

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

+ + + + +

BOARD OF ELECTIONS

+ + + + +

SPECIAL BOARD MEETING

+ + + + +

MONDAY

AUGUST 31, 2020

+ + + + +

The District of Columbia Board of
Elections convened via Video Teleconference,
pursuant to notice at 10:00 a.m. EDT, Michael
Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair

MIKE GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

TERRI STROUD, General Counsel

KAREN F. BROOKS, Registrar of Voters

CONTENTS

Agenda Items	Page
1) Call to Order	3
2) Ascertainment of Quorum	3
3) Nominating Petition Challenge Hearings	
A. Tiffany Brown v. David Brooks II, Candidate for Advisory Neighborhood Commissioner, Single Member District 7B02.	6
B. Lorraine Stanislaus v. Regina Pixley, Candidate for Advisory Neighborhood Commissioner, Single Member District 8C0414
4) Adverse Preliminary Determination Hearing Mr. D'Andre Phillips29
5) Adjournment54

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

(10:08 a.m.)

CHAIR BENNETT: Let me get started.

I call this meeting to order, Special Meeting of the Board of Elections in order to hear matters associated with the ballot access.

It's after 10:00, 10:08 so we're eight minutes behind and should be relatively efficient.

What I'm going to do is a call the meeting to order, which I have just done. Let's see if we have a quorum. We need to have at least two Board members present for a quorum then Mr. Gill, can I get to acknowledge your presence.

MEMBER GILL: Mr. Chairman, this is Mike Gill, Board Member, and I am here.

CHAIR BENNETT: Good. And I believe Ms. Greenfield is not able to be here today but I'm here, Michael Bennett, Board Chair, so there of the three Board Members here so we have a quorum so the meeting can open.

This meeting is to specifically to

1 hear nominating petition challenges and from
2 that, what I'll do is I'll turn it over to Ms.
3 Stroud. She will walk through the process with
4 you and I thank the petitioners for joining us.

5 My apologies with regard -- I guess I
6 shouldn't apologize for having to use Webex.
7 We're all trying to be safe and we're still in
8 that mode at this point.

9 So your patience is appreciated and I
10 know that most of you have probably been doing
11 this a lot, if not weekly, certainly daily, well,
12 not daily, certainly weekly.

13 So we appreciate us trying to get this
14 together. So with that I'll turn to Ms. Terri
15 Stroud, who is our General Counsel and walk us
16 through the process.

17 CHAIR BENNETT: Good morning,
18 everyone. My name is Terri Stroud. As Mr. Chair
19 said, I'm the General Counsel to the Board. And
20 what we're going to do is we're going to hold two
21 nominating petition challenge hearings and then
22 also have an adverse preliminary determination

1 hearing this morning.

2 And so the first hearing is Tiffany
3 Brown versus David Brooks II, who is a candidate
4 for Advisory Neighborhood Commissioner in Single
5 Member District 7B02.

6 And the second hearing is Lorraine
7 Stanislaus versus Regina Pixley, candidate for
8 Advisory Neighborhood Commissioner in Single
9 Member District 8C04.

10 And so what we'll do with respect to
11 each hearing is that I'll have both of the
12 parties in Single Member identify themselves for
13 the record and you'll state your names and
14 addresses for the record.

15 Then we will hear the Registrar of
16 Voters Report regarding this challenger. The
17 Registrar has examined the challenges. She will
18 give her Preliminary Determination Report. The
19 parties will have an opportunity to respond to
20 that report which lists the findings with respect
21 to the challenge.

22 And then based on the Registrar's

1 Report and the information given by the parties,
2 I will make a recommendation to the Board as to
3 the ruling and then the Board will either rule or
4 we can go onto Executive Session to deliberate as
5 to how the matter should be resolved.

6 So with that I will call, I will have
7 the parties (audio interference).

8 MS. STROUD: Thank you. So Ms. Brown,
9 are you on the call?

10 MS. BROWN: I am on the call.

11 MS. STROUD: Okay. If you could state
12 your name and address for the record, please, and
13 spell it for the court reporter?

14 MS. BROWN: Sure. It's Tiffany L.
15 Brown, T-I-F-F-A-N-Y, middle initial L, last name
16 B-R-O-W-N. My address is 2918 Akron Place, A-K-
17 R-O-N, Southeast, Washington, DC, 20020.

18 MS. STROUD: And Mr. Brooks, are you
19 on?

20 (Audio interference.)

21 MR. BROOKS: -- D-A-V-I-D, Brooks, B-
22 R-O-O-K-S. I live at 1741 28th Street,

1 Southeast, Apartment 203, Washington, DC, 20020.

2 MS. STROUD: Okay. So if the
3 representative from the Voter Services Division
4 could identify herself?

5 MS. SMITH: Yes. My name is Deanna
6 Smith, Registrar's Office.

7 MS. STROUD: So Ms. Smith will read
8 the Registrar of Voters Determination Report for
9 the record.

10 MS. STROUD: Thank you. On August
11 5th, 2020, David Brooks II, submitted a
12 nominating petition to be put on the ballot, as a
13 candidate for 2020 General election for the
14 Office of Advisory Neighborhood Commissioner for
15 Single Member District 7B02.

16 The minimum requirement to obtain
17 valid access for this office is ten signatures
18 from district voters who are duly registered in
19 the state SMD as a candidate.

20 The petition contains 17 signatures.
21 Of the 17 signatures submitted only 13 were
22 timely submitted. Accordingly, the additional

1 four signatures were not accepted.

2 The petition was posted for public
3 inspection for ten days as required by law. The
4 petition was challenged on August 10th, 2020, by
5 Tiffany L. Brown, a registered voter in the
6 District of Columbia.

7 Ms. Brown filed challenges to five of
8 the 13 timely submitted signatures, enumerated by
9 line and page number on individual challenge
10 sheets filed for each petition page.

11 The signatures were challenged to
12 titled 3 DCMR Section 1607.1 of the Board's
13 regulations on the following grounds.

14 By review of the challenge in the case
15 that all five challenges are valid, the
16 challenges are invalid because the signer is not
17 registered to vote at the address listed on the
18 petition at the time the petition was signed.

19 Two are invalid because the signer is
20 an inactive voter and one is invalid because the
21 signature and the printed name are illegible.

22 This left the candidate's nominating

1 petition with eight signatures, two signatures
2 below the number required for ballot access.

3 The Registrar of Voters timely
4 received four change of address forms from David
5 Brooks II, on Tuesday, August 18th, 2020.

6 Only one of these forms could be
7 accepted because the two other forms were, I'm
8 sorry, because two of the forms from voters were
9 not registered and one was probably older because
10 the signer was inactive at the time of signing.

11 Accordingly, Candidate Brooks was
12 credited with one signature that had initially
13 been determined to be invalid.

14 This left the candidate's nominating
15 petition with nine signatures, one signature
16 below the number required for ballot access.

17 After additional review of the
18 challenge, the Registrar of Voters (audio
19 interference) that had been initially been
20 determined to be invalid was in fact valid.

21 Therefore, Mr. Brooks was credited
22 with one additional signature. This leaves the

1 candidate's nominating petition with ten
2 signatures, the number required for a ballot
3 access. Thank you.

4 MS. STROUD: Okay. Was everyone able
5 to hear the Registrar of Voters Report?

6 MR. BROOKS: Yes.

7 MS. BROWN: Yes.

8 MS. STROUD: Okay. Ms. Brown, do you
9 have any response?

10 MS. BROWN: Yes, I would like to know
11 which voters were deemed to be eligible based on
12 the report and which ones were deemed not to be
13 eligible?

14 MS. STROUD: The Registrar of Voters
15 will so indicate for the record.

16 (Audio interference.)

17 MS. BROOKS: On Page 2, Wayne Quibley,
18 Line 1. Page 2, Line 2, Francis Smith. Page 2,
19 Line 3, Athena Bembridge. And Page 2, Line 4,
20 Avenyo T. Miles.

21 MS. BROOKS: My name is Karen Brooks.
22 I'm the Registrar of Voters. K-A-R-E-N, B-R-O-O-

1 K-S.

2 MS. BROWN: I didn't hear clearly the
3 names that she said. So I'm, maybe I didn't ask
4 the question clearly. Of the petition challenge,
5 which, I submitted five and some were deemed to
6 be eligible. And my question is which ones were
7 deemed to be eligible?

8 MS. BROOKS: The one who is going to
9 be eligible from the one that is challenged by
10 the initial one.

11 MS. BROWN: So I submitted five names.

12 MS. BROOKS: Yes.

13 MS. BROWN: Right. And so of those
14 five they were, some were now being deemed to be
15 eligible to be voted, eligible voters. Which
16 ones are those?

17 (Audio interference.)

18 MS. BROOKS: Okay. So on the
19 challenge sheet the one that's good now will be
20 Arthur Brooks on Line 1.

21 MS. BROWN: Okay.

22 MS. BROOKS: And the two that will

1 still be invalid would be Gregory Smithwick's and
2 number -- the one that he gave credit for is
3 Wayne Quibley on Page 2 on Line 1. That's the
4 one that was not counted in the issues.

5 MS. BROWN: Page 2 --

6 MS. BROOKS: So, Page 2 will be Wayne
7 Quibley who was not included in the initial
8 count.

9 MS. BROWN: That one also wasn't
10 challenged so.

11 MS. BROOKS: They're being challenged
12 now but it was a miscount on the numbers
13 previously submitted. He actually submitted 14
14 signatures which would mean that he would have
15 enough signatures facing a challenge anyway, once
16 he secured the one which was Arthur Scott.

17 MS. BROWN: Okay. I see that.

18 MS. BROOKS: Yes.

19 MS. BROWN: All right. So Arthur Scott
20 and then Wayne Quibley because he was not counted
21 before?

22 MS. BROOKS: Yes.

1 MS. BROWN: Okay. That's all.

2 MS. STROUD: Okay. So Ms. Brown, do
3 I understand you to mean that you are fine with
4 the Registrar's Report and have no issues with
5 Mr. Brooks obtaining ballot access?

6 MS. BROWN: No.

7 MS. STROUD: Okay. Thank you. So I
8 would recommend to the Board that Mr. Brooks be
9 granted ballot access in the contest for Advisory
10 Neighborhood Commissioner in Single Member
11 District 7B02.

12 CHAIR BENNETT: And can I get a motion
13 from Mr. Gill to accept the General Counsel's
14 recommendation?

15 MEMBER GILL: I'm sorry?

16 CHAIR BENNETT: Can I get a motion
17 from Mr. Gill to accept the General Counsel's
18 recommendation? Mr. Gill, are you on mute?
19 Mr. Gill, I'm sorry, you were on mute.

20 MEMBER GILL: So I make a motion to
21 accept the General Counsel's recommendation that
22 the Candidate Brooks be given ballot access.

1 CHAIR BENNETT: And I second it. It's
2 been properly moved and seconded. Can I get a
3 voice vote, Mr. Gill?

4 MEMBER GILL: Aye.

5 CHAIR BENNETT: And aye as well. It's
6 unanimous based on a quorum. So Mr. --

7 MS. STROUD: Brooks.

8 CHAIR BENNETT: -- Brooks is provided
9 ballot access. Thanks so much to the parties.

10 MR. BROOKS: Thank you.

11 MS. BROWN: Thank you.

12 CHAIR BENNETT: Ms. Stroud?

13 MS. STROUD: The next matter is
14 Lorraine Stanislaus versus Regina Pixley,
15 candidate for Advisory Neighborhood Commissioner
16 and Single Member District AC04.

17 Ms. Stanislaus?

18 MS. STANISLAUS: I'm here.

19 MS. STROUD: Okay. If you could state
20 and spell your name for the record and list your
21 address, state your address?

22 MS. STANISLAUS: Okay. Lorraine, L-O-

1 R-R-A-I-N-E, Stanislaus, S-T-A-N-I-S-L-A-U-S,
2 3221 8th Street Southeast, Washington DC, 20032,
3 Number 45, Apartment 15.

4 MS. STROUD: Okay. And Ms. Pixley,
5 are you on the line?

6 MS. PIXLEY: Yes, good morning.

7 MS. STROUD: Good morning. If you
8 could state and spell your name for the record
9 and state your address?

10 MS. PIXLEY: Regina, R-E-G-I-N-A,
11 Sharlita, S-H-A-R-L-I-T-A, Pixley, P-I-X-L-E-Y.
12 My address is 211 Savannah Street Southeast,
13 Apartment Number 8, Washington, DC, 20032.

14 MS. STROUD: Okay. Thank you. So as
15 a preliminary matter, Ms. Pixley, is your
16 attorney present?

17 MS. PIXLEY: I'm checking.

18 MS. STROUD: Ms. Pixley, is your
19 attorney present on the line?

20 MS. PIXLEY: I'm checking now.

21 MR. THERESA: Hello, I'm on the line.
22 I need to be unmuted. I just sent a chat message

1 to everyone.

2 MS. STROUD: Okay. We can hear you.

3 MR. THERESA: Okay. All right. Thank
4 you.

5 MS. STROUD: So as a preliminary
6 issue, Ms. Pixley has indicated that the Board
7 does not have jurisdiction over this matter and
8 Mr. Theresa, if you could explain your position?

9 (Audio interference.)

10 MS. STROUD: Mr. Theresa?

11 (Audio interference.)

12 MS. STROUD: Okay, Mr. Theresa?

13 MR. THERESA: On mute, it won't allow
14 me to unmute.

15 MS. STROUD: You're calling. You're
16 not muted.

17 MR. THERESA: I'm on Cisco Webex.
18 Okay. All right. Yes. So in explaining Ms.
19 Pixley's position, statute DCMR 31606.2 requires
20 a qualified elector pose a challenge to a
21 petition and qualified electors need to file in
22 person.

1 And at the time they need to have
2 their address on their challenge and Ms.
3 Stanislaus didn't have an address on the
4 challenge that would qualify her as a qualified
5 elector.

6 Furthermore, when Ms. Stanislaus did
7 present or purportedly gave an address that would
8 qualify her as a qualify, that would qualify her
9 as a qualified elector, it was not until the
10 deadline which was after the ten day period, the
11 ten day posting period required under 31606.2
12 DCMR.

13 MS. STROUD: Okay. So your position
14 is that Ms. Stanislaus was not a qualified
15 elector at the time that she filed the challenge
16 which was timely filed?

17 MR. THERESA: Well, the challenge was
18 filed. It wasn't properly filed in that, yes,
19 there was no certification that she was a
20 qualified elector and so the hearing shouldn't
21 even have been took up.

22 MS. STROUD: Okay.

1 Ms. Stanislaus?

2 MS. STANISLAUS: Yes?

3 MS. STROUD: Are you a qualified
4 elector in the District of Columbia?

5 MS. STANISLAUS: I am and I have been
6 for quite a few, over (audio interference) years.

7 MS. STROUD: Okay.

8 Ms. Brooks, did you make a
9 determination as to whether or not Ms. Stanislaus
10 was in fact a qualified elector at the time that
11 she filed?

12 MS. BROOKS: Yes.

13 MS. STROUD: You did? And what's her
14 address according to the Board's records?

15 MS. BROOKS: According to the Board's
16 records, Ms. Stanislaus (audio interference).

17 MR. THERESA: I guess our argument is
18 she may or may not be a qualified elector but at
19 the time of filing her challenge, there's no way
20 that the Board could have known that because when
21 she filed the challenge (audio interference) she
22 gave an address that was not that of a qualified

1 elector and therefore there should have never
2 been a hearing to have commenced.

3 MS. STROUD: Okay. Mr. Theresa, one
4 moment.

5 Yes, please.

6 MS. BROOKS: Ms. Stanislaus lists her
7 address as 3221 8th Street Southeast according to
8 the Board's records.

9 MS. STROUD: And was this address
10 provided on the challenge sheet?

11 MS. BROOKS: The address provided on
12 the challenge sheet was 200 I Street Southeast.

13 MS. STROUD: And Ms. Stanislaus, what
14 address is the one that you provided on the
15 challenge form?

16 MS. STANISLAUS: My work address.

17 MS. STROUD: Okay. But you are a
18 registered qualified elector in the District of
19 Columbia?

20 MS. STANISLAUS: Yes, I am.

21 MS. STROUD: And Ms. Brooks, was the
22 challenge timely filed?

1 MS. BROOKS: Yes.

2 MS. STROUD: Okay.

3 So according to our statute, Mr.
4 Theresa, the Board is, any registered qualified
5 elector, and this is on 1-1008, 1001.8, 01 of the
6 Board's election statute, not regulations, but
7 statute.

8 And it provides that any registered
9 qualified elector may within the ten day period
10 challenge the validity of any petition by a
11 written statement by the challenger and filed
12 (audio interference) testified concisely the
13 alleged defects in the petition.

14 And so based on the Registrar of
15 Voters' testimony as well as Ms. Stanislaus's
16 information, she appears to be a qualified
17 elector who filed the challenge within the ten
18 day period.

19 CHAIR BENNETT: Mr. Theresa, this is
20 Michael Bennett, Board Chair. Can you hear me
21 okay, sir?

22 MR. THERESA: I can hear you.

1 CHAIR BENNETT: Okay. Great. So your
2 position is that the law or the regulations
3 require that the challenger had to place their
4 address on the challenge?

5 MR. THERESA: Right. And also that
6 the regulation provides for your sort of
7 certification to be made in person, that it has
8 to be submitted in person and that their address
9 has to be that of a qualified elector at the time
10 of filing the challenge. That's our position.

11 CHAIR BENNETT: But does the -- is
12 your position that the regs or the statute
13 requires that the challenger's address be on the
14 challenge? Is that what you're saying? I'm
15 trying to make sure I'm clear about your
16 position.

17 MR. THERESA: That the regulation
18 requires that it be filed, signed, and submitted
19 in person by a qualified elector. And I don't
20 know how that would be verified if there was no
21 qualified elector address given to the Board.

22 I don't know under what authority the

1 Board proceeded. It may turn out that the Board
2 was right about this but it wasn't based on
3 anything that the qualified elector submitted to
4 the Board. This is post facto, after the fact.

5 CHAIR BENNETT: Okay.

6 MS. STROUD: All right. So Ms.
7 Brooks, could you testify as to the circumstances
8 surrounding the filing of the challenge and how
9 you determine that it was properly filed?

10 MS. BROOKS: The challenge was properly
11 filed. She did file in person on August 14, at
12 8:59 a.m. in the morning and I checked her voter
13 record and she is a qualified registered voter.

14 MS. STROUD: And that determination
15 was made when? At a later --

16 MS. BROOKS: No. On the day she filed
17 the petition, the challenge.

18 MS. STROUD: Okay. So you determined
19 when the petition or the challenge was filed --

20 MS. BROOKS: Yes.

21 MS. STROUD: -- that she was, Ms.
22 Stanislaus was a registered qualified elector of

1 the District?

2 MS. BROOKS: That's correct.

3 MS. STROUD: And the challenge was
4 timely filed?

5 MS. BROOKS: Yes.

6 MS. STROUD: So you did not make the
7 determination after the fact, you made it when
8 she -- at the time of the filing?

9 MS. BROOKS: Correct.

10 MS. STROUD: Okay. It would be my
11 recommendation that the Board --

12 MR. THERESA: May I insert one more
13 objection, please?

14 CHAIR BENNETT: Sure.

15 MR. THERESA: It seems like, you know,
16 there's a space on the challenge for an address.
17 I still don't know, I'm having a difficult time
18 understanding that requirement if it's on the
19 Board to proactively determine the address for
20 themselves and to figure out if the person is a
21 qualified elector.

22 It seems that that would be a

1 requirement that the actual challenger put that
2 on their challenge and that the Board just go by
3 what the challenger says and not take it upon
4 themselves to do research, whether it's before or
5 after the hearing.

6 CHAIR BENNETT: Okay. Is there, well,
7 I guess two things. One is does the -- who is it
8 that filed the challenge.

9 (Simultaneous speaking.)

10 CHAIR BENNETT: Ms. Stanislaus, is she
11 going to respond to that?

12 MS. STROUD: Ms. Stanislaus, do you,
13 would you like to respond to Mr. Theresa's
14 argument?

15 MS. STANISLAUS: No.

16 CHAIR BENNETT: Okay. Mr. Theresa, do
17 you have any other arguments you want us to
18 consider?

19 MR. THERESA: Just that the entire
20 process, if there's a space for an address and it
21 needs to be certified in person, then there's no
22 point to having it if the Board is just going to

1 conduct its own research.

2 I mean, whether or not, you know, she
3 ends up being a qualified elector or not is
4 irrelevant to the analysis, at least under
5 1606.2.

6 CHAIR BENNETT: Okay. So Mr. Gill, do
7 you have any questions?

8 MEMBER GILL: Sorry, Michael. You're
9 asking me if I have a question?

10 CHAIR BENNETT: Yes, sir.

11 MEMBER GILL: No. I mean, I'm
12 following along with your argument here. I
13 guess, you know, as the Board we try to strive to
14 not, I think the attorney is arguing a
15 technicality that's never really been accepted as
16 a, I mean, it's a technicality the statute says
17 needs to be a qualified elector.

18 MR. THERESA: It's a regulation.

19 MEMBER GILL: And there's no, I guess
20 I'm struggling to see the connection between
21 being a qualified elector and the address that's
22 put on the form as being determinate of that. So

1 I don't have any questions, that's just what I'm
2 struggling with.

3 MS. STROUD: So based upon the
4 requirement of the election statute that provides
5 that any registered qualified elector may within
6 the ten days period challenge the validity of any
7 petition by a written statement signed by the
8 challenger and filed with the Board and specified
9 concisely the alleged defects in the petition, I
10 would recommend that the Board allow the matter
11 to go forward.

12 CHAIR BENNETT: I have unreadiness and
13 so I'd like to take the argument under
14 consideration and take a look at the documents
15 and then in Executive Session have discussion
16 with Mr. Gill and then respond to the arguments
17 (audio interference).

18 MEMBER GILL: Michael, I'm good with
19 that. Should we make a motion to put this into
20 Executive Session?

21 CHAIR BENNETT: Well, not at this
22 point. I want to hear the rest of the arguments.

1 But we'll go onto Executive Session after we hear
2 the other matter. I think we have one more
3 matter.

4 MS. STROUD: We do. So we can go to
5 the third item on the agenda and then we'll go to
6 Executive Session.

7 CHAIR BENNETT: Yes. Then we'll go to
8 Executive Session and consider it. Thank you.

9 MEMBER GILL: All right.

10 CHAIR BENNETT: All right. And what
11 we'll do, the way this will work, Ms. Stanislaus
12 and Mr. Theresa --

13 MS. STROUD: And Ms. Pixley.

14 CHAIR BENNETT: -- and Ms. Pixley, is
15 we will hear the next matter. We'll vote to go
16 into Executive Session and then we'll come back
17 and take a voice vote relative to the
18 recommendation of the General Counsel.

19 MS. STANISLAUS: Understood.

20 CHAIR BENNETT: Thank you so much.
21 All right. Ms. Stroud, next matter?

22 MS. STROUD: The next matter is an

1 Adverse Preliminary Determination Hearing and the
2 party is Mr. D'Andre Phillips.

3 Mr. Phillips was a candidate seeking
4 to be a candidate in the Office of Advisory
5 Neighborhood Commissioner in Single Member
6 District ANC5C06.

7 My understanding in the Registrar of
8 Voters position and address this is that Mr.
9 Phillips did not timely file his ballot access
10 materials in order to be a candidate in this
11 contest. He's (audio interference).

12 MS. BROOKS: We received Mr.
13 Phillips's documents on August 10th after the
14 filing deadline by mail.

15 (Audio interference.)

16 CHAIR BENNETT: The filing deadline
17 was what?

18 MS. BROOKS: August the 5th.

19 CHAIR BENNETT: Five days tardy?

20 MS. BROOKS: Yes (audio interference).

21 MS. STROUD: Okay. So Mr. Phillips,
22 if you could explain to the Board why you should

1 be granted ballot access despite not having
2 timely filed your ballot access documents?

3 MR. PHILLIPS: Sure. Sure, should I
4 spell my name and state my address for the
5 record?

6 CHAIR BENNETT: Yes, sir.

7 MR. PHILLIPS: Okay. Name D'Andre
8 Phillips, D-A-N-D-R-E, last name, P-H-I-L-L-I-P-
9 S. My address is 2240 16th Street Northeast,
10 Washington, DC, 20018.

11 Yes, I wanted to thank the Board for
12 entertaining my appeal this morning. Just due to
13 the ripple effects of the current pandemic where
14 all things being, I was unable to submit my
15 information in a timely manner due to being a
16 caretaker for a couple of elderly members in my
17 family which have now, are really experiencing
18 the effects of COVID.

19 So I've had to travel by car to
20 Pennsylvania multiple times and also to Michigan
21 to take care so, to take care of my grandparent.

22 So to that end, yes, I was unable to

1 get my form in on time. After receiving the
2 preliminary information and petition signed,
3 signers from the community just due to this small
4 hiccup, it was, I was unable to submit my forms
5 in a timely manner.

6 So I am, requesting from the Board
7 that they -- that you all still allow for my
8 candidacy to go forward and allow my name on the
9 petition for, or excuse me, on the ballot for
10 November 3rd. Thank you.

11 CHAIR BENNETT: Mr. Gill? Mr. Gill,
12 Do you have any questions, Mr. Gill?

13 MEMBER GILL: No, I don't have any
14 questions, Michael.

15 CHAIR BENNETT: Okay. And so what I'd
16 like to do is to -- we haven't even spoken to --

17 MS. STROUD: No.

18 CHAIR BENNETT: Mr. Phillips, did you
19 mail the petition prior to the deadline?

20 MR. PHILLIPS: Yes, I put it in the
21 mailbox on our street or within my neighborhood.
22 I'm not sure if it's one that is checked

1 regularly but it's just a blue box mailbox.

2 CHAIR BENNETT: No, I'm -- did you
3 mail it before August 5th?

4 MR. PHILLIPS: Did I mail it before
5 August 10th? No. I mailed it on August, I want
6 to say 8th when I arrived back to D.C.

7 CHAIR BENNETT: Okay. All right.
8 Thanks. And what I'd like to do is to deal with
9 this in Executive Session as well.

10 So can I get a motion, Mr. Gill, to
11 move this to Executive Session? And Mr.
12 Phillips, we'll give you a ruling when we come
13 back. It won't take long, I promise, sir.

14 Mr. Gill, can I get a motion to go
15 into Executive Session?

16 MEMBER GILL: I move that we move into
17 Executive Session.

18 CHAIR BENNETT: Okay. It's been
19 properly moved. I second that. It's been
20 properly moved and seconded. All in favor? Mr.
21 Gill?

22 MEMBER GILL: Aye.

1 CHAIR BENNETT: And aye for me as
2 well. So we are now going into Executive Session
3 and we will be back.

4 And one more?

5 MS. STROUD: Yes.

6 CHAIR BENNETT: Oh, we're going into
7 Executive Session, I'm sorry, to deliberate the
8 matter associated with the challenge.

9 MR. THERESA: Hold on one second. Can
10 I speak?

11 CHAIR BENNETT: Sir, I'm actually,
12 we're actually going to the Executive Session
13 now. But I'll hear you.

14 MR. THERESA: Oh, okay. Thank you.
15 Yes, and so I mean, along these same lines, so my
16 client submitted a petition and there were some
17 dates missing and it was empty. At the top there
18 was a date, at the bottom it was a date.

19 I mean, if the Board took the same
20 initiative to keep some person on the ballot as
21 they took to challenge the ballot, then they
22 could easily infer what the dates were and that's

1 a technicality as well.

2 So I mean, it just seems like, you
3 know, that both the petition had like some
4 missing entries in there and the challenge had a
5 missing entry in there. And both of them, you
6 know --

7 MS. STROUD: So, let me just say,
8 okay, go ahead.

9 CHAIR BENNETT: No, no, go ahead, sir.

10 MR. THERESA: Yes, and so if you're
11 being even-handed as an agency, you know, it
12 seems a little bit unfair for the Board to take
13 the initiative to validate a challenge but not
14 take the initiative to validate a petition
15 because both of these things that we're talking
16 about are technicalities here.

17 CHAIR BENNETT: Mr. Theresa, I'm
18 sorry, go ahead, I shouldn't have allowed you to
19 keep speaking but, Ms. Stanislaus?

20 MS. STANISLAUS: To Mr. Theresa's
21 point, at our preliminary hearing Ms. Pixley
22 stated that the Board pointed out to her that the

1 dates were missing.

2 So when he talked about some level of
3 proactiveness on the side of the Board in terms
4 of assisting, I guess it's what he's assuming
5 that is happening, the Board did point it out to
6 her what she, she stated the Board pointed out to
7 her when she submitted her paperwork that the
8 dates were missing when they did not have to do
9 that.

10 CHAIR BENNETT: All right. Thank you.
11 We're in Executive Session so we're going to
12 close it down here and we'll get back to you in
13 about 15 minutes.

14 MS. STANISLAUS: Thank you.

15 CHAIR BENNETT: Thank you.

16 (Whereupon, the above-entitled matter
17 went off the record at 10:45 a.m. and resumed at
18 11:08 a.m.)

19 CHAIR BENNETT: All right. Can I get
20 a motion from you, Mr. Gill, to leave Executive
21 Session and go back into the meeting?

22 MEMBER GILL: I make a motion that we

1 exit Executive Session and go back to the public
2 meeting.

3 CHAIR BENNETT: Okay. So properly
4 moved, I second. Can I get a voice vote, Mr.
5 Gill?

6 MEMBER GILL: Aye.

7 CHAIR BENNETT: Aye as well. It's
8 unanimous. We're back into the regular meeting
9 now.

10 So we, I want to deal with two things.
11 One is if I could get a recommendation from Ms.
12 Stroud with regard to Mr. Phillips?

13 MS. STROUD: Based on the fact that
14 Mr. Phillips did not timely submit his ballot
15 access documentation to the Board and did not
16 mail it until after the deadline for the receipt
17 of ballot access documents, I would recommend
18 that the Board not grant Mr. Phillips ballot
19 access.

20 CHAIR BENNETT: Okay. Can I get a
21 motion, Mr. Gill, with regard to that
22 recommendation?

1 MEMBER GILL: I make a motion to
2 accept the General Counsel's recommendation that
3 the candidate be denied ballot access.

4 CHAIR BENNETT: As has been properly
5 moved, I second. A vote, Mr. Gill?

6 MEMBER GILL: Aye.

7 CHAIR BENNETT: And aye as well. It's
8 unanimous. Mr. Phillips, I understand your
9 hardships and I actually personally feel very bad
10 about it. However, the Board decided not to
11 provide ballot access. Thanks for your time
12 today.

13 We're going to move back to Stanislaus
14 versus Pixley with regard to the challenge. And
15 can I get a recommendation with regard to the
16 acceptance of the challenge, Ms. Stroud?

17 MS. STROUD: Based on the statute
18 which I read into the record, as well as the
19 regulation which also provides that the challenge
20 has to be filed by a qualified elector, I would
21 recommend that the challenge be allowed to be
22 heard by the Board.

1 CHAIR BENNETT: Okay. Can I get a
2 motion, Mr. Gill, with regard to hearing the
3 challenge?

4 MEMBER GILL: I make a motion we
5 accept the General Counsel's recommendation that
6 the challenge be allowed to proceed.

7 CHAIR BENNETT: It's been properly
8 moved, I second. Could I get a voice vote, Mr.
9 Gill?

10 MEMBER GILL: Aye.

11 CHAIR BENNETT: And aye as well. It's
12 unanimous. The challenge we'll allow it to
13 proceed.

14 So at this point, Ms. Stanislaus and
15 Ms. Pixley and Mr. Theresa, I think what we want
16 to do is to hear the, on your presentations like
17 with regard to the challenge, substance of the
18 challenge itself.

19 Ms. Stroud, do you want to --

20 MS. STROUD: Yes. You stated your,
21 just to be clean, let's have, Mr. Theresa, did
22 you state your name, your address for the record?

1 MR. THERESA: 1604 V Street Southeast,
2 Washington, DC, 20020.

3 MS. STROUD: Okay. So I believe we
4 heard the names and addresses for the challenger
5 and the candidate. So what we'll have now is Ms.
6 Brooks will read her Preliminary Determination
7 Report with respect to the challenge.

8 MS. BROOKS: On July 2nd, 2020, Regina
9 Pixley submitted a nomination petition to appear
10 on the ballot as a candidate in the November 3rd,
11 2020, General Election for the Office of Advisory
12 Neighborhood Commissioner for Single Member
13 District AC04.

14 The (audio interference) ballot access
15 with this office (audio interference) of district
16 voters who are duly registered in the same SMD as
17 the candidate.

18 The petition contained 22 signatures.
19 The petition was posted for prior inspection for
20 ten days as required by law. The petitioner
21 challenged on August 14, 2020, by Lorraine
22 Stanislaus, a resident voter in the District of

1 Columbia.

2 Ms. Stanislaus filed charges for 16
3 out of the 22 signatures demanding enumerated in
4 the line and page number on individual challenges
5 she filed with (audio interference).

6 The challenger challenged Title 3,
7 DCMR, Section 1607.1 of the Board's regulations.

8 Those challenges indicated that 14 of
9 the 16 challenges valid, nine are challenged
10 because the signatures were not dated. One was
11 filed but the signature did not include the
12 address of the signer, three are not registered
13 and one is valid because the signature and the
14 name and the printed name are illegible. This
15 leaves the candidate's nominating petition with
16 eight signatures (audio interference) on the
17 ballot.

18 MS. STROUD: Now Ms. Pixley or Mr.
19 Theresa, your response?

20 MR. THERESA: I'm going to allow Ms.
21 Pixley to speak first.

22 MS. STROUD: Ms. Pixley?

1 MS. PIXLEY: Yes, so the last
2 statement that Ms. Stanislaus made is not
3 accurate.

4 When I turned in and submitted my
5 petition, it was not brought to my attention by a
6 representative of the Board who verified my
7 petition that I was missing dates. If so, I
8 would have actually put the date so that's not
9 true.

10 Also, I would like for you guys to
11 know it's a pandemic. A person usually sit at
12 the table. When I did this two years ago, the
13 person sat at the table side by side. We went
14 over everything, cross all the T's dotted the
15 I's. Because of social distancing that did not
16 take place. Same thing with some of the seniors
17 not putting in the dates.

18 Also as the person who's being
19 challenged, because Ms. Stanislaus put her
20 government work address, I had no idea that she
21 was even a registered elector, it's the word that
22 you all use, because when I looked up that

1 address it's a government building. So I had no
2 way of knowing that.

3 And you argued over a technicality.
4 This is the same technicality that some of the
5 seniors did not put in the date.

6 So I think in fairness, the Board
7 shouldn't pick and choose on what they're going
8 to accept as one technicality and not accept as
9 another one.

10 MS. STROUD: Okay. So --

11 MS. PIXLEY: And as you can see, they
12 all came from the same address which is 114 Wayne
13 Place.

14 And again, like I said because of the
15 pandemic I was practicing social distancing.
16 Like usually you stand over the person with your
17 clipboard saying do this, do that.

18 Because we were practicing social
19 distancing because I wanted to make sure they
20 were safe as well as myself is safe, they were on
21 one side of the room, I was on the other side.

22 MS. STROUD: And so just for the

1 record, did you receive the chapter of the
2 Board's regulations concerning the challenge
3 process?

4 MS. PIXLEY: I received it but I
5 didn't receive it, I received it once. I
6 received the email which is on the 20th and I
7 came down to the office and said, hey, I just
8 received this challenge by email. I didn't know
9 I was being challenged.

10 And they said, well, the last day to
11 challenge the challenge was on Monday. I said,
12 oh, well, today is Wednesday. I had no idea
13 because I would have come in and put the date.
14 Because I clearly received a letter from the
15 Board stating that I had made the ballot.

16 MS. STROUD: Well, actually --

17 MS. PIXLEY: So I just continued.

18 MS. STROUD: I'm actually asking about
19 the Board's regulations concerning what
20 constitutes a good signature and what renders a
21 signature invalid on a nominating petition. Were
22 you given those regulations?

1 MS. PIXLEY: I was given those
2 regulations once I came in on last Friday when I
3 asked about the challenge. I was given those.

4 And clearly it says that a person has
5 to be a registered elector but by her putting her
6 work address how would I know that?

7 MS. STROUD: I'm actually talking
8 about the signatures on the nominating petition,
9 not the challenge form.

10 So the regulations provide that in
11 order for signatures to be counted as valid they
12 have to meet certain requirements such as the
13 signatures, the signer has to be an active voter
14 as opposed to an inactive voter.

15 They have to be registered in the same
16 Single Member District or electoral jurisdiction
17 that the candidate resides in. The signatures
18 have to be dated. So were you --

19 MS. PIXLEY: Yes. I received that on
20 Wednesday when I came down. Yes, ma'am, I did
21 receive it on Wednesday when I came down.

22 MS. STROUD: Then you had an --

1 MS. PIXLEY: It was way after the
2 challenge.

3 MS. STROUD: Okay. So just wanted to
4 make sure that you were clear on what the
5 requirements were and that, you know, the
6 signatures had to be dated under the regulations.

7 MS. PIXLEY: I was, yes. I received
8 it after the challenge and after the date that
9 the challenge had been challenged. I didn't get
10 that in the beginning. I got that on that day.
11 It was handed to me by I think her name was Myia,
12 who works there.

13 She gave me a regulation. I have it
14 right here in my hand. She gave me the D.C.
15 Codes and Regulations. I was given on that day.
16 It wasn't given to me prior before.

17 MS. STROUD: Okay. So and you had not
18 seen them on the Board's website?

19 MS. PIXLEY: No, ma'am. I didn't go
20 on the Board. I came in to do everything in
21 person. When I came to pick up my petitions I
22 came in in person to turn in my petition.

1 MS. STROUD: Okay. And so --

2 MS. PIXLEY: I don't have access to
3 the internet, that's why. Because I was told
4 that, or I called, they said it's going to open
5 on June the 12th, you can come in or you can go
6 online. I said, I don't have access to the
7 internet. So they said, okay, well, you can come
8 in. And that's when I had an appointment to come
9 in, pick up my petitions, get the necessary
10 paperwork, fill out everything, and then I turned
11 it back in on June 26th.

12 MS. STROUD: And so --

13 MS. PIXLEY: Then I get this -- I'm
14 sorry.

15 MS. STROUD: And you did not get the
16 regulations when you came into the office is what
17 you're saying?

18 MS. PIXLEY: No. I was handed it to
19 my hand once I came in on Wednesday, last
20 Wednesday to find out what was going on with the
21 challenge. I received this in my hand. I'm
22 holding it now, with the D.C. codes and all the

1 regulations. It was given to me in my hand then.

2 MS. STROUD: Okay. And so your, how
3 many signatures on your petition were not dated?

4 MS. PIXLEY: I believe they said they
5 were 16 which would leave me only nine valid
6 signatures.

7 MS. STROUD: Okay.

8 MS. PIXLEY: But I collected 24
9 altogether.

10 MS. STROUD: Okay. Thank you.

11 Mr. Theresa?

12 MR. THERESA: Well, I would like to
13 speak on the executive decision and place another
14 objection and say that the ultimate decision
15 violates DCMR 5202.4 which states a member or
16 employee of the Board should not use his or her
17 status as a member to directly or indirectly
18 attempt to influence any decision of the District
19 government relating to any action that is not
20 within the Board's purview.

21 And I would argue that it's against
22 the Board's purview to correct an address of a

1 challenger.

2 CHAIR BENNETT: Mr. Theresa, you're
3 cutting in and out, sir, I'm sorry.

4 MR. THERESA: Basically that the
5 decision of the executive, the executive decision
6 violates 5202, DCMR 5202.4 which states a member
7 or employee of the Board shall not use his or her
8 status as a member to directly or indirectly
9 attempt to influence any decision of the District
10 government relating to any action that is not
11 within the Board's purview.

12 And I would argue that it's against
13 the Board's purview to correct a challenger's
14 address.

15 The challenger had to submit in person
16 and be a qualified elector in person and there's
17 no way that you would know that unless the Board
18 took it upon themselves to give an address
19 different from the one that the challenger gave
20 and so that this violates the Board's ethics of
21 regulations on ethics, ethical conduct.

22 CHAIR BENNETT: Okay. Did you want to

1 make any points, thank you. Do you want to make
2 any points with regard to the actual substance of
3 the challenge itself?

4 MR. THERESA: Well, I would just
5 piggyback on what Ms. Pixley has said, that
6 there's good cause for there not being dates on
7 certain addresses, or certain signature lines.

8 Because Ms. Pixley was practicing
9 social distancing and I would just say that the
10 normal flow of collecting signatures was
11 disturbed and, you know, that this is a
12 technicality that should not remove her from the
13 ballot, especially considering that the address
14 for many of the people was from the same address
15 and one other person had the date and she was
16 only one short.

17 So I think that considering, all
18 things being considered, the fact that, you know,
19 that there's this ethical rule, the fact that one
20 party benefitted from the Board's proactivity,
21 another suffered from it, I would say that Ms.
22 Pixley should be allowed to remain on the ballot.

1 CHAIR BENNETT: Thank you. Ms.
2 Stanislaus?

3 MS. STANISLAUS: Thank you. I just
4 wanted to point out that Ms. Pixley did just
5 state that she did not witness the signatures
6 being signed onto the petition.

7 She said she was a one side of the
8 room and whoever the signers were on another side
9 of the room. So she, on the bottom of the
10 petition it also states that you have to witness
11 the person signing them.

12 MR. THERESA: I object. I object to
13 that.

14 CHAIR BENNETT: She was talking about
15 being here. She was, I'm sorry, Mr. Theresa. I
16 think she was referring to her in-person visit to
17 the Board of Elections not with regard to the
18 persons that were signing the petition.

19 MR. THERESA: Okay.

20 CHAIR BENNETT: That's what I heard.

21 MR. THERESA: I thought she was
22 referencing the people who she got to sign the

1 petition.

2 MS. STANISLAUS: We can move on.

3 CHAIR BENNETT: All right. Is there
4 anything else, Ms. Stanislaus?

5 MS. STANISLAUS: No.

6 CHAIR BENNETT: Okay. Anything else,
7 Mr. Theresa?

8 MR. THERESA: No, sir.

9 CHAIR BENNETT: Okay. We're going to
10 vote to go into Executive Session again and I
11 hoping we'll be out sooner versus than the last
12 time.

13 Mr. Gill, can I get a motion to go
14 into Executive Session to consider, to deliberate
15 on the matters associated with Stanislaus versus
16 Pixley?

17 MEMBER GILL: I move that we go to
18 Executive Session to deliberate on the above
19 mentioned matters.

20 CHAIR BENNETT: And I second it. It's
21 been properly moved and seconded. Mr. Gill, your
22 vote?

1 MEMBER GILL: Aye.

2 CHAIR BENNETT: And I vote aye as
3 well. We're going to go into Executive Session
4 and we'll resume the meeting in probably ten or
5 15 minutes. All right. Thank you.

6 (Whereupon, the above-entitled matter
7 went off the record at 11:24 a.m. and resumed at
8 11:32 a.m.)

9 MEMBER GILL: Michael, I'm here also.
10 It's Mike Gill.

11 CHAIR BENNETT: Can I get a motion
12 from Mr. Gill to come out of Executive Session?

13 MEMBER GILL: I move that we come out
14 of Executive Session back to the public hearing.

15 CHAIR BENNETT: And I second. It's
16 been properly moved and seconded. Mr. Gill,
17 voice vote to come out of Executive Session?

18 MEMBER GILL: Aye.

19 CHAIR BENNETT: And aye as well, so
20 unanimous for coming out of Executive Session and
21 back in the regular meeting.

22 (Audio interference) that the parties

1 are present. Ms. Pixley, I see Mr. Theresa, I
2 don't hear Ms. Pixley. Is Ms. Pixley present?

3 MS. PIXLEY: Ms. Pixley is present.

4 CHAIR BENNETT: And Ms. Stanislaus, is
5 Ms. Stanislaus still present?

6 MS. STANISLAUS: Yes, I am.

7 CHAIR BENNETT: Great. Can I get a
8 motion, can I get recommendation from the General
9 Counsel?

10 MS. STROUD: Sure. First, I want to
11 just state for the record that Mr. Theresa cited
12 a regulation, 5202.4, and I want to state for the
13 record that, that regulation applies to the Board
14 of Ethics and Government Accountability and not
15 the Board of Elections.

16 And so with respect to the actionable
17 challenge, I would recommend that based on prior
18 precedence of the Board, I move that the Board
19 waive the formal error with respect to the nine
20 undated signatures and allow Ms. Pixley ballot
21 access.

22 CHAIR BENNETT: Okay. Mr. Gill, can

1 I get a motion with regard to the General
2 Counsel's recommendation?

3 MEMBER GILL: I make a motion to
4 accept the General Counsel's recommendation.

5 CHAIR BENNETT: And it's been properly
6 approved and I second the General Counsel's
7 recommendation to allow Ms. Pixley ballot access.
8 Can I get a voice vote, Mr. Gill?

9 MEMBER GILL: Aye.

10 CHAIR BENNETT: And aye as well,
11 Unanimous.

12 Thank you to the parties. Ms. Pixley
13 is allowed ballot access.

14 And that concludes this hearing. Also
15 that there are no more matters on the Board's
16 agenda for this meeting. Can I get a motion to
17 adjourn the meeting, Mr. Gill?

18 MEMBER GILL: I make a motion we
19 adjourn.

20 CHAIR BENNETT: That's properly moved.
21 I second. Voice vote, Mr. Gill? Do you vote to
22 adjourn the meeting?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

MEMBER GILL: Aye.

CHAIR BENNETT: And aye as well. This meeting is hereby adjourned. Thanks so much to the parties.

(Whereupon, the above-entitled matter went off the record at 11:34 a.m.)

A

A-K 6:16
a.m 1:12 3:2 22:12
 34:17,18 51:7,8 54:6
able 3:18 10:4
above-entitled 34:16
 51:6 54:5
AC04 14:16 38:13
accept 13:13,17,21
 36:2 37:5 41:8,8 53:4
acceptance 36:16
accepted 8:1 9:7 25:15
access 3:6 7:17 9:2,16
 10:3 13:5,9,22 14:9
 28:9 29:1,2 35:15,17
 35:19 36:3,11 38:14
 45:2,6 52:21 53:7,13
Accountability 52:14
accurate 40:3
acknowledge 3:14
action 46:19 47:10
actionable 52:16
active 43:13
actual 24:1 48:2
additional 7:22 9:17,22
address 6:12,16 8:17
 9:4 14:21,21 15:9,12
 17:2,3,7 18:14,22
 19:7,9,11,14,16 21:4
 21:8,13,21 23:16,19
 24:20 25:21 28:8 29:4
 29:9 37:22 39:12
 40:20 41:1,12 43:6
 46:22 47:14,18 48:13
 48:14
addresses 5:14 38:4
 48:7
adjourn 53:17,19,22
adjourned 54:3
Adjournment 2:13
adverse 2:11 4:22 28:1
Advisory 2:7,9 5:4,8
 7:14 13:9 14:15 28:4
 38:11
agency 33:11
agenda 2:2 27:5 53:16
ago 40:12
ahead 33:8,9,18
Akron 6:16
alleged 20:13 26:9
allow 16:13 26:10 30:7
 30:8 37:12 39:20
 52:20 53:7
allowed 33:18 36:21
 37:6 48:22 53:13
altogether 46:9
analysis 25:4
ANC5C06 28:6

anyway 12:15
Apartment 7:1 15:3,13
apologies 4:5
apologize 4:6
appeal 29:12
appear 38:9
appears 20:16
applies 52:13
appointment 45:8
appreciate 4:13
appreciated 4:9
approved 53:6
argue 46:21 47:12
argued 41:3
arguing 25:14
argument 18:17 24:14
 25:12 26:13
arguments 24:17 26:16
 26:22
arrived 31:6
Arthur 11:20 12:16,19
Ascertainment 2:4
asked 43:3
asking 25:9 42:18
assisting 34:4
associated 3:6 32:8
 50:15
assuming 34:4
Athena 10:19
attempt 46:18 47:9
attention 40:5
attorney 15:16,19 25:14
audio 6:7,20 9:18 10:16
 11:17 16:9,11 18:6,16
 18:21 20:12 26:17
 28:11,15,20 38:14,15
 39:5,16 51:22
August 1:9 7:10 8:4 9:5
 22:11 28:13,18 31:3,5
 31:5 38:21
authority 21:22
Avenyo 10:20
aye 14:4,5 31:22 32:1
 35:6,7 36:6,7 37:10
 37:11 51:1,2,18,19
 53:9,10 54:1,2

B

B 2:9
B- 6:21
B-R-O-O- 10:22
B-R-O-W-N 6:16
back 27:16 31:6,13 32:3
 34:12,21 35:1,8 36:13
 45:11 51:14,21
bad 36:9
ballot 3:6 7:12 9:2,16
 10:2 13:5,9,22 14:9

28:9 29:1,2 30:9
 32:20,21 35:14,17,18
 36:3,11 38:10,14
 39:17 42:15 48:13,22
 52:20 53:7,13
based 5:22 10:11 14:6
 20:14 22:2 26:3 35:13
 36:17 52:17
Basically 47:4
beginning 44:10
believe 3:17 38:3 46:4
Bembridge 10:19
benefitted 48:20
Bennett 1:12,15 3:3,17
 3:19 4:17 13:12,16
 14:1,5,8,12 20:19,20
 21:1,11 22:5 23:14
 24:6,10,16 25:6,10
 26:12,21 27:7,10,14
 27:20 28:16,19 29:6
 30:11,15,18 31:2,7,18
 32:1,6,11 33:9,17
 34:10,15,19 35:3,7,20
 36:4,7 37:1,7,11 47:2
 47:22 49:1,14,20 50:3
 50:6,9,20 51:2,11,15
 51:19 52:4,7,22 53:5
 53:10,20 54:2
bit 33:12
blue 31:1
Board 1:4,6,11,13,18
 3:5,13,16,19,20 4:19
 6:2,3 13:8 16:6 18:20
 20:4,20 21:21 22:1,1
 22:4 23:11,19 24:2,22
 25:13 26:8,10 28:22
 29:11 30:6 32:19
 33:12,22 34:3,5,6
 35:15,18 36:10,22
 40:6 41:6 42:15 44:20
 46:16 47:7,17 49:17
 52:13,15,18,18
Board's 8:12 18:14,15
 19:8 20:6 39:7 42:2
 42:19 44:18 46:20,22
 47:11,13,20 48:20
 53:15
bottom 32:18 49:9
box 31:1
Brooks 1:21 2:6 5:3
 6:18,21,21 7:11 9:5
 9:11,21 10:6,17,21,21
 11:8,12,18,20,22 12:6
 12:11,18,22 13:5,8,22
 14:7,8,10 18:8,12,15
 19:6,11,21 20:1 22:7
 22:10,16,20 23:2,5,9
 28:12,18,20 38:6,8

brought 40:5
Brown 2:6 5:3 6:8,10,14
 6:15 8:5,7 10:7,8,10
 11:2,11,13,21 12:5,9
 12:17,19 13:1,2,6
 14:11
building 41:1

C

call 2:3 3:4,10 6:6,9,10
called 45:4
calling 16:15
candidacy 30:8
candidate 2:7,9 5:3,7
 7:13,19 9:11 13:22
 14:15 28:3,4,10 36:3
 38:5,10,17 43:17
candidate's 8:22 9:14
 10:1 39:15
car 29:19
care 29:21,21
caretaker 29:16
case 8:14
cause 48:6
certain 43:12 48:7,7
certainly 4:11,12
certification 17:19 21:7
certified 24:21
Chair 1:12,15 3:3,17,19
 4:17,18 13:12,16 14:1
 14:5,8,12 20:19,20
 21:1,11 22:5 23:14
 24:6,10,16 25:6,10
 26:12,21 27:7,10,14
 27:20 28:16,19 29:6
 30:11,15,18 31:2,7,18
 32:1,6,11 33:9,17
 34:10,15,19 35:3,7,20
 36:4,7 37:1,7,11 47:2
 47:22 49:1,14,20 50:3
 50:6,9,20 51:2,11,15
 51:19 52:4,7,22 53:5
 53:10,20 54:2
Chairman 3:15
challenge 2:5 4:21 5:21
 8:9,14 9:18 11:4,19
 12:15 16:20 17:2,4,15
 17:17 18:19,21 19:10
 19:12,15,22 20:10,17
 21:4,10,14 22:8,10,17
 22:19 23:3,16 24:2,8
 26:6 32:8,21 33:4,13
 36:14,16,19,21 37:3,6
 37:12,17,18 38:7 42:2
 42:8,11,11 43:3,9
 44:2,8,9 45:21 48:3
 52:17
challenged 8:4,11 11:9

12:10,11 38:21 39:6,9
40:19 42:9 44:9
challenger 5:16 20:11
21:3 24:1,3 26:8 38:4
39:6 47:1,15,19
challenger's 21:13
47:13
challenges 4:1 5:17 8:7
8:15,16 39:4,8,9
change 9:4
chapter 42:1
charges 39:2
chat 15:22
checked 22:12 30:22
checking 15:17,20
choose 41:7
circumstances 22:7
Cisco 16:17
cited 52:11
clean 37:21
clear 21:15 44:4
clearly 11:2,4 42:14
43:4
client 32:16
clipboard 41:17
close 34:12
codes 44:15 45:22
collected 46:8
collecting 48:10
Columbia 1:2,11 8:6
18:4 19:19 39:1
come 27:16 31:12
42:13 45:5,7,8 51:12
51:13,17
coming 51:20
commenced 19:2
Commissioner 2:7,10
5:4,8 7:14 13:10
14:15 28:5 38:12
community 30:3
concerning 42:2,19
concisely 20:12 26:9
concludes 53:14
conduct 25:1 47:21
connection 25:20
consider 24:18 27:8
50:14
consideration 26:14
considered 48:18
considering 48:13,17
constitutes 42:20
contained 38:18
contains 7:20
CONTENTS 2:1
contest 13:9 28:11
continued 42:17
convened 1:11
correct 23:2,9 46:22

47:13
Counsel 1:20 4:15,19
27:18 52:9
Counsel's 13:13,17,21
36:2 37:5 53:2,4,6
count 12:8
counted 12:4,20 43:11
couple 29:16
court 6:13
COVID 29:18
credit 12:2
credited 9:12,21
cross 40:14
current 29:13
cutting 47:3

D

D'Andre 2:12 28:2 29:7
D-A-N-D-R-E 29:8
D-A-V-I-D 6:21
D.C 31:6 44:14 45:22
daily 4:11,12
date 32:18,18 40:8 41:5
42:13 44:8 48:15
dated 39:10 43:18 44:6
46:3
dates 32:17,22 34:1,8
40:7,17 48:6
David 2:6 5:3 7:11 9:4
day 17:10,11 20:9,18
22:16 42:10 44:10,15
days 8:3 26:6 28:19
38:20
DC 6:17 7:1 15:2,13
29:10 38:2
DCMR 8:12 16:19 17:12
39:7 46:15 47:6
deadline 17:10 28:14
28:16 30:19 35:16
deal 31:8 35:10
Deanna 7:5
decided 36:10
decision 46:13,14,18
47:5,5,9
deemed 10:11,12 11:5
11:7,14
defects 20:13 26:9
deliberate 6:4 32:7
50:14,18
demanding 39:3
denied 36:3
despite 29:1
determinate 25:22
determination 2:11
4:22 5:18 7:8 18:9
22:14 23:7 28:1 38:6
determine 22:9 23:19
determined 9:13,20

22:18
different 47:19
difficult 23:17
directly 46:17 47:8
discussion 26:15
distancing 40:15 41:15
41:19 48:9
district 1:2,11 2:8,10
5:5,9 7:15,18 8:6
13:11 14:16 18:4
19:18 23:1 28:6 38:13
38:15,22 43:16 46:18
47:9

disturbed 48:11
Division 7:3
documentation 35:15
documents 26:14 28:13
29:2 35:17
doing 4:10
dotted 40:14
due 29:12,15 30:3
duly 7:18 38:16

E

easily 32:22
EDT 1:12
effects 29:13,18
efficient 3:9
eight 3:7 9:1 39:16
either 6:3
elderly 29:16
election 7:13 20:6 26:4
38:11
Elections 1:4,11,13,18
3:5 49:17 52:15
elector 16:20 17:5,9,15
17:20 18:4,10,18 19:1
19:18 20:5,9,17 21:9
21:19,21 22:3,22
23:21 25:3,17,21 26:5
36:20 40:21 43:5
47:16
electoral 43:16
electors 16:21
eligible 10:11,13 11:6,7
11:9,15,15
email 42:6,8
employee 46:16 47:7
empty 32:17
ends 25:3
entertaining 29:12
entire 24:19
entries 33:4
entry 33:5
enumerated 8:8 39:3
error 52:19
especially 48:13
ethical 47:21 48:19

ethics 47:20,21 52:14
even-handed 33:11
examined 5:17
excuse 30:9
executive 6:4 26:15,20
27:1,6,8,16 31:9,11
31:15,17 32:2,7,12
34:11,20 35:1 46:13
47:5,5 50:10,14,18
51:3,12,14,17,20
exit 35:1
experiencing 29:17
explain 16:8 28:22
explaining 16:18

F

F 1:21
facing 12:15
fact 9:20 18:10 22:4
23:7 35:13 48:18,19
facto 22:4
fairness 41:6
family 29:17
favor 31:20
feel 36:9
figure 23:20
file 16:21 22:11 28:9
filed 8:7,10 17:15,16,18
17:18 18:11,21 19:22
20:11,17 21:18 22:9
22:11,16,19 23:4 24:8
26:8 29:2 36:20 39:2
39:5,11
filing 18:19 21:10 22:8
23:8 28:14,16
fill 45:10
find 45:20
findings 5:20
fine 13:3
first 5:2 39:21 52:10
five 8:7,15 11:5,11,14
28:19
flow 48:10
following 8:13 25:12
form 19:15 25:22 30:1
43:9
formal 52:19
forms 9:4,6,7,8 30:4
forward 26:11 30:8
four 8:1 9:4
Francis 10:18
Friday 43:2
Furthermore 17:6

G

General 1:20 4:15,19
7:13 13:13,17,21
27:18 36:2 37:5 38:11

52:8 53:1,4,6
Gill 1:16 3:14,15,16
 13:13,15,17,18,19,20
 14:3,4 25:6,8,11,19
 26:16,18 27:9 30:11
 30:11,12,13 31:10,14
 31:16,21,22 34:20,22
 35:5,6,21 36:1,5,6
 37:2,4,9,10 50:13,17
 50:21 51:1,9,10,12,13
 51:16,18 52:22 53:3,8
 53:9,17,18,21 54:1
give 5:18 31:12 47:18
given 6:1 13:22 21:21
 42:22 43:1,3 44:15,16
 46:1
government 1:1 40:20
 41:1 46:19 47:10
 52:14
grandparent 29:21
grant 35:18
granted 13:9 29:1
Greenfield 3:18
Gregory 12:1
grounds 8:13
guess 4:5 18:17 24:7
 25:13,19 34:4

H

hand 44:14 45:19,21
 46:1
handed 44:11 45:18
happening 34:5
hardships 36:9
hear 3:5 4:1 5:15 10:5
 11:2 16:2 20:20,22
 26:22 27:1,15 32:13
 37:16 52:2
heard 36:22 38:4 49:20
hearing 2:11 5:1,2,6,11
 17:20 19:2 24:5 28:1
 33:21 37:2 51:14
 53:14
hearings 2:5 4:21
Hello 15:21
hey 42:7
hiccup 30:4
hold 4:20 32:9
holding 45:22
hoping 50:11

I

I's 40:15
idea 40:20 42:12
identify 5:12 7:4
II 2:6 5:3 7:11 9:5
illegible 8:21 39:14
in-person 49:16

inactive 8:20 9:10
 43:14
include 39:11
included 12:7
indicate 10:15
indicated 16:6 39:8
indirectly 46:17 47:8
individual 8:9 39:4
infer 32:22
influence 46:18 47:9
information 6:1 20:16
 29:15 30:2
initial 6:15 11:10 12:7
initially 9:12,19
initiative 32:20 33:13
 33:14
insert 23:12
inspection 8:3 38:19
interference 6:7,20
 9:19 10:16 11:17 16:9
 16:11 18:6,16,21
 20:12 26:17 28:11,15
 28:20 38:14,15 39:5
 39:16 51:22
internet 45:3,7
invalid 8:16,19,20 9:13
 9:20 12:1 42:21
irrelevant 25:4
issue 16:6
issues 12:4 13:4
item 27:5
Items 2:2

J

joining 4:4
July 38:8
June 45:5,11
jurisdiction 16:7 43:16

K

K-A-R-E-N 10:22
K-S 11:1
Karen 1:21 10:21
keep 32:20 33:19
knowing 41:2
known 18:20

L

L 6:14,15 8:5
L-O- 14:22
law 8:3 21:2 38:20
leave 34:20 46:5
leaves 9:22 39:15
left 8:22 9:14
let's 3:11 37:21
letter 42:14
level 34:2
line 8:9 10:18,18,19,19

11:20 12:3 15:5,19,21
 39:4
lines 32:15 48:7
list 14:20
listed 8:17
lists 5:20 19:6
little 33:12
live 6:22
long 31:13
look 26:14
looked 40:22
Lorraine 2:9 5:6 14:14
 14:22 38:21
lot 4:11

M

ma'am 43:20 44:19
mail 28:14 30:19 31:3,4
 35:16
mailbox 30:21 31:1
mailed 31:5
manner 29:15 30:5
materials 28:10
matter 6:5 14:13 15:15
 16:7 26:10 27:2,3,15
 27:21,22 32:8 34:16
 51:6 54:5
matters 3:5 50:15,19
 53:15
mean 12:14 13:3 25:2
 25:11,16 32:15,19
 33:2
meet 43:12
meeting 1:6 3:4,4,11,21
 3:22 34:21 35:2,8
 51:4,21 53:16,17,22
 54:3
member 1:16 2:7,10
 3:15,16 5:5,9,12 7:15
 13:10,15,20 14:4,16
 25:8,11,19 26:18 27:9
 28:5 30:13 31:16,22
 34:22 35:6 36:1,6
 37:4,10 38:12 43:16
 46:15,17 47:6,8 50:17
 51:1,9,13,18 53:3,9
 53:18 54:1
members 1:13 3:13,20
 29:16
mentioned 50:19
message 15:22
Michael 1:12,15 3:19
 20:20 25:8 26:18
 30:14 51:9
Michigan 29:20
middle 6:15
Mike 1:16 3:16 51:10
Miles 10:20

minimum 7:16
minutes 3:8 34:13 51:5
miscount 12:12
missing 32:17 33:4,5
 34:1,8 40:7
mode 4:8
moment 19:4
Monday 1:8 42:11
morning 4:17 5:1 15:6
 15:7 22:12 29:12
motion 13:12,16,20
 26:19 31:10,14 34:20
 34:22 35:21 36:1 37:2
 37:4 50:13 51:11 52:8
 53:1,3,16,18
move 31:11,16,16
 36:13 50:2,17 51:13
 52:18
moved 14:2 31:19,20
 35:4 36:5 37:8 50:21
 51:16 53:20
multiple 29:20
mute 13:18,19 16:13
muted 16:16
Myia 44:11

N

name 4:18 6:12,15 7:5
 8:21 10:21 14:20 15:8
 29:4,7,8 30:8 37:22
 39:14,14 44:11
names 5:13 11:3,11
 38:4
necessary 45:9
need 3:12 15:22 16:21
 17:1
needs 24:21 25:17
neighborhood 2:7,9 5:4
 5:8 7:14 13:10 14:15
 28:5 30:21 38:12
never 19:1 25:15
nine 9:15 39:9 46:5
 52:19
nominating 2:5 4:1,21
 7:12 8:22 9:14 10:1
 39:15 42:21 43:8
nomination 38:9
normal 48:10
Northeast 29:9
notice 1:12
November 30:10 38:10
number 8:9 9:2,16 10:2
 12:2 15:3,13 39:4
numbers 12:12

O

object 49:12,12
objection 23:13 46:14

obtain 7:16
obtaining 13:5
office 7:6,14,17 28:4
 38:11,15 42:7 45:16
older 9:9
once 12:15 42:5 43:2
 45:19
ones 10:12 11:6,16
online 45:6
open 3:21 45:4
opportunity 5:19
opposed 43:14
order 2:3 3:4,5,11 28:10
 43:11

P

P-H-I-L-L-I-P- 29:8
P-I-X-L-E-Y 15:11
P-R-O-C-E-E-D-I-N-G-S
 3:1
page 2:2 8:9,10 10:17
 10:18,18,19 12:3,5,6
 39:4
pandemic 29:13 40:11
 41:15
paperwork 34:7 45:10
parties 5:12,19 6:1,7
 14:9 51:22 53:12 54:4
party 28:2 48:20
patience 4:9
Pennsylvania 29:20
people 48:14 49:22
period 17:10,11 20:9,18
 26:6
person 16:22 21:7,8,19
 22:11 23:20 24:21
 32:20 40:11,13,18
 41:16 43:4 44:21,22
 47:15,16 48:15 49:11
personally 36:9
persons 49:18
petition 2:5 4:1,21 7:12
 7:20 8:2,4,10,18,18
 9:1,15 10:1 11:4
 16:21 20:10,13 22:17
 22:19 26:7,9 30:2,9
 30:19 32:16 33:3,14
 38:9,18,19 39:15 40:5
 40:7 42:21 43:8 44:22
 46:3 49:6,10,18 50:1
petitioner 38:20
petitioners 4:4
petitions 44:21 45:9
Phillips 2:12 28:2,3,9
 28:21 29:3,7,8 30:18
 30:20 31:4,12 35:12
 35:14,18 36:8
Phillips's 28:13

pick 41:7 44:21 45:9
piggyback 48:5
Pixley 2:9 5:7 14:14
 15:4,6,10,11,15,17,18
 15:20 16:6 27:13,14
 33:21 36:14 37:15
 38:9 39:18,21,22 40:1
 41:11 42:4,17 43:1,19
 44:1,7,19 45:2,13,18
 46:4,8 48:5,8,22 49:4
 50:16 52:1,2,2,3,3,20
 53:7,12

Pixley's 16:19
place 6:16 21:3 40:16
 41:13 46:13
please 6:12 19:5 23:13
point 4:8 24:22 26:22
 33:21 34:5 37:14 49:4
pointed 33:22 34:6
points 48:1,2
pose 16:20
position 16:8,19 17:13
 21:2,10,12,16 28:8
post 22:4
posted 8:2 38:19
posting 17:11
practicing 41:15,18
 48:8
precedence 52:18
preliminary 2:11 4:22
 5:18 15:15 16:5 28:1
 30:2 33:21 38:6
presence 3:14
present 1:13,18 3:13
 15:16,19 17:7 52:1,2
 52:3,5
presentations 37:16
presiding 1:12
previously 12:13
printed 8:21 39:14
prior 30:19 38:19 44:16
 52:17
proactively 23:19
proactiveness 34:3
proactivity 48:20
probably 4:10 9:9 51:4
proceed 37:6,13
proceeded 22:1
process 4:3,16 24:20
 42:3
promise 31:13
properly 14:2 17:18
 22:9,10 31:19,20 35:3
 36:4 37:7 50:21 51:16
 53:5,20
provide 36:11 43:10
provided 14:8 19:10,11
 19:14

provides 20:8 21:6 26:4
 36:19
public 8:2 35:1 51:14
purportedly 17:7
pursuant 1:12
purview 46:20,22 47:11
 47:13
put 7:12 24:1 25:22
 26:19 30:20 40:8,19
 41:5 42:13
putting 40:17 43:5

Q

qualified 16:20,21 17:4
 17:9,14,20 18:3,10,18
 18:22 19:18 20:4,9,16
 21:9,19,21 22:3,13,22
 23:21 25:3,17,21 26:5
 36:20 47:16
qualify 17:4,8,8,8
question 11:4,6 25:9
questions 25:7 26:1
 30:12,14
Quibley 10:17 12:3,7,20
quite 18:6
quorum 2:4 3:12,13,21
 14:6

R

R-E-G-I-N-A 15:10
R-O-N 6:17
R-O-O-K-S 6:22
R-R-A-I-N-E 15:1
read 7:7 36:18 38:6
receipt 35:16
receive 42:1,5 43:21
received 9:4 28:12 42:4
 42:5,6,8,14 43:19
 44:7 45:21
receiving 30:1
recommend 13:8 26:10
 35:17 36:21 52:17
recommendation 6:2
 13:14,18,21 23:11
 27:18 35:11,22 36:2
 36:15 37:5 52:8 53:2
 53:4,7
record 5:13,14 6:12 7:9
 10:15 14:20 15:8
 22:13 29:5 34:17
 36:18 37:22 42:1 51:7
 52:11,13 54:6
records 18:14,16 19:8
referencing 49:22
referring 49:16
regard 4:5 35:12,21
 36:14,15 37:2,17 48:2
 49:17 53:1

regarding 5:16
Regina 2:9 5:7 14:14
 15:10 38:8
registered 7:18 8:5,17
 9:9 19:18 20:4,8
 22:13,22 26:5 38:16
 39:12 40:21 43:5,15
Registrar 1:21 5:15,17
 7:8 9:3,18 10:5,14,22
 20:14 28:7
Registrar's 5:22 7:6
 13:4
regs 21:12
regular 35:8 51:21
regularly 31:1
regulation 21:6,17
 25:18 36:19 44:13
 52:12,13
regulations 8:13 20:6
 21:2 39:7 42:2,19,22
 43:2,10 44:6,15 45:16
 46:1 47:21
relating 46:19 47:10
relative 27:17
relatively 3:8
remain 48:22
remove 48:12
renders 42:20
report 5:16,18,20 6:1
 7:8 10:5,12 13:4 38:7
reporter 6:13
representative 7:3 40:6
requesting 30:6
require 21:3
required 8:3 9:2,16
 10:2 17:11 38:20
requirement 7:16 23:18
 24:1 26:4
requirements 43:12
 44:5
requires 16:19 21:13,18
research 24:4 25:1
resident 38:22
resides 43:17
resolved 6:5
respect 5:10,20 38:7
 52:16,19
respond 5:19 24:11,13
 26:16
response 10:9 39:19
rest 26:22
resume 51:4
resumed 34:17 51:7
review 8:14 9:17
ripple 29:13
room 41:21 49:8,9
rule 6:3 48:19
ruling 6:3 31:12

versus 5:3,7 14:14
 36:14 50:11,15
Video 1:11
violates 46:15 47:6,20
visit 49:16
voice 14:3 27:17 35:4
 37:8 51:17 53:8,21
vote 8:17 14:3 27:15,17
 35:4 36:5 37:8 50:10
 50:22 51:2,17 53:8,21
 53:21
voted 11:15
voter 7:3 8:5,20 22:12
 22:13 38:22 43:13,14
voters 1:21 5:16 7:8,18
 9:3,8,18 10:5,11,14
 10:22 11:15 28:8
 38:16
Voters' 20:15

W

waive 52:19
walk 4:3,15
wanted 29:11 41:19
 44:3 49:4
Washington 6:17 7:1
 15:2,13 29:10 38:2
wasn't 12:9 17:18 22:2
 44:16
way 18:19 27:11 41:2
 44:1 47:17
Wayne 10:17 12:3,6,20
 41:12
Webex 4:6 16:17
website 44:18
Wednesday 42:12
 43:20,21 45:19,20
weekly 4:11,12
went 34:17 40:13 51:7
 54:6
witness 49:5,10
word 40:21
work 19:16 27:11 40:20
 43:6
works 44:12
written 20:11 26:7

X

Y

years 18:6 40:12

Z

0

01 20:5

1

1-1008 20:5
10:00 1:12 3:7
10:08 3:2,7
10:45 34:17
1001.8 20:5
10th 8:4 28:13 31:5
11:08 34:18
11:24 51:7
11:32 51:8
11:34 54:6
114 41:12
12th 45:5
13 7:21 8:8
14 2:10 12:13 22:11
 38:21 39:8
15 15:3 34:13 51:5
16 39:2,9 46:5
1604 38:1
1606.2 25:5
1607.1 8:12 39:7
16th 29:9
17 7:20,21
1741 6:22
18th 9:5

2

2 2:4 10:17,18,18,19
 12:3,5,6
200 19:12
20018 29:10
20020 6:17 7:1 38:2
20032 15:2,13
2020 1:9 7:11,13 8:4 9:5
 38:8,11,21
203 7:1
20th 42:6
211 15:12
22 38:18 39:3
2240 29:9
24 46:8
26th 45:11
28th 6:22
29 2:12
2918 6:16
2nd 38:8

3

3 2:3,4,5 8:12 10:19
 39:6
31 1:9
31606.2 16:19 17:11
3221 15:2 19:7
3rd 30:10 38:10

4

4 2:11 10:19
45 15:3

5

5 2:13
5202 47:6
5202.4 46:15 47:6 52:12
54 2:13
5th 7:11 28:18 31:3

6

6 2:8

7

7B02 2:8 5:5 7:15 13:11

8

8 15:13
8:59 22:12
8C04 2:10 5:9
8th 15:2 19:7 31:6

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DCBOE

Date: 08-31-20

Place: teleconference

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.



Court Reporter

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701