



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



MINUTES OF THE BOARD OF ELECTIONS REGULAR MEETING
May 7, 2014

The District of Columbia Board of Elections (“the Board”) held its Regular Monthly Meeting on Wednesday, May 7, 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 the Board’s General Counsel, Kenneth McGhie, Cecily Collier-Montgomery, the Director of the Office of Campaign Finance (“OCF”), and the Board’s Executive Director Clifford Tatum.

Chairman Nichols called the meeting to order at 10:40 a.m.

The meeting agenda was approved with modifications and adopted.

The minutes of the last meeting (April 23, 2014) were moved for approval at the June 2014 meeting because the transcript was unavailable.

Mr. McGhie presented the Fair Minimum Wage Act of 2014 initiative for proper subject review by the Board. Mr. Joseph Sandler, Esq. represented the proponent of the measure, and he was accompanied by DeMorris Michael, treasurer for the committee. Mr. McGhie noted for the record that the Attorney General is of the opinion that the measure is a proper subject for initiative subject to some typographical changes. Chairman Nichols indicated that the Board would meet in session to deliberate the Fair Minimum Wage Act of 2014 and whether it is a proper subject for initiative.

Mr. McGhie presented a political party name for approval by the Board. The party is the D.C. Workers Family.

BOARD ACTION: The Board approved the party name by unanimous consent.

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

The first case, *Libertarian Party v. the Board*, is still pending because of unresolved issues about attorneys' fees which may be litigated.

The second case, *Zukerberg v. the Board*, was appealed to the Court of Appeals on February 27, 2014. The plaintiff filed a motion to expedite and brief on March 10, 2014. The Court granted the motion in part by calendaring the matter for oral argument in May, but afforded the Board a complete briefing schedule. Amicus briefs were filed by Appleseed and D.C. Vote on March 31. The Board, through its counsel from the Office of the Attorney General, filed a reply brief on April 25, 2014. Arguments are scheduled for May 29, 2014.

Mr. Tatum updated the Board on the July 15, 2014 special election for Ward 8 state school board. Five candidates submitted nominating petitions and two candidates were challenged. The resolution of those challenges will allow the Board to confirm the names of candidates for the ballot. 17 polling location will be open, and the Board is currently reviewing whether to open an early voting center. In person absentee voting will take place at One Judiciary Square starting June 30 through July 12. Ads for the election are scheduled to run in the Washington Informer in the June 26 and July 10 issues.

Mr. Tatum also updated the Board with respect to the post election assessments of the April 1 Primary Election.

Mr. Tatum introduced Ms. Natalia Iurash from Moldova. She is an elections fellow with the American Council reviewing the Board and the OCF's operations.

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

- **April 1, 2014 filing deadline for Reports of Receipts and Expenditures.**
 - **Constituent Service Programs (CSPs) & Senator/Representative Statehood Funds (S/RF)** 14 required filers (12 CSPs, 2 S/RF); 12 timely filers (11 CSPs, 1 S/RF); 2 extensions were granted (1 CSP, 1 S/RF).
- **Referrals to OCF's Office of the General Counsel for failure to timely file the July 31, 2013 reports for Campaign is as follows:** Gray for Mayor 2014 (Treasurer, Betty Brown) April 8, 2014.
- **Referrals to OCF's Office of the General Counsel for failure to timely file the 8-Day Pre-Primary, 2014 reports are as follows:** Christian Carter for Mayor 2014 (Treasurer, Christian Carter); Vitoria Gordon for Mayor (Treasurer, Victoria Gordon); Carlos Allen for Mayor (Treasurer, Carlos Allen); Nestor for Mayor 2014 (Treasurer, Terrence Jordan); Martin Sterbal for US Senate (Treasurer, Martin Sterbal); Sewell for Mayor 2014 (Treasurer, Otis Sution); New Dawn (Treasurer, Anthony Muhammad); Friends of Calvin Gurley 2014 (Treasurer, Charmaine Davis); and Carson-Smith for DNC (Treasurer, Winifred Carson-Smith).
- **New Candidates registered:** Darrell Gaston/Gaston 2014, School Board, Ward 8, registered on April 2; Khalid Pitts/Committee to Elect Khalid Pitts 2014, At-Large, City Council, registered on April 2; Derrell Simpson/Simpson for School Board, School Board, Ward 8, registered on April 7; Tierra Jolly/Tierra Jolly for School Board, Ward 8, registered on April 18; and Scott Simpson/Scott Simpson for Ward One Schools, registered on April 21. The entrance conference will be scheduled for those candidates in May 2014.
- **The Audit branch conducted 89 reviews of Reports of Receipts and Expenditures filed with OCF.**
- **Full Field Investigative Audits**
 - Gray for Mayor.
- **Periodic Random Audits of Political Action Committees ("PAC's") Continuing Committees, Political Campaign Committees and New Candidates Committees: Six (6)**
 - Caribbean-American Political Action Committee.
 - D.C. Freedom PAC.

- Reta Jo Lewis for Mayor.
- Bowser for Mayor.
- Wells for Mayor.
- Evans for Mayor.
- **Periodic Random Audits of Constituent Service Programs:**
 - Vincent Orange Constituent Service Fund.
 - Ward 8 Constituent Service Fund.
 - Council Member Bowser Constituent Service Fund.
- **Report of the Office of the OCF General Counsel (Reported by William SanFord)**
 - **Referrals** – 10 referrals from the Public Information and Records Management Division, and 4 referrals from the Reports Analysis and Audit Division (“RAAD”).
 - **Orders Issued** – 13 failure to timely file orders with no fines issued; 4 timely file orders with \$3,500 fines issued; 5 failure to timely respond to a request for information orders with no fines issued; 1 failure to timely respond to a request for information order with a fine of \$1,650.
 - **Outstanding Fines Referred for Enforcement.** The Office of the General Counsel referred five petitions for enforcement to the Office of the General Counsel for the Board with outstanding fines totaling \$49,750. Kwame for Chair, \$45,000; Frank Sewell for Mayor, \$1,700; Friends of Tarek Stevens, \$1,800; Nestor for Mayor, \$1,100; and Tim Clair for ANC Commissioner, \$150.
 - **Open Investigations/Inquiries: Five (5)**
 - OCF FI 2011-103
 - OCF FI 2011-104
 - OCF FI 2013-013
 - OCF FI 2013-014
 - OCF FI 2013-015

There being no further business before the Board, the meeting adjourned 11:16 a.m.

