30th and
22 we will conduct LMA on the final week once the

1 servicing has been completed on the touch
2 screens and N-100s we will then conduct LMA.
3 We anticipate LMA will be at least two days
4 and we will then finalize and lock the
5 machines down roughly about October 1st or the
6 2nd.

7 We have currently received
8 approximately 671 requests for UOCAVA, that's
9 the Uniformed Overseas Citizens and Military
10 Voters. We have 671 requests for absentee
11 ballots, 24 of those are military and the
12 remaining are overseas citizens. And we are
13 on schedule to send those absentee ballots out
14 to the UOCAVA voters by the September 19th
15 deadline so we anticipate no problems with
16 meeting that deadline. We had a conversation
17 with the DOJ yesterday. They call every state
18 and territory to ensure that we will meet the
19 45-day deadline. General counsel and myself
20 were on that call.

21 Outreach we'll continue as we have
22 in the previous elections with the exception

1 of increasing the activities associated in
2 outreach. On September 23rd we have the
3 National Voter Registration Day and we're
4 combining efforts with the State of Maryland,
5 some of the local counties in Maryland and
6 Virginia through the Council of State
7 Governments to participate and cooperate in a
8 joint media effort to notify voters of the
9 voter registration day and election day
10 activities. And both of our outreach
11 coordinators are working with the other states
12 to carry that forward.

13 Election day we are proposing and
14 are recruiting for 48 technical rovers and we
15 have reached out to OCTO to I think what the
16 Chief Technology Officers calls the
17 augmentation program, staff augmentation
18 program, to ask for their assistance. We're
19 reaching out to several of the local
20 universities and colleges to find students who
21 are training in technical programs to assist
22 and to work with us for election day with the

1 idea there'll be 48 tech rovers which will
2 then allow each of those tech rovers to
3 service three precincts only which will reduce
4 the amount of time it takes for a technician
5 to get from one polling place to the next,
6 which we believe will assist our captains in
7 any technical issues they may have with the E
8 poll books and the IvoTronics.

9 Election night tabulation, we will
10 begin tabulating early voting results,
11 accumulating early voting results at 1 p.m.
12 until completed and those results will then be
13 loaded into Unity but not published from Unity
14 until the polls close at 8 p.m.

15 As the polls close at 8 p.m., as
16 indicated, the Board will be present. The
17 first report will be generated for review and
18 published to the web shortly thereafter. We
19 will generate a reporting night schedule to
20 provide to the public and to the media as well
21 as in media packets to inform citizens what
22 the process will be for election night and

1 what we anticipate the closing schedule to be
2 for the entire process.

3 And, of course, as we generate the
4 preliminary reports that the Board approves,
5 we then publish those reports to the website
6 for public consumption.

7 And Madam Chair, that concludes my
8 update for elections preparations and the
9 other item on the report which is Other
10 Matters there's nothing to be reported.

11 CHAIRMAN NICHOLS: All right.
12 Thank you, Mr. Tatum. Are there any-- no sir.
13 No sir.

14 MR. GURLEY: Just a
15 clarification.

16 CHAIRMAN NICHOLS: Not now. No,
17 not now. You will have a chance to come up
18 and make any statements. No sir. You will
19 have a chance to come up later on the Agenda
20 and make any statements that you like but now
21 is not the time. Just hold your question.
22 Mr. Danzansky, do you have any questions of

1 Mr. Tatum?

2 BOARD MEMBER DANZANSKY: No,
3 Madam Chair.

4 CHAIRMAN NICHOLS: All right.
5 We will move on now to the report of the
6 Board's General Counsel. Mr. McGhie.

7 MR. MCGHIE: Yes. The first item
8 on my agenda is a proper subject determination
9 for the initiative. The initiative is
10 entitled "No worker shall make less than the
11 Minimum Wage Act of 2016." I believe the
12 proposers or the proposers' attorneys are
13 present and would you please take a seat at
14 the table.

15 CHAIRMAN NICHOLS: Good morning.
16 All right. At this meeting the Board will
17 conduct a hearing to determine whether the
18 proposed initiative measure titled "No worker
19 shall make less than the Minimum Wage Act of
20 2016" presents a proper subject of initiative
21 in the District of Columbia.

22 MR. MCGHIE: In the Board's

1 determination of whether or not an initiative
2 is a proper subject, the Board has a specific
3 statutory criteria that it looks to, to make
4 sure that the subject matter of the initiative
5 does not fall in one of the prohibited areas.
6 It cannot appropriate funds, it cannot negate
7 or limit a budget act, it cannot violate the
8 Home Rule Act, it cannot violate the United
9 States Constitution, it cannot be in conflict
10 with a federal law and they must also properly
11 file a statement of organization with the
12 Office of Campaign Finance.

13 And that would be the summary of the
14 initial--

15 CHAIRMAN NICHOLS: All right.
16 Has the proposed measure met the statutory
17 administrative requirements with respect to
18 its filing?

19 MR. MCGHIE: Yes. They properly
20 filed all their paperwork with the Office of
21 Campaign Finance on July 30, 2014 so they are
22 in compliance with the filing requirements.

1 CHAIRMAN NICHOLS: All right.

2 Are there any opponents to this measure?

3 Hearing none, we'll move on for any comments
4 from the proponents of the measure. Do you
5 have any comments staff for the record?

6 MR. SWEET: We do not.

7 CHAIRMAN NICHOLS: All right.

8 MR. MCGHIE: Just for the record,
9 the Office of the Attorney General filed
10 written comments on September 5th and their
11 comments were that it was a proper subject for
12 an initiative.

13 CHAIRMAN NICHOLS: All right.

14 Mr. Danzansky, do you have any questions or
15 comments? All right. Mr. General Counsel,
16 do you have a recommendation to the Board as
17 to whether the proposed measure presents a
18 proper subject of initiative?

19 MR. MCGHIE: Yes. I would concur
20 with the Office of the Attorney General that
21 this is a proper subject for an initiative.
22 It does not violate any of the prohibitions in

1 the subject matter area.

2 CHAIRMAN NICHOLS: All right. The
3 Board will take this matter under advisement
4 and we will inform you of our decision as
5 quickly as possible. Thank you so much. I
6 know it's been a long process. Thank you for
7 your patience. All right.

8 MR. MCGHIE: Okay. The next
9 matter on my agenda is a litigation status
10 report and the Board is familiar with all
11 three of the matters. All three of the
12 matters have been addressed before at the last
13 Board meeting.

14 The first one is Zukerberg v. D.C.
15 Board of Elections. As you know, this was a
16 case brought by Mr. Zukerberg against the
17 District of Columbia for attempting to delay
18 the election of the Office of Attorney
19 General.

20 The Office of the Attorney General
21 which represented us filed a motion to dismiss
22 based on the counsel legislation which placed

1 the initiative on the ballot for November and
2 the court granted the Office of Attorney
3 General's motion to dismiss the case as moot
4 on August 20, 2014.

5 The next matter is McMillian v.
6 D.C. Board of Elections. That was the case
7 dealing with an individual that was
8 complaining about the rent is too damn high
9 and the Board not using that language.

10 He does not live in the District
11 of Columbia. The Board filed a motion to
12 dismiss based on standing and that motion is
13 pending in the court.

14 The final matter is Cheeks v. the
15 Board of Elections and Ethics. Mr. Cheeks
16 filed a temporary restraining order, a TRO, in
17 court alleging that a person who had
18 challenged his nominating petition did not
19 timely file the challenge.

20 Mr. Cheeks' attorney contacted me
21 and requested a continuance on the TRO until
22 after the Board's determination on whether or

1 not he was on the ballot. I agreed to his
2 request to continue the matter. The matter
3 was continued and Mr. Cheeks is on the ballot
4 so it's my guess that at some point he'll be
5 filing a motion to dismiss.

6 CHAIRMAN NICHOLS: All right. Any
7 questions of Mr. McGhie?

8 (NO RESPONSE)

9 All right. We will move on now to
10 the report of the Board's Director of Campaign
11 Finance, Ms. Montgomery.

12 MS. COLLIER-MONTGOMERY: Yes. At
13 the last Board meeting in August I did not
14 have the staff available [inaudible] the
15 report which was filed by our Principal
16 Campaign Committee and Political Action
17 Committee to our Continuing Committee on July
18 31st. So the facts for that filing are as
19 follows:

20 The total number of required
21 filers for the July 31, 2014 Report of
22 Receipts and Expenditures was 33 and that

1 breaks down to 24 Principal Campaign
2 Committees and 9 Political Action Committees.

3 We had 26 timely filers and those
4 are 17 of our PCCs and 9 PACs. There were
5 no extensions requested and there were no late
6 filers but we did have 7 failures to file and
7 those were 7 PCCs and those PCCs have been
8 referred to the Office of the General Counsel
9 for the initiation of the informal hearing
10 process.

11 As far as the electronic filing
12 system is concerned, 23 of the required filers
13 did electronically file.

14 For the August 10, 2014 Report of
15 Receipts and Expenditures and those are for
16 our committees who are active in the 2014
17 election cycle, with the Principal Campaign
18 Committees and Political Action Committees the
19 total number of required filers were 130; that
20 breaks down to 80 Principal Campaign
21 Committees and 50 Political Action Committees.

22 The total number of timely filers

1 is 111; 68 PCCs and 43 PACs.

2 With extensions requested and
3 granted there was 1 and that was a PAC. Total
4 number of late filers, there was 1 and that
5 was a PCC.

6 Total number of failures to file
7 18; 11 PCCs and 6 PACs and those matters were
8 referred to the Office of the General Counsel
9 for initiation of the informal hearing
10 process.

11 With respect to the electronic
12 filings, 100 of the 130 filings were
13 electronically filed and I would just note for
14 the record that under the law which was passed
15 by the Council which becomes applicable on
16 January 31, 2015, electronic filing will be
17 mandatory in the District of Columbia.

18 With respect to new candidates and
19 committees registered for the 2014 election
20 cycle for the month of August 2014, Joey
21 Weedon, Joe Wheedon for State Board of
22 Education (Ward 6) registered as a candidate

1 on August 6, 2014.

2 With referrals to the General
3 Counsel for failure to timely file, the July
4 31st, report of Receipt and Expenditures,
5 again there were seven and they are Friends of
6 Tarek Stevens, Tarek Stevens, Treasurer;
7 Patterson for Ward 8, Timothy Lewis,
8 Treasurer; Committee to Elect Natalie
9 Williams, Natalie Williams, Treasurer; Gray
10 for Mayor, Betty R. Brown, Treasurer;
11 Committee to Elect Ronald Moten, Ward 7 City
12 Council, Ron Moten, Treasurer; Barry for Ward
13 8, Re-Election Committee, Robert James,
14 Treasurer; Committee to elect Villareal VJ
15 Johnson, Timothy Lewis, Treasurer.

16 With respect to the failure to
17 file the August 10th R&E Report there were 12
18 Principal Campaign Committee. James Cavendish
19 for Mayor 2014, James Cavendish, Treasurer;
20 Carson-Smith 4 DNC, Winifred Y. Carson-Smith,
21 Treasurer; Jim Graham 2014, Nelson Ayala,
22 Treasurer; Carter-At-Large 2014, Christian

1 Carter, Treasurer; Gaston 2014, Darrell
2 Gaston, Treasurer; Valentine At-Large 2014,
3 Justine Flemmings, Treasurer; Committee to
4 Elect John Settles 2014, Jennifer Leonard,
5 Treasurer; Martin Sterbal for U.S. Senate,
6 Martin Sterbal, Treasurer; Sewell for Mayor
7 2014, Otis Sution, Treasurer; Victoria Gordon
8 4 Mayor, Victoria Gordon, Treasurer; Michael
9 Green Mayoral Committee, Michael L. Green,
10 Treasurer; Beverley Wheeler for Ward 1,
11 Beverley Wheeler, Treasurer.

12 With our Political Action
13 Committees there were 6 committees who failed
14 to file. Gertrude Stein Democratic Political
15 Action Committee, Terrence Laney, Treasurer;
16 Youth Action Political Action Committee,
17 Gabrielle Moise, Treasurer; The National
18 Association of Realtors Fund, John Pierpoint,
19 Treasurer; Ward 5 Democrats, Adrian Jordan,
20 Treasurer; Libertarian Party of D.C., Sarah
21 Harvard, Treasurer; D.C. Building Industry
22 Association PAC, Inc., Christopher Collins,

1 Treasurer.

2 With the Reports Analysis and
3 Audit Division during the month of August the
4 audit branch conducted 158 desk reviews of
5 reports of Receipts of Expenditures which were
6 filed with the agency. With ongoing audits,
7 the Full Field Audits, Gray for Mayor is still
8 ongoing.

9 The periodic random audits of
10 candidates registered for the upcoming
11 election, Bowser for Mayor; Tommy Wells for
12 Mayor; Evans for Mayor; Charles Allen for Ward
13 6; Catania for Mayor. Those periodic random
14 audits are ongoing.

15 During the month of August we did
16 issue on August 4, 2014 the periodic audit
17 report for Orange for Mayor and that report
18 was of the March 10, 2014 R&E Report for the
19 coverage period on February 1, 2014 through
20 March 10, 2014 and that report is available at
21 our website for review by the public.

22 And at this time I would ask Mr.

1 Sanford to provide the report for the general
2 counsel's office.

3 Now I would also point out that
4 under the new law, again which becomes
5 applicable on January 31st of 2015, the way we
6 will impose fines is also changing because the
7 Office of Campaign Finance will then have the
8 authority to impose civil penalties against
9 candidates or any other person responsible for
10 filing and the agency, whereas now our
11 authority has been limited to imposing fines
12 against committees.

13 CHAIRMAN NICHOLS: Thank you.

14 MR. SANFORD: Good morning, Madam
15 Chair. I have the statement for Board Member
16 Danzansky. My name is William Sanford,
17 General Counsel for the Office of Campaign
18 Finance.

19 During the month of August 2014,
20 the Office of the General Counsel received 29
21 referrals which included 25 referrals from the
22 Public Information and Records Management

1 Division for referrals from the Reports
2 Analysis and Audit Division.

3 The Office of the General Counsel
4 issued 20 orders which included the following:
5 6 orders for failure to timely file in which
6 no fines were imposed; 1 order for failure to
7 timely file in which a fine of \$950 dollars
8 was imposed; 1 order regarding failure to
9 timely respond to a request for additional
10 information in which a fine of \$1,100 dollars
11 was imposed and 12 orders regarding failure to
12 timely respond to request for additional
13 information in which no fines were imposed.

14 The Office of the General Counsel
15 imposed \$2,050 dollars in files during the
16 month of August and those fines were imposed
17 against the following: Gaston for Ward 8
18 School Board in the amount of \$1,100 dollars;
19 Martin Sterbal for U.S. Senate in the amount
20 of \$950 dollars.

21 During the month of August no
22 petitions for enforcement were referred to the

1 Board of Elections.

2 The Office of the General Counsel
3 carried 7 open investigations from prior
4 months during the month of August, there were
5 no new investigations opened. During the
6 month of August 2014 there were no requests
7 for [inaudible] and no show cause proceedings
8 were conducted. And this should conclude my
9 report.

10 CHAIRMAN NICHOLS: All right.
11 Thank you. Are there any questions for Mr.
12 Sanford?

13 (NO RESPONSE)

14 All right. Hearing none we will
15 move on to public matters. Are there any
16 matters? Ms. Brizill, come to the table and
17 identify yourself for the record.

18 MS. BRIZILL: Good morning. My
19 name is Dorothy Brizill B-r-i-z-i-l-l. My
20 permanent residency is 1327 Girard Street,
21 N.W. Washington, D.C.

22 I have two sets of questions which

1 I wanted to ask the Board about and hopefully
2 leave today with some answers or a pathway to
3 some answers.

4 My first set of questions concerns
5 the preparations for the November general
6 election and under that the first item is a
7 matter you've just discussed, the relocation
8 of polling site 101 from River Terrace
9 Elementary School to The Chateau.

10 The Chateau on Benning Road is a
11 nightclub. It is a rather notorious
12 nightclub. I have never ever known of the
13 Board approving the siting of a polling site
14 in a nightclub. I stepped out and spoke to
15 Mr. Buddo and he told me that while voting is
16 going on, that portion of the building that
17 will be devoted to nightclub activity will be
18 open.

19 I cannot believe, I will not
20 believe that in that entire neighborhood The
21 Chateau, which has huge signs outside the last
22 time I was over there, that says they check

1 you at the door regarding guns and everything,
2 is an inviting atmosphere that this Board
3 wants to send voters to on election day.

4 So I know you've already voted on
5 it but I--

6 CHAIRMAN NICHOLS: Ms. Brizill,
7 let me make clear. We didn't vote on
8 anything. We are voting to approve the
9 proposed relocation for publication in the
10 D.C. Register for a period of comment. So let
11 us be clear that that has not been approved
12 and it hasn't. We have not voted on anything
13 and until we get public comment we won't vote
14 on anything.

15 MS. BRIZILL: When will it be
16 published in the D.C. Register? Mr. Tatum?

17 MR. TATUM: Next Friday.

18 MS. BRIZILL: And so you will act
19 if there is sufficient public comment? Is
20 that my understanding? Or if you get public
21 comment? Never mind. I'll move on.

22 CHAIRMAN NICHOLS: Thank you.

1 MS. BRIZILL: I have sent at
2 least two emails to Mr. Tatum inquiring about
3 the next matter and I would hope that at this
4 Board meeting I could get some answers.

5 My concern centers around the fact
6 that we're going into the November election
7 and you have several critical positions on the
8 Board staff that are vacant. You have a
9 supervisory information technology specialist
10 who is responsible for the voter registration
11 data base operation that plays a critical role
12 on election night in the counting center. You
13 are advertising currently for a public affairs
14 specialist and you indicate in a job
15 description that that person would coordinate
16 media relations and community outreach
17 activities -- again, a critical position with
18 an upcoming election and especially given the
19 debacle of the April primary and you have a
20 third position listed as lead support services
21 specialist. And in the description you say
22 that person would supervise warehouse

1 activity.

2 Again, there were several
3 instances where insufficient and improper
4 materials were sent from the warehouse to the
5 polling sites for the primary election.

6 Am I correct, Mr. Tatum, that
7 these positions are vacant and you currently
8 are advertising for them?

9 CHAIRMAN NICHOLS: Please direct
10 your question through the chair to staff.

11 MS. BRIZILL: Madam Chair, is
12 that correct, these positions are vacant?

13 CHAIRMAN NICHOLS: We are in the
14 process of filling these positions.

15 MS. BRIZILL: So they are
16 currently vacant? Can you tell me which ones
17 are vacant?

18 CHAIRMAN NICHOLS: No. No. Which
19 ones have been filled?

20 MR. TATUM: [inaudible].

21 MS. BRIZILL: I couldn't hear
22 you, Mr. Tatum.

1 MR. TATUM: There are people
2 filling the functions of these positions but
3 we are looking to hire permanent staff for
4 each of these positions.

5 MS. BRIZILL: Well, for example,
6 the supervisory information technology
7 specialist is a position that became vacant
8 when the person who had held that position for
9 a number of years retired at the beginning of
10 this year. And then you brought that person
11 back as a contractor? Correct?

12 MR. TATUM: Correct.

13 MS. BRIZILL: Can you tell me
14 whether or not you filled the IT position from
15 the agency?

16 CHAIRMAN NICHOLS: The
17 supervisory information--

18 MS. BRIZILL: No, the IT. The
19 director of IT for the agency?

20 MR. TATUM: Oh yes.

21 MS. BRIZILL: Can you tell me the
22 person's name?

1 MR. TATUM: Sean Fagan.

2 MS. BRIZILL: Sean?

3 MR. TATUM: Fagan.

4 MS. BRIZILL: F-a-g-a-n. And how
5 long has he been on staff?

6 MR. TATUM: Before they even-- we
7 can get you specific dates, Ms. Brizill.

8 MS. BRIZILL: I did not want to
9 have to come in and ask this but I have sent
10 Mr. Tatum three emails and I have not

11 CHAIRMAN NICHOLS: Well, we will
12 get get back to you. We will respond to your
13 email with more detailed information.

14 MS. BRIZILL: Okay. With regards
15 to the preparations for the November election,
16 I would ask this Board to make preparations
17 for observers and press on election night
18 contrary to what has happened in the past two
19 elections.

20 There needs to be an availability
21 of a BOE representative to the press and to
22 observers election night, and not hiding

1 somewhere in the ladies room or in some back
2 office. There are also--

3 CHAIRMAN NICHOLS: Ms. Brizill,
4 wait. I will take exception to that
5 characterization. No one is hiding from
6 anyone.

7 MS. BRIZILL: She wasn't
8 available. She wasn't available.

9 CHAIRMAN NICHOLS: Well, we're
10 not going to get into that.

11 MS. BRIZILL: She wasn't
12 available and I can bring 20 affidavits of
13 people who will complain. And I personally
14 brought it to Mr. Danzansky's attention and
15 beseeched him to go and get her. Okay?

16 Well, moving on, can you--

17 CHAIRMAN NICHOLS: We will work
18 on preparations for observers and the press
19 but I don't think it will be any different
20 than in the past. What would you like?

21 MS. BRIZILL: I would hope if you
22 have a person who has the position, a media

1 and press person, that they would make
2 themselves available election night to the
3 media and the press.

4 CHAIRMAN NICHOLS: Okay.

5 MS. BRIZILL: And provide
6 accurate information. That's all we ask.
7 Okay?

8 CHAIRMAN NICHOLS: Okay.

9 MS. BRIZILL: And I thought that
10 was part of the job. And also with regard to
11 observers and press, I would also ask that a
12 clear path be provided and access to the area
13 outside the counting center, that glass area,
14 so that observers and press can actually
15 observe the counting and not blocked as it has
16 been for the past two elections.

17 CHAIRMAN NICHOLS: Can you give
18 me more detail on the problem?

19 MS. BRIZILL: The problem is you
20 have a glass area that's about the size of
21 these two tables and media and press and
22 observers are supposed to stand outside and be

1 able to see the cartridges arrive, the
2 cartridges fed in and what have you. What
3 you've done for the past two elections is
4 you've put all sorts of huge machinery in
5 front of the glass so you can't see anything.

6 CHAIRMAN NICHOLS: Okay. We'll
7 work on that.

8 MS. BRIZILL: And this has been
9 brought to the director's attention several
10 times.

11 CHAIRMAN NICHOLS: And Mr. Tatum
12 will you make sure that that happens? But I
13 would say this, Ms. Brizill, and maybe this is
14 something you and other residents in the city
15 can help us with, is that we need better
16 space. We need better space. We're working
17 with what we have. If you can get us better
18 space, we can make arrangements for you to see
19 as much as you want to see but we're working
20 with a pre-deigned space that does not serve
21 our purpose and I have said that time and time
22 again.

1 MS. BRIZILL: Better space will
2 not solve--

3 CHAIRMAN NICHOLS: Yes, it will.

4 MS. BRIZILL: Excuse me. Better
5 space will not solve the problem of
6 deliberately putting machinery in front of the
7 only glass that one can look through and see
8 the actual tabulation. Okay? Space will not
9 solve the problem.

10 CHAIRMAN NICHOLS: I would take
11 exception to that only because--

12 MS. BRIZILL: You can move the--

13 CHAIRMAN NICHOLS: Wait. Move
14 it where? It has to be secure. We don't have
15 space. That's the problem. But we will look
16 at that.

17 MS. BRIZILL: Well, some of the
18 tables they have--

19 CHAIRMAN NICHOLS: We will look
20 at that. Can you move on.

21 MS. BRIZILL: Some of the tables
22 they have back there with food and

1 refreshments on could be moved out and then
2 you can move those machines to the window.

3 CHAIRMAN NICHOLS: Well, I don't
4 know about the food and refreshments.

5 MS. BRIZILL: Okay. Well, I can
6 show you the pictures.

7 CHAIRMAN NICHOLS: Well, do it.
8 Send the pictures.

9 MS. BRIZILL: The other thing
10 is the tabulation at early voting centers. In
11 your presentation, Mr. Tatum, did I understand
12 you to say that the tabulation of the ballots
13 on the early voting machines will begin at 1
14 p.m.?

15 CHAIRMAN NICHOLS: Did you say
16 that?

17 MR. TATUM: The accumulation.
18 Accumulation.

19 MS. BRIZILL: What does that
20 mean?

21 MR. TATUM: We will consolidate
22 all the votes from the IVOs to one machine

1 that they will be read into.

2 MS. BRIZILL: Wait. Wait. You
3 will consolidate all the votes from the early
4 voting machines onto what?

5 MR. TATUM: Onto one IVO function
6 machine that will then be prepared for loading
7 onto the--

8 MS. BRIZILL: And what is the
9 purpose of that? Have you done that before?

10 MR. TATUM: Yes, we have. We do
11 it every--

12 CHAIRMAN NICHOLS: That's
13 standard operating procedure. You would
14 have observed that.

15 MS. BRIZILL: I have-- Let me
16 finish. Just let me finish. I want you to
17 answer me what I observed. Just tell me what
18 I observed.

19 CHAIRMAN NICHOLS: But no, I don't
20 know how you would. That occurs--

21 MR. TATUM: We open those doors
22 to the press and observers and they watch us

1 print off the closing tapes that she's
2 referring to. The accumulation, there's two
3 parts to that. The accumulation that takes
4 place before that and we generate the tapes
5 for the--

6 MS. BRIZILL: [inaudible]

7 MR. TATUM: Each of the votes
8 that are stored on the one IVO, on the ten
9 IVOs that will be accumulated to one IVO.
10 And that one IVO--

11 MS. BRIZILL: When would that
12 occur and--

13 MR. TATUM: That will occur at 1
14 p.m. and all the IVOs would be -- all the
15 reports would generate--

16 MS. BRIZILL: So then you would
17 have one IVO for each early voting center?

18 MR. TATUM: That's correct.

19 MS. BRIZILL: And when will you
20 run those machines?

21 MR. TATUM: At one o'clock.

22 MS. BRIZILL: Wait a minute. You

1 have one IVO machine from each precinct and
2 you will run them at one o'clock?

3 CHAIRMAN NICHOLS: No, they will
4 not be running at one o'clock.

5 MS. BRIZILL: I would like to
6 know--

7 MR. TATUM: I'm not sure what
8 she's asking.

9 CHAIRMAN NICHOLS: Neither am I.

10 MS. BRIZILL: Okay. Let me see--

11 CHAIRMAN NICHOLS: We want to
12 give you the appropriate answer but we need to
13 be clear on the question. We won't count
14 votes until 8:01 if that's the question
15 you're--

16 MS. BRIZILL: No, that's not my
17 question.

18 CHAIRMAN NICHOLS: Well, what is
19 the question?

20 MS. BRIZILL: My question is, in
21 his presentation I clearly wrote down we will
22 begin the tabulation of votes from the early

1 voting machines at 1 p.m.

2 CHAIRMAN NICHOLS: No, he didn't
3 say tabulate. He did not say anything like
4 that.

5 MS. BRIZILL: Okay. What are you
6 doing at 1 p.m.?

7 CHAIRMAN NICHOLS: You can read
8 the transcript when--

9 MS. BRIZILL: What are you doing
10 at, just explain to me at 1 p.m., which you
11 can either answer it now or you can answer the
12 question later.

13 MR. TATUM: Sure. Accumulation.

14 MS. BRIZILL: Okay. What is
15 accumulation? Explain to me what accumulation
16 is?

17 MR. TATUM: I just explained it.

18 MS. BRIZILL: No, you didn't.

19 What is accumulation?

20 CHAIRMAN NICHOLS: We'll get back
21 with you.

22 MS. BRIZILL: No, no, no.

1 CHAIRMAN NICHOLS: Yes.

2 MS. BRIZILL: No. What is
3 accumulation? What is accumulation, Mr.
4 Tatum?

5 CHAIRMAN NICHOLS: We'll get back
6 to you within--

7 MS. BRIZILL: Ms. Nichols, he
8 does not get back to anybody.

9 CHAIRMAN NICHOLS: Well, I will
10 ensure that he gets back to you with an
11 answer.

12 MS. BRIZILL: When?

13 CHAIRMAN NICHOLS: Today.
14 Today. Now we're going to answer your
15 question. Don't sit here and press us to give
16 you an answer.

17 MS. BRIZILL: This is the only
18 time when I can get an answer.

19 CHAIRMAN NICHOLS: Well, we will
20 give you an answer, Ms. Brizill. I will
21 ensure that you get an answer. But please
22 don't come down here and browbeat us.

1 MS. BRIZILL: If you think this
2 is browbeating, wait until next week. Wait
3 until next week. Wait until next week. Okay?

4 CHAIRMAN NICHOLS: I'm sure.

5 MS. BRIZILL: Mr. Tatum, will
6 citizens be able to observe this accumulation
7 that you referred to?

8 MR. TATUM: Yes.

9 CHAIRMAN NICHOLS: Yes. None of-
10 -

11 MS. BRIZILL: In your media
12 advisory will you tell people that you're
13 doing this accumulation?

14 MR. TATUM: Yes.

15 MS. BRIZILL: Okay. My next
16 question has to do with the Office of Campaign
17 Finance.

18 CHAIRMAN NICHOLS: Yes Ms.
19 Brizill.

20 MS. BRIZILL: Several
21 individuals have entered guilty pleas based on
22 the U.S. attorney's investigation of a group

1 of campaigns in the District. Kelvin
2 Robinson, Mark Long, Jeff Smith. The plea
3 agreement itself details their violation of
4 the District's Campaign Finance laws.

5 What action, if any, is OCF taking
6 with regard to these individuals?

7 CHAIRMAN NICHOLS: Mr. Sanford?

8 MR. SANFORD: Good morning, Ms.
9 Brizill. We have open investigations into all
10 of those matters that you referred to and if
11 you go to our website we list them as open
12 investigations. And we've been carrying them
13 as open investigations.

14 And what we have done is we have
15 contacted either the individuals or their
16 attorneys and advised them that the Office of
17 Campaign Finance has opened an investigation
18 based upon information that we have gotten
19 from either the criminal information or the
20 plea agreement. And in all cases they have
21 indicated that they are willing to cooperate
22 with our office as soon as they have concluded

1 their business with the U.S. Attorney's
2 office. And that's the status of those cases.

3 CHAIRMAN NICHOLS: Thank you,
4 Mr. Sanford.

5 MR. SANFORD: You're welcome.

6 CHAIRMAN NICHOLS: All right. Mr.
7 Gurley?

8 MR. GURLEY: Good morning. My
9 name is Calvin Gurley, 612 Underwood Street,
10 Washington, D.C. 20012 is my address.

11 I came with one issue but the
12 second issue is concerning the presentation of
13 Director Tatum on the ballots for the November
14 2014 election. As we know there's about 15
15 At-Large candidates.

16 Now there was a procedure he said
17 that on the electronic ballots that some of
18 the names would appear and others will spill-
19 over and the term he used "spill-over" I
20 didn't quite understand what he meant by that.

21 CHAIRMAN NICHOLS: Mr. Tatum, do
22 you want to answer that question?

1 MR. TATUM: Sure. Mr. Gurley,
2 you recall what the IVO looks like. There are
3 columns, one contest in which a list of names
4 and the names would carry over to the next
5 column so that when you're looking at that
6 contest you're seeing names and the two names
7 at the top.

8 MR. GURLEY: Okay. What I'm
9 saying is that how many names can appear, how
10 many candidates' names can appear on a screen
11 at one time without the spill-over?

12 MR. TATUM: I don't know the -- I
13 don't recall the number of names that's in
14 that contest but the number that's there would
15 not appear in the one column. I don't know
16 the exact number--

17 MR. GURLEY: It would not. You
18 see, that's the problem I'm having with that
19 and that is if there's a split in the
20 presentation of 15 names, then the primary
21 names which lists that we split it in half,
22 seven and eight, that the primary names of

1 seven that first appear then there's a
2 continuation or spill-over may cause a
3 disadvantage.

4 CHAIRMAN NICHOLS: What would
5 you have us do?

6 MR. GURLEY: Well if all 10 could
7 appear and--

8 CHAIRMAN NICHOLS: And if they
9 can't, what would you do?

10 MR. GURLEY: If they can't, then
11 what we could do -- we'll come back to that.
12 What could we do? I need to think about.
13 There has to be some kind of way to get -- if
14 they can't appear then there has to be some
15 kind of way it should appear by minimizing the
16 format, the contest, just the names and where
17 you can have all 15 candidates where you have
18 a read down.

19 CHAIRMAN NICHOLS: Yes, but how
20 are we going to do that?

21 MR. GURLEY: Minimize it I guess,
22 the text.

1 CHAIRMAN NICHOLS: How can --
2 just the font size?

3 MR. GURLEY: Yes.

4 CHAIRMAN NICHOLS: Then how are
5 the visually handicapped -- how are we going
6 to provide--

7 MR. GURLEY: Perhaps then there
8 would be an option in case if those who are
9 visually handicapped cannot see, they can
10 enhance it or either increase it. At least
11 they can see there's 15. If they can't
12 visually identify each one, they can enlarge
13 it, no different from on the screen where you
14 can take it from 100 to 125 to 150 to 200.
15 But at least let them know that the initial--

16 CHAIRMAN NICHOLS: But what
17 about on a paper ballot?

18 MR. GURLEY: On a paper ballot.
19 Hopefully, on a paper ballot--

20 MR. TATUM: It doesn't spill-
21 over.

22 MR. GURLEY: It doesn't spill,

1 yes thank you. That's why I was just
2 referring to electronic. The electronics
3 were important that there is a content of 15
4 names as visualized.

5 The reason why I say it is this,
6 because back in the presidential election, a
7 lot of young folks just came to the precinct
8 and I did exit polling and a lot of young
9 folks said well I just voted for Obama and
10 left the rest of the ballot just clean and
11 didn't even turn the other side over. And
12 that's just from the young beginning voters.
13 But as far as the vintage voters, the vintage
14 voters are the ones who--

15 CHAIRMAN NICHOLS: As you
16 [inaudible] from where you have to click on
17 the electronic now more where you have to
18 click those with different screens--

19 MR. GURLEY: Yes.

20 CHAIRMAN NICHOLS: You're asking
21 that everything be on one screen?

22 MR. GURLEY: For that one

1 election. For the At-Large.

2 CHAIRMAN NICHOLS: For the At-
3 Large. Okay.

4 MR. TATUM: It's all in one
5 stream.

6 MR. GURLEY: Okay. I understand
7 but when viewing, when you go to-- you used
8 the term spill-over so I didn't quite
9 understand the term you say spill-over. All
10 right.

11 CHAIRMAN NICHOLS: Okay.

12 MR. GURLEY: So how are we going
13 to do that now?

14 CHAIRMAN NICHOLS: We don't know.
15 We're going to look at it again. Yes, we're
16 going to look at it again. You raised a
17 valid point.

18 MR. GURLEY: Yes, because if my
19 name is 1 to 12 I don't care. But if my name
20 is 15 and there's a split and I'm hoping
21 somebody saw--

22 CHAIRMAN NICHOLS: I agree.

1 MR. TATUM: We get it.

2 MR. GURLEY: Can I pass this
3 thing on to you?

4 CHAIRMAN NICHOLS: I think we
5 already have that. Yes. I already have that.

6 MR. GURLEY: So you know what I'm
7 talking about. Okay. Now on this one there's
8 voter electronic signature pads that was used
9 in the April primary election. And we all
10 know that pad did not record the number of
11 signatures or did not record signatures of
12 those particular voters that enter and
13 participate in voting. I'm just hoping that
14 this mechanism won't be used again. I guess
15 I'm from the old school--

16 CHAIRMAN NICHOLS: What
17 mechanism?

18 MR. GURLEY: The electronic
19 signature pad.

20 CHAIRMAN NICHOLS: But we have
21 to.

22 MR. GURLEY: You don't have to.

1 CHAIRMAN NICHOLS: Yes, we have
2 to. We can't go back--

3 MR. GURLEY: I'm not asking you
4 to go back.

5 CHAIRMAN NICHOLS: We can't go
6 back to those signs. You know what I'm
7 saying. With the A through B. You remember
8 those?

9 MR. GURLEY: Yes, I understand.
10 But what I'm saying is that those electronic
11 signature pads did not record my signature as
12 being there April 1st and I believe that those
13 signatures also could be used as an audit type
14 of mechanism to ensure that for each signature
15 you have a ballot. Okay?

16 And that from a simple cursory
17 review would be the number of signatures, the
18 master number of ballots be it electronic or
19 either the paper ballots. So that from a
20 beginning is something I just would like to
21 ensure.

22 Now without the signature there's

1 no assurance that the actual number -- all it
2 would bring up with me a flag that those
3 numbers in the box, those electronic ballots,
4 are they authentic to the real number of folks
5 who came to the polls? And that's no
6 reflection on any of you folks here but it's
7 just a point of assurance.

8 Now I know you're saying you have
9 the master book and you turn the book around
10 and they say there's a sign.

11 CHAIRMAN NICHOLS: You want us to
12 go back to that?

13 MR. GURLEY: That's more assuring
14 right now until we can get that particular
15 electronic signature pad.

16 And additionally I have a master
17 authentically signing my name on that slippery
18 screen which my name does appear as it does in
19 written form on paper and pen, is the
20 disconnect and the pressure or the style of
21 the handwriting from an electronic that that
22 from a simple paper and pen. But you use

1 that anyway. I was reading right here where
2 you use that to check, what's it Cheeks or
3 somebody, I was reading here that -- oh no it
4 was the initiative in which he took a sample
5 of 100 from each ward and you try and he
6 attempted to make sure that those signatures
7 were unique to the initial original voter's
8 signature.

9 I mean but that, you won't get
10 that type of comparison if you do it
11 electronically because electronic it's just
12 some kind of way it slips and slides and it
13 doesn't give you those curvatures.

14 CHAIRMAN NICHOLS: We'll look
15 into that.

16 MR. GURLEY: I did look into it.

17 CHAIRMAN NICHOLS: We'll look
18 into that.

19 MR. GURLEY: But then again
20 there's that signature pad. And the signature
21 pad did not record the signatures.

22 CHAIRMAN NICHOLS: Okay. We'll

1 look into that and we'll look at the training
2 aspect and the technical aspects of that also.
3 But also the methodology but you need to check
4 in.

5 MR. GURLEY: Well, can I get some
6 kind of final decision?

7 CHAIRMAN NICHOLS: Not today.

8 MR. GURLEY: No, not right now
9 but some kind of final decision of what is
10 going to be used. And you're very adamant
11 about not going back to--

12 CHAIRMAN NICHOLS: Well, I mean I
13 wouldn't say never, you know, but we're trying
14 to move forward. If anything, I would just
15 try to get up to date the poll book
16 technology. See that's where we are trying to
17 go.

18 MR. TATUM: Mr. Gurley is under
19 the misconception that that's the only--

20 CHAIRMAN NICHOLS: It's not.

21 MR. GURLEY: Oh no, no, no.

22 MR. TATUM: There's the voter

1 card that you receive as well. In fact, in
2 your particular instance, the voter card was
3 printed from the E poll book and I have the
4 voter card that was used to vote so we count
5 voter cards and your signature may not have --
6 but you were given credit to vote because if
7 you had shown and we kept your signature vote
8 you'd have to receive credit for voting which
9 is how we compare the number of votes cast to
10 the number of voters.

11 So it's not simply the signature;
12 there's a number of steps involved that allow
13 us to verify the number of voters who appear
14 and the number of votes they cast.

15 MR. GURLEY: Okay. Just thinking
16 aloud for 30 seconds. Those particular cards
17 that he's speaking of does not ensure that a
18 particular person who voted actually voted.
19 It's just the thought. Now that's taken from
20 the ballot roll -- Okay. Right. Is that
21 correct?

22 That card that you're speaking of

1 did he sign? You're saying that card that we
2 sign. Okay.

3 MR. TATUM: The ticket that you
4 get when you get your ballot stamp is
5 collected by the ballot clerk or by the touch
6 screen and he knows it's counted.

7 And to allay your concerns, if the
8 pad doesn't capture your signature you're
9 going to have to sign that card. That way you
10 ensure--

11 MR. GURLEY: I never did. I never
12 was required to do that.

13 MR. TATUM: Not in this past
14 election but that's the step that we took.

15 MR. GURLEY: Okay. Fine. But if
16 that's the step that you took then perhaps
17 that's a shoo-in for -- What I'm saying to you
18 is that I trust that signature from the voting
19 more so than as you were saying. And if
20 that's the new step then I wasn't aware of it.
21 But some signature, but you're using a
22 signature, some signature is needed and a

1 legible signature at that.

2 CHAIRMAN NICHOLS: Yes.

3 BOARD MEMBER DANZANSKY: We'll
4 look at it.

5 CHAIRMAN NICHOLS: We'll look at
6 that and maybe on election day you'll be
7 surprised that you'll see those A, B, C
8 placards up.

9 MR. GURLEY: Well, let's say that
10 the signature pad does fail. I mean I think I
11 talked to Director Tatum and he said he would
12 implement the master log which--

13 CHAIRMAN NICHOLS: Implement
14 what?

15 MR. GURLEY: The master log. The
16 log.

17 CHAIRMAN NICHOLS: I don't know
18 what you're talking about.

19 MR. GURLEY: The computer.

20 CHAIRMAN NICHOLS: Oh if the E
21 poll book fails, yes we would have to go back
22 to a manual process.

1 MR. GURLEY: But then when I
2 brought it to the attention of the poll
3 workers and to the captains of those three
4 particular polling places, they refused to.

5 CHAIRMAN NICHOLS: To what?

6 MR. GURLEY: To use--

7 CHAIRMAN NICHOLS: We don't use
8 both unless the--

9 MR. GURLEY: I didn't ask you to
10 use both. No. No. When my signature did
11 not record at Coolidge, I brought it to the
12 attention of the person that did this and also
13 to the captain. And I asked them do you have
14 the master log? That's the little computer
15 printout names log. And I can't think of what
16 she said but she did not have it or either she
17 wasn't going to use it.

18 So what I'm saying to you is would
19 would that be in place at every polling place
20 in case there's a failure in the signature?

21 CHAIRMAN NICHOLS: Yes, there is.
22 Yes, there is at every polling place.

1 MR. GURLEY: So why doesn't she
2 use it?

3 CHAIRMAN NICHOLS: Because we
4 use E poll books, that's why. We use E poll
5 books.

6 MR. GURLEY: If there's a failure
7 in the E poll then--

8 CHAIRMAN NICHOLS: But there was
9 no failure in the E poll book. There was no
10 failure.

11 MR. GURLEY: I'm sorry. E poll,
12 when you say E poll books.

13 CHAIRMAN NICHOLS: Electronic
14 poll books.

15 MR. GURLEY: Oh electronic poll
16 booths?

17 CHAIRMAN NICHOLS: Book.

18 BOARD MEMBER DANZANSKY: The poll
19 books used to be an actual book where people
20 would sign in.

21 MR. GURLEY: Yes.

22 BOARD MEMBER DANZANSKY: This is

1 all electronic now.

2 MR. GURLEY: But it's recorded
3 from the signature pad. Yes?

4 CHAIRMAN NICHOLS: Wait. Wait.
5 We will take your issues under advisement. I
6 think I understand what they are based on what
7 you--

8 MR. GURLEY: Okay. I understand
9 what you're saying. When somebody checks in
10 you check off that they're there but there's
11 no signature to--

12 CHAIRMAN NICHOLS: When you sign
13 you get--

14 MR. GURLEY: I understand that
15 they check off. And they check off whatever
16 the poll, the E poll book, all right, they
17 check your name. But there's no signature.

18 CHAIRMAN NICHOLS: Is there any
19 reason to have a signature?

20 MR. GURLEY: Yes.

21 CHAIRMAN NICHOLS: I'm not asking
22 you.

1 MR. GURLEY: I'm sorry.

2 CHAIRMAN NICHOLS: Legally is
3 there any reason to have a signature when one
4 goes to vote?

5 MR. MCGHIE: I'm not sure about
6 that.

7 CHAIRMAN NICHOLS: Okay. Well,
8 we will look at that, Mr. Gurley, and see if
9 there is a legal requirement to have a
10 signature as a pre-condition to getting a
11 ballot for you to go through the check-in
12 process. And if there is, we will, for audit
13 purposes, there are various security features
14 in our process to ensure that ballots of
15 people who checked in are accounted for
16 because there is either under or over-vote in
17 terms of even the voting.

18 So we have checks and balances in
19 that system. It's not simply you sign in at
20 check-in. That is not the only check and
21 balance. There are checks and balances in the
22 system that you're not even aware of.

1 MR. GURLEY: Okay.

2 CHAIRMAN NICHOLS: So we will
3 look at this. Okay? And we will certainly
4 either strengthen our policies and procedures
5 and make sure that the equipment is working.
6 We'll improve training to make sure that our
7 poll workers when they check you in, they get
8 your signature. They get your signature in
9 writing on a card as well as your electronic
10 signature at the pad that you sign and until
11 we get better equipment this is what it is.
12 And we have to work with what we have to make
13 this whole election process move forward.

14 Thank you for coming this morning.

15 MR. GURLEY: Thank you.

16 CHAIRMAN NICHOLS: All right.

17 There being no further business before us,
18 this meeting is adjourned. The time is 11:54
19 a.m.

20 (Whereupon, the proceedings went
21 off the record at 11:54 a.m.)
22

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In the matter of: Regular Board Meeting

Before: DC BOE

Date: 09-10-2014

Place: Washington, D.C.

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