



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
September 10, 2014

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, September 10, 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 Board Member Stephen Danzansky. Also present on the dais were Kenneth McGhie, the Board’s General Counsel, Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (“OCF”), and Clifford Tatum, the Board’s Executive Director.

Chairman Nichols called the meeting to order at 10:44 a.m.

The meeting agenda was approved and adopted without objection.

The minutes of the last regular meeting (August 6, 2014) were moved for approval and adopted without objection subject to minor technical edits.

Mr. Tatum indicated that the nominating petition challenge process was complete, and the finalized list of candidates for both ANC and major party positions is currently posted on the Board’s website. The lottery for position placement on the ballot will take place on September 12, 2014 at 10 a.m.

Mr. Tatum introduced Mr. Arlin Budoo, the Board’s Facilities Manager, to propose 5 precinct relocations for the General Election.

Mr. Budoo presented the 5 precinct relocations for submission to the Register for public comment:

- Precinct 6, Duke Ellington School of the Arts is unavailable due to ongoing construction slated for completion in 2016. The proposed relocation is Georgetown Community Library located at 3260 R Street NW, which is slightly outside the precinct boundary. The building is accessible and was recommended by the affected ANC Commissioner.
- Precinct 28, Church of the Annunciation was unavailable during the April 2013 Special Election and April 1, 2014 Primary Election causing the Board to combine the precinct with Precinct 12, St. Sophia’s Greek Orthodox Church. Annunciation is now available for use, and the proposal is to relocate back to that location.
- Precinct 49, Raymond Elementary School became too small for the increasing size of the voting population in that area. Raymond Recreational center is newly renovated, can accommodate the population, and it is attached to the school.
- Precinct 99, Ward Memorial Church suffered structural damage by the earthquake 2 years ago that went previously undetected. The Church is currently undergoing structural renovations and is unavailable for the election. The proposed relocation is a combination with Precinct 98, Smothers Elementary, which is located at 4400 Brook Street NE.

- Precinct 101 River Terrace Elementary is currently under renovation, and the affected ANC recommended The Chateau nightclub for this temporary relocation.

BOARD ACTION: Board Member Danzansky confirmed with Mr. Budoo that affected council members and ANCs have been notified of the proposed relocations and moved that the Board adopt the changes in polling places as outlined in Mr. Budoo’s testimony. The Board approved the motion.

Mr. Tatum reported on the Board’s ongoing preparation for the General Election.

- The Board is currently conducting poll worker training classes on an individual position basis.
- The Board has decreased the number of Early Voting Centers from 13 used in the Primary Election to 9 during the General Election: Ward 1, Columbia Heights Location; Ward 2, One Judiciary Square; Ward 3, Chevy Chase Community Center; Ward 4, Takoma Community Center; Ward 5, Turkey Thicket Recreational Center; Ward 6, King Greenleaf Recreational Center and Sherwood Recreational Center; Ward 7, Dorothy Height/Benning Road Library; and Ward 8, Malcolm X Elementary School.
- Each Early Voting Center will have 10 I-vote-tronics machines to cast electronic ballots, and Judiciary Square will additionally have paper ballots available with 14 M100 machines to collect the paper ballots.
- The Board proposes to train at least 1,800 to 1,900 poll workers with 20 to 25 individuals per training class.
- The paper ballot design will be two sided due to the length of the ballot; however, poll workers are trained to remind voters to vote on both sides of the ballot.
- The Spanish language ballot has been sent to the Office of Latino affairs for an external translation review.
- Training materials have been translated into Mandarin for the first time to accommodate Mandarin speakers for poll worker training. The Board intends to translate the materials into Spanish for future elections.
- The Board has received 671 absentee requests from Uniformed Overseas Citizens and Military Voters comprised of 24 military voters and the remainders are voters overseas. Those ballots will be sent by September 19, 2014.
- September 23, 2014 is National Voter Registration Day, and the Board’s outreach coordinators are working in conjunction with their counterparts in Maryland and Virginia to execute a cooperative media effort to notify voters of Voter Registration Day and Election Day activities.
- The Board is preparing to have 48 technical rovers in an effort to reduce the amount of time for technicians to respond to concerns that may arise on Election Day.
- Early voting results will be tabulated at 1 pm on Election Day until completed, and the results will be published when the polls close at 8 pm.
- The Board will publish a reporting night schedule for the public and the media to inform them of the process and to anticipate the closing schedule for completion of the tabulation process.

Mr. McGhie presented the proper subject determination of the initiative entitled: “No Worker Shall Make less than the Minimum Wage Act of 2016”. The measure was in compliance with

the statutory administrative requirements, and the Office of the Attorney General filed comments on September 5, 2014 concluding the measure was a proper subject for initiative. Mr. McGhie concurred with the Attorney General's assessment that the measure was a proper subject, and the matter was taken under consideration by the Board.

Mr. McGhie reported on the status of the three cases the Board is currently litigating.

In *Zukerberg v. the Board*, the parties have agreed that the election for Attorney General is to be held during the November General Election; however, they disagree as to how to dispose of the case. The Plaintiff is seeking an order while the Board through its counsel is seeking a motion to dismiss as moot. The Judge has asked the Plaintiff to respond to the motion to dismiss and she will be taking the case under advisement. A status hearing scheduled for July 25 was continued.

McMillian v. the Board concerns the Board disallowing the slate name, "The Rent is too Damn High" from appearing on the Primary Election ballot. The Office of the General Counsel filed a motion to dismiss for lack of standing because the Plaintiff does not reside in the District, and is not a registered voter. The Plaintiff filed an opposition to the Motion to Dismiss and the Board filed a reply on Friday August 11, 2014.

Cheeks v. the Board relates to an appeal of the timeliness of a nominating petition challenge. Mr. Cheeks filed a temporary restraining order to halt proceedings in the nominating petition challenge. Counsel for Mr. Cheeks subsequently informed Mr. McGhie of his request for a continuance until the Board makes a determination on the challenge. Mr. Cheeks was subsequently granted ballot access, and this matter is moot for all intents and purposes.

Ms. Collier-Montgomery reported on the following items initiated or ongoing in the month of July 2014 at OCF:

- **July 31 filing date for reports of receipts and expenditures of Continuing Committees (24 Principal Campaign Committees (PCCs) and 9 Political Action Committees (PACs)):** 33 required filers; 26 timely filers filed (17 PCCs 9 PACs); 7 PCCs failed to file and were referred to the Office of the General Counsel for informal hearings.
- **August 10 filing date for reports of receipts and expenditures of active political committees:** 130 required filers (80 PCCs 50 PACs); 111 timely filers filed (68 PCCs 43 PACs); and 1 timely extension (PAC) was requested and granted; 1 late filer (PCC); and 18 failures to file (11 PCCs 7 PACs) were referred to the Office of the General Counsel for informal hearings.
- **New Candidates registered:** Joey Weeden, Joe Weeden for State Board of Education (Ward 6), August 6, 2014.
- **Referrals to the General Counsel for failure to file July 31 report of receipts and expenditures:** Friends of Tarek Stevens; Patterson for Ward 8; Committee to Elect Natalie Williams; Gray for Mayor; Committee to Elect Ron Moten; Barry for Ward 8; and Committee to elect Villareal VJ Johnson.
- **Referrals to the General Counsel for failure to file August 10 report of receipts and expenditures Candidates:** James Cavendish for Mayor 2014; Carson-Smith 4 DNC; Jim Graham 2014; Carter-At-Large 2014; Gaston 2014; Valentine At-Large 2014; Committee to Elect John Settles 2014; Martin Sterbal for U.S. Senate; Sewell for Mayor 2014; Victoria

- Gordon for Mayor; Michael Green Mayoral Committee; and Beverley Wheeler for Ward 1.
- **Referrals to the General Counsel for failure to file August 10 report of receipts and expenditures Committees:** Gertrude Stein Political Action Committee; Youth Action Political Action Committee; The National Association of Realtors Fund; Libertarian Party of D.C.; Ward 5 Democrats; and D.C. Building Industry Association PAC.
 - The Audit Branch conducted 158 desk reviews of reports filed with OCF.
 - **Periodic Random Audits of registered candidates:** Gray for Mayor; Bowser for Mayor; Wells for Mayor; Evans for Mayor; Charles Allen for Ward 6; and Catania for Mayor. On August 4, 2014 OCF issued the periodic audit report for Orange for Mayor, which concerned the March 10, 2014 R&E report.
 - **Report of the Office of the OCF General Counsel (Reported by William Sanford)**
 - **Referrals** –25 from Public Information and Record Management Division and 4 from the Reports Analysis and Audit Division.
 - **Orders Issued** – 6 failure to timely file orders with no fines issued; 1 failure timely file orders with \$950 fines imposed; 1 order for failure to timely respond to a request for additional information with a \$1,100 fine imposed; and 12 order for failure to timely respond to a request for additional information with no fines imposed.
 - **Fines imposed by the Office of the General Counsel:** Gaston for Ward 8 School Board in the amount of \$1,150 and Martin Sterbal for U.S. Senate in the amount of \$950.
 - **Office of the General Counsel Investigations:** carried 7 open investigations from prior months.

Ms. Dorothy Brizill raised concerns with the proposed relocation of Precinct 101 to The Chateau Nightclub. Chairman Nichols clarified that the location has not been finalized and was merely proposed for publication in the Register to garner public comment.

Ms. Brizill also expressed concern regarding unfilled positions at the Board including Supervisory Information Technology Specialist, Public Affairs Specialist, and Lead Support Specialist. Mr. Tatum informed Ms. Brizill that staff is filling the functions of these positions, but the Board is looking to hire permanent staff for each position. The IT Director position has been filled by Sean Fagan.

Ms. Brizill requested the Board make preparations for election night observers and Board representatives need to be made available to the press.

Ms. Brizill asked for clarification of early voting tabulation procedures, and Mr. Tatum explained that all votes cast during early voting would be compiled onto one I-vote-tronic machine for tabulation at 1 pm with access for the media to observe the tallying process.

Ms. Brizill asked what actions if any OCF is taking with respect to the recent spate of individuals that have plead guilty to campaign finance violations including Kelvin Robinson, Mark Long, and Jeff Smith. Mr. Sanford explained that investigations into these individuals have remained open or were initiated upon OCF receiving criminal information or plea

agreements. In all cases the individuals have indicated a willingness to cooperate with OCF upon conclusion of their business with the U.S. Attorney's office.

Mr. Calvin Gurley requested clarification of Mr. Tatum's testimony regarding the layout of the ballot, and Mr. Tatum assured Mr. Gurley that individual contests will not be on different screens of the DRE machines for the electronic ballots; moreover, individual contests will not be divided on different sides of the paper ballot.

Mr. Gurley expressed concern regarding the electronic signature pads used to notate a voter receiving a ballot as opposed to the old paper poll books. He asserted the signature pads did not properly capture his signature. Chairman Nichols assured Mr. Gurley that the Board will strengthen policies and procedures and investigate his concerns.

There being no further business before the Board, the meeting adjourned 11:54 a.m.