

GOVERNMENT OF THE
DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS AND ETHICS

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SPECIAL BOARD MEETING

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MONDAY

JANUARY 27, 2014

The Board met in Suite 280 North,
One Judiciary Square, 441 4th Street, N.W.,
Washington, D.C., at 2:00 p.m., Deborah K.
Nichols, Chairman, presiding.

BOARD MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman

ALSO PRESENT:

KENNETH J. MCGHIE, ESQ., General Counsel

RUDOLPH M.D. MCGANN, JR., ESQ., Staff

Attorney, Office of the Attorney General

KAREN BROOKS, Registrar of Voters

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

2 (2:05 p.m.)

3 CHAIRPERSON NICHOLS: Good

4 afternoon. I'm Deborah K. Nichols, chairman of
5 the Board of Elections. I'm calling to order
6 a Special Meeting of the Board, a Special
7 Board meeting to hear challenges to nominating
8 petitions.

9 Today is Monday, January 27th,
10 2014. The time is 2:06 p.m. We are at One
11 Judiciary Square, Room 280 North.

12 Our agenda for today is to hear a
13 challenge to the nominating petition of the
14 Slate One DC, Villareal Johnson, Lenwood
15 Johnson, Alicia Swanson-Canty, and Damian
16 Bascom, candidates for the Office of At-Large
17 Member of the D.C. Democratic State Committee.

18 And a challenge to the nominating
19 petition of Jacqueline Manning, candidate for
20 Ward 5 Member of the Council.

21 At this time I'm going to defer to
22 Mr. Kenneth McGhie, our general counsel, to

1 set forth the procedures and the relevant
2 information pertaining to these challenges.

3 MR. MCGHIE: As the Chair
4 indicated, these are challenges to the
5 nominating petitions. These challenges are
6 brought pursuant to D.C. Code Section 1-
7 1001/08, and procedurally what will happen is
8 that I'll call both the parties up to the
9 table, and the registrar of voters has done
10 the preliminary report on the validity of the
11 challenges, and she will give her report, and
12 then the parties will have an opportunity to
13 say whether or not they accept or take
14 exception to her report, and if they take any
15 exceptions to her report, to say, you know,
16 what they're challenging on her report.

17 And the challenger of course has
18 the burden of proof to substantiate the
19 challenge, and so they will carry that burden
20 of proof pursuant to the D.C. Administrative
21 Procedures Act.

22 So the first challenge is the

1 challenge to the nominating petition of Slate
2 One DC.

3 Is there a representative for that
4 slate? And can you please take a seat at the
5 front.

6 And the challenger for that is a
7 Mr. LaGue?

8 MR. LAGUE: LaGue.

9 MR. MCGHIE: And registrar of
10 voters, would you please -- beginning with the
11 candidate, would you please state your full
12 name and address for the record.

13 MR. JOHNSON: My name is Lenwood
14 Johnson, 626 Irving Street, N.W., Washington,
15 D.C. 20010.

16 MR. MCGHIE: And the challenger?

17 MR. LAGUE: Henry LaGue, 3121
18 Water Street, N.W. 20010.

19 MR. MCGHIE: And the registrar of
20 voters is Karen Brooks. And Ms. Brooks, did
21 you prepare a -- or did you review this
22 challenge, and prepare a preliminary report?

1 MS. BROOKS: Yes. I did.

2 MR. MCGHIE: Would you please state
3 your report for the record, for the board.

4 COURT REPORTER: Ma'am, you have to
5 speak up, please.

6 MS. BROOKS: Okay.

7 COURT REPORTER: Thank you.

8 MS. BROOKS: Yes. I did. Okay. On
9 January 2nd, 2014, Slate One DC submitted a
10 nominating petition to appear on the ballot as
11 a candidate in the April 1, 2014 primary
12 election for the office of At-Large Member of
13 the D.C. Democratic State Committee.

14 That petition was posted for
15 public inspection, for ten days, as required
16 by law.

17 The petition was challenged on
18 January 13, 2014, by Henry LaGue, a registered
19 voter in the District of Columbia. My
20 preliminary review of the petition challenge
21 indicates that One DC candidate submitted a
22 total of 528 signatures. The minimum

1 requirements to obtain ballot access for this
2 office is 500 signatures.

3 Challenger, Henry LaGue, filed
4 challenges to a total of 153 signatures,
5 enumerated by line and page number on an
6 individual challenge he filed for each
7 petition page.

8 Petitioner's signatures were
9 challenged pursuant to Title 3, DCMR, Section
10 1607.1, of the board's regulations, on the
11 following grounds.

12 The signer's not a duly-registered
13 voter. The signer, according to the board's
14 records, is not registered to vote at the
15 address listed on the petition. At the time
16 the petition was signed, providing an address
17 on the petition that's different than the
18 address which appears in the board's records
19 shall be deemed valid if the signer's current
20 address is within the boundaries in which the
21 candidate seeks nomination, and the signer
22 filed a change of address form with the board

1 during the first ten days following the date
2 on which the challenge to the nominating
3 petition is filed.

4 Petition does not include the
5 address of the signer. The petition does not
6 include the name of signer with a signature
7 that's sufficiently legible for
8 identification. The circulator petition
9 failed to complete all the required
10 information on the circulator's affidavit.

11 The signature's not made by the
12 person whose signature it purports to be. The
13 signer's not a registered voter in the ward or
14 same member district, or from which the
15 candidate seeks nomination at the time the
16 petition was signed, and/or petition did
17 nominate the candidate in the primary
18 election, the signer is not registered to vote
19 in the same party as the candidate at the time
20 the petition was signed.

21 My review of the petitioner
22 challenge indicates that a total of 143 of the

1 153 signatures are valid. This leaves the
2 candidate's nominating petition with 385
3 signatures, 115 signatures below the number
4 required for ballot access.

5 MR. MCGHIE: Okay. At this point
6 the registrar of voters is making a
7 preliminary finding that the nominating
8 petition for the Slate One DC does not meet
9 the requirements for ballot access, having
10 filed not a sufficient number of signatures in
11 order to gain that access.

12 She's indicating that they are 115
13 signatures short.

14 Mr. LaGue?

15 MR. LAGUE: LaGue; yes.

16 MR. MCGHIE: Do you accept the
17 report of the recorder of deeds?

18 MR. LAGUE: Yes.

19 MR. MCGHIE: Recorder of --
20 registrar of voters?

21 MR. LAGUE: Yes.

22 MR. MCGHIE: And Mr. Johnson, do

1 you take exception to that?

2 MR. JOHNSON: Yes. I do not accept,
3 in full, the report of the registrar of
4 voters.

5 MR. MCGHIE: And so at this point,
6 if you could please state what you're taking
7 exception to.

8 MR. JOHNSON: Okay.

9 MR. MCGHIE: And the reason why.

10 MR. JOHNSON: Gladly. On the Friday
11 before last, I forget the date, but we met --
12 Mr. LaGue and I, and Ms. Brooks, and others,
13 met for a, I guess, preliminary review and
14 discussion of the report.

15 And we found some errors in the
16 report, and I pointed them out to Ms. Brooks,
17 and I thought, at that point, that she would
18 address them and maybe correct them.

19 One such error was Ms. Brooks
20 disallowed a full page of signatures, claiming
21 that the circulator was invalid. I am the
22 circulator for that particular page. It's page

1 three of my petition. She disallowed that
2 page, and after I explained to her three of 28
3 --

4 CHAIRPERSON NICHOLS: Hold on.

5 MR. JOHNSON: Yes. Page three of
6 28, of the petition.

7 CHAIRPERSON NICHOLS: Three of 28.
8 Hold on.

9 (Pause)

10 MR. MCGHIE: Yes. Okay. And you
11 wanted this --

12 MR. JOHNSON: If you'll look at the
13 circulator affidavit, on the back of the page
14 --

15 MR. MCGHIE: Yes.

16 MR. JOHNSON: Okay. I signed the
17 affidavit. Damian and I were petitioning
18 together, and in putting together the petition
19 to submit it, to file it with the board, he
20 inadvertently took a page that I had
21 circulated, and he started filling out the
22 affidavit.

1 When I discovered that it was my
2 page, not his page, that's why I struck
3 through his printed name and address, and put
4 my printed name and my address, and signed the
5 petition. That's why he did not sign it. Had
6 he signed the petition, I would have just left
7 it like it was. But he had not signed it, so -
8 - and I was the one who actually, you know,
9 submitted the petition.

10 So at the hearing, a couple a
11 weeks ago, Ms. Brooks did indicate -- I can't
12 remember if she said yes, she would, or no,
13 she would not. But I took it as an indication
14 that she would allow that, that she would take
15 back that -

16 CHAIRPERSON NICHOLS: So then if
17 we accept that, you're still 95 signatures
18 short.

19 MR. JOHNSON: Okay.

20 MR. MCGHIE: Well, did you strike
21 the whole page?

22 MS. BROOKS: Yes, because, you

1 know, as a circulator, there's only supposed
2 to be one person signs a petition page. That's
3 why I rejected it. And even if we were to give
4 any credit, it would only be for 14
5 signatures.

6 MR. MCGHIE: Fourteen?

7 MS. BROOKS: Yes.

8 MR. MCGHIE: Okay.

9 MS. BROOKS: Cause we do also
10 challenge --

11 MR. MCGHIE: Okay.

12 MS. BROOKS: -- the signatures on
13 that page, which I indicated in prehearing,
14 that those six were valid. So you still will
15 be one --

16 (Simultaneous speaking)

17 CHAIRPERSON NICHOLS: 101. Uh-hmm.
18 Sure. So you're still 101 short. Shall we
19 proceed.

20 MR. JOHNSON: Yes. Now throughout
21 Mr. LaGue's challenge, I counted 105 instances
22 of where he incorrectly claimed that the

1 signer was not a resident of D.C. And I think
2 that that should be -- of course that was
3 false, I think, in 105 instances, that the
4 registrar -- that the signer was not a
5 resident of D.C., or more specifically,
6 according to the list of reasons, he put by
7 105 entries from the petition, that he put
8 Section 1707.1 parentheses, M, end
9 parentheses.

10 "The signer is not a registered
11 voter in the ward from which the candidate
12 seeks nomination at the time the petition was
13 signed."

14 And because this is an at-large
15 petition, any voter in the District of
16 Columbia -- any Democratic voter is eligible
17 to sign the petition. So he made that -- I
18 don't know why he made that charge, but it's
19 a false charge, and according to the history
20 of this board, the history -- the board does
21 not allow challengers to make false charges
22 against -- on the petition.

1 CHAIRPERSON NICHOLS: Now state
2 that again. What is the charge that he's
3 making that's false? I want to be clear on --

4 MR. JOHNSON: He said that a 105 of
5 my signatures, or my entries on the petition -
6 - the signer -- he said the signer is not a
7 registered voter in the ward from which the
8 candidate seeks nomination at the time the
9 petition was signed.

10 MR. MCGHIE: So let me make sure
11 I've got this right. Because they were not
12 registered?

13 MS. BROOKS: Okay. What Mr.
14 Johnson said, he cited Code M of 1607.1. But
15 that's why I created this spreadsheet, to show
16 Mr. Johnson that there were no -- we did not
17 find any signatures in that category. But as
18 part of our responsibility is, when we go
19 through the challenges, that we're supposed to
20 check everything.

21 So even if they were registered in
22 the right ward, which did not apply for this

1 particular seat, we are to address whatever
2 issues that are valid challenges, which is
3 what we did.

4 So on that spreadsheet, you will
5 see everything that was challenged by Mr.
6 LaGue and our findings, and it's by each
7 category.

8 MR. JOHNSON: But I'm confused,
9 Madam Chair, because I don't know why that
10 point was brought up, and apparently it meant
11 a lot to Mr. LaGue, because he cited 105
12 times, that the signer was not a registered
13 voter in the ward.

14 CHAIRPERSON NICHOLS: Well, if
15 they're not a registered voter, at all, it
16 doesn't matter, whether it's in the ward or in
17 the city, is not a registered voter, and we
18 cannot give you credit, to my thinking, for
19 that. If they're not a registered voter, how
20 are we supposed to credit that?

21 This is not going to be done. Let
22 me -- I can tell you. I'm not sure what the

1 history of this board has been in the past.

2 But on a technicality, I would never give you

3 credit.

4 MR. MCGHIE: Well, I could you tell

5 you the history -

6 CHAIRPERSON NICHOLS: Let me

7 finish.

8 I would never give you credit on a

9 technicality for the way a person raised a

10 challenge, especially if that person is not a

11 registered voter at all. So that ain't going

12 to work. That ain't going to work with me.

13 It's not a technicality. They're not

14 registered voters. You can't do anything with

15 that.

16 MR. JOHNSON: Okay.

17 CHAIRPERSON NICHOLS: Okay. So are

18 you done? Do you have -- let me ask you this.

19 Instead of arguing the negative, can you come

20 up with a 101?

21 MR. JOHNSON: I didn't try, because

22 I, again, based on the history of this board -

1 - I know that the composition of the board has
2 changed. But I have decisions of this board,
3 that shows that they dismiss challenges on
4 technicalities. But -

5 (Simultaneous speaking)

6 CHAIRPERSON NICHOLS: I'm not like
7 that. To that degree.

8 MR. JOHNSON: Well, I kept -

9 (Simultaneous speaking)

10 CHAIRPERSON NICHOLS: You have a
11 copy of a decision -- let me finish -- I don't
12 know if. Just let me -- do you have copies of
13 a decision with this board, if I'm following
14 you correctly, on a technicality, gave a
15 person seeking access to the ballot, credit
16 for individuals who were -- who signed a
17 petition but were not registered voters in the
18 District of Columbia?

19 MR. JOHNSON: I have a decision in
20 which this board -

21 CHAIRPERSON NICHOLS: No. Another
22 board. Not this board.

1 MR. JOHNSON: But I have a copy in
2 which this -- and in which this board gave --
3 disallowed some challenges because the
4 challenger inadvertently wrote the challenge
5 on the wrong line. He meant, for example, to
6 write on line 19, but instead, he wrote on
7 line 20.

8 CHAIRPERSON NICHOLS: And they
9 disallowed that.

10 MR. JOHNSON: And the board
11 disallowed it.

12 CHAIRPERSON NICHOLS: Yes.

13 MR. JOHNSON: And I have copies of
14 --

15 CHAIRPERSON NICHOLS: Yes. But
16 you're not answering my question. My question
17 was: On a technicality, have -- do you have a
18 decision where this board, or any prior board,
19 gave credit to signatures of individuals who
20 were not registered voters, that were
21 challenged on a technicality, said that they
22 were not registered to vote in a ward, when,

1 in fact, in a ward, in a city, but that they
2 got -- that they got credit for that because
3 they said they weren't registered to vote. And
4 just in a ward instead of just registered to
5 vote.

6 Do you have an opinion, an order?

7 MR. JOHNSON: No. I don't.

8 CHAIRPERSON NICHOLS: Okay. I
9 didn't think so. So, really, that is what I'm
10 asking you to tell me, whether on a
11 technicality -- and I don't think you can
12 produce that. I don't -- I have a great faith
13 in individuals who have sat on this board,
14 that they would not credit a candidate with
15 anyone who signed a petition that was not a
16 registered voter in this jurisdiction, simply
17 because the challenger did not use perfect
18 termination to make the challenge.

19 The fact of the matter is, at
20 bottom, they are not a registered voter in the
21 District of Columbia, and because they aren't,
22 then you cannot get credit for that. There is

1 nothing, at this point, to cure that. If the
2 address was wrong, then you would certainly
3 have a chance to cure that. If they had given
4 you an address that was different from what is
5 in our records, then you have ten days to go
6 back to them and get them to do a correction.

7 MR. JOHNSON: Change.

8 CHAIRPERSON NICHOLS: Change of
9 address. But once -- if they're not
10 registered, we have to wait, now, until the
11 rolls are opened up, because the voter rolls
12 are closed to new registration for this
13 election. And you would have to wait -- well,
14 okay --

15 MR. JOHNSON: To change the
16 records.

17 CHAIRPERSON NICHOLS: To change
18 your address. Yes. I mean, you could still
19 register to vote, but to change your address -
20 - that process is closed now. So you would
21 have to wait until after the primary to go
22 back to that.

1 So there is nothing that -- so
2 you're, at this point, if I give you credit
3 for the twenty --

4 MR. JOHNSON: Fourteen.

5 CHAIRPERSON NICHOLS: I mean the
6 fourteen -- you're still 101 short. I'm trying
7 to -- you know, we can just take your
8 argument, but the argument for the 105 is not
9 working.

10 MR. JOHNSON: May I make --

11 CHAIRPERSON NICHOLS: Certainly.

12 MR. JOHNSON: -- one more
13 statement? And one question?

14 CHAIRPERSON NICHOLS: Yes, sir.

15 MR. JOHNSON: The one more
16 statement is I see a double standard here, and
17 the question is: Does this affect my candidacy
18 for Ward 1 committeeman for the Democratic
19 State Committee?

20 MS. BROOKS: No; it does not.

21 CHAIRPERSON NICHOLS: But the at-
22 large piece. What is the -- Ward 1 is two?

1 MS. BROOKS: Ward 1 is -- they
2 vote for two members of the ward.

3 CHAIRPERSON NICHOLS: Okay. So you
4 don't have to do a nominating petition.

5 MS. BROOKS: Well, he did
6 nomination -

7 (Simultaneous speaking)

8 CHAIRPERSON NICHOLS: He made
9 that.

10 MS. BROOKS: And he made that.

11 CHAIRPERSON NICHOLS: Yes. But for
12 the at-large -

13 MS. BROOKS: That doesn't affect
14 that at all.

15 CHAIRPERSON NICHOLS: Mr. LaGue,
16 do you have any questions?

17 MR. LAGUE: I do not.

18 CHAIRPERSON NICHOLS: All right.
19 Thank you, Mr. Johnson. Are there any other
20 questions that you had? You said you had two.
21 You had a double standard. What's the double
22 standard?

1 MR. JOHNSON: Well -

2 CHAIRPERSON NICHOLS: And an
3 observation, I think.

4 MR. JOHNSON: So -- but what does
5 the board do now?

6 CHAIRPERSON NICHOLS: The board
7 will issue an order, but you will not -

8 MR. JOHNSON: When will that be
9 issued?

10 CHAIRPERSON NICHOLS: I'm not
11 sure, but within the next five days. But I
12 think now you have -- for the at-large race,
13 you have fallen short 101 signatures of the
14 number required, by law, which is 500. You
15 are -- 500. And you are at three eighty -

16 MS. BROOKS: Eighty-five.

17 CHAIRPERSON NICHOLS: 385. We
18 gave you credit for fourteen. That brings you
19 to 599.

20 MR. JOHNSON: 399.

21 CHAIRPERSON NICHOLS: 399. I'm
22 sorry.

1 Wouldn't it be great to have that kind a math.
2 You are 101 short. And so you -- for your
3 slate, will not gain access to the ballot for
4 at-large committeeman.

5 MR. JOHNSON: Well, the reason I
6 ask that is that I understand, from -- Ms.
7 Brooks said two weeks ago, that in order to
8 take this matter to the D.C. Court of Appeals,
9 that it has to be filed by the 6th of
10 February.

11 CHAIRPERSON NICHOLS: Yes. We'll
12 have the order out long before then. It'll
13 probably be out, probably by, if not the end
14 of the day, certainly tomorrow. You can run --

15
16 MR. JOHNSON: Okay.

17 CHAIRPERSON NICHOLS: Yes. We'll
18 give you plenty of time to go to Superior
19 Court to file any challenges that you --

20 MR. JOHNSON: Not the Superior
21 Court. D.C. --

22 CHAIRPERSON NICHOLS: Court of

1 Appeals. Whatever court is, you know, the
2 proper -- has the proper jurisdiction. We'll
3 give you plenty of time to go there and file
4 your appeal. Okay?

5 MR. JOHNSON: Okay.

6 CHAIRPERSON NICHOLS: Thank you so
7 much. Thank you, Mr. LaGue.

8 MR. LAGUE: May I add --

9 CHAIRPERSON NICHOLS: Yes, sir?

10 MR. LAGUE: This may -- I don't
11 know if I can only ask questions of the board,
12 or if I can also address a question --

13 CHAIRPERSON NICHOLS: Through the
14 Chair.

15 MR. LAGUE: Through the Chair.
16 Whether there is an intention to seek an
17 appeal.

18 CHAIRPERSON NICHOLS: Is there an
19 intention to seek an appeal?

20 MR. JOHNSON: I will let the
21 appropriate people know when I make any
22 decisions.

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CHAIRPERSON NICHOLS: All right.

All right. This particular hearing is
adjourned. Thank you both.

(Whereupon, at 2:31 p.m., the
hearing was adjourned)

1 CHAIRPERSON NICHOLS: All right.
2 Our next is a challenge to the nominating
3 petition of Jacqueline Manning, candidate for
4 5, Member of the Council.

5 Ms. Manning, where is your
6 challenger?

7 Okay. All right. Mr. McGhie, can
8 you give us the details of this.

9 MR. MCGHIE: Again, this is a
10 challenge brought pursuant to D.C. Code
11 Section 1-1001.08.

12 It's a challenge to the petition
13 submitted by Jacqueline Manning, a candidate
14 for the office of Ward 5, Member of the
15 Council. The challenge was brought by Mr.
16 Steven Motley.

17 Beginning with the candidate,
18 would you please state your full name and
19 address for the record.

20 MS. MANNING: Sure. Jacqueline
21 Manning . Address is 2116 R Street, N.E.,
22 Washington, D.C. 20002.

1 MR. MCGHIE: And Mr. Motley, would
2 you state your full name and address for the
3 record.

4 MR. MOTLEY: Yes. My name -- good
5 afternoon.

6 CHAIRPERSON NICHOLS: Good
7 afternoon.

8 MR. MOTLEY: My name is Steven C.
9 Motley, Sr., and my address is 1104 23rd
10 Street, N.E., Apartment 109.

11 MR. MCGHIE: And Ms. Brooks, have
12 you prepared a preliminary determination on
13 this challenge?

14 MS. BROOKS: Yes. I have.

15 MR. MCGHIE: And could you please
16 state your report for the board.

17 MS. BROOKS: On December 31st,
18 2013, Jacqueline Manning submitted a
19 nominating petition to appear on the ballot as
20 a challenge in the April 2014 primary election
21 for the office of Ward 5 member of Council.

22 That petition was posted for

1 public inspection for ten days, as required by
2 law. The petition was challenged on January
3 13th, 2014, by Steven Motley, a registered
4 voter in the District of Columbia.

5 My preliminary review of the
6 petition challenge indicates that Ms. Manning
7 submitted a total of 385 signatures. The
8 minimum requirement to obtain ballot access
9 for this office is 250 signatures.

10 Challenger Steven Motley filed a
11 challenge with a total of 188 signatures,
12 enumerated by line and page number on
13 individual challenge sheets filed for each
14 petition page.

15 Petition signatures were
16 challenged pursuant to Title III DCMR, Section
17 1607.1, of the board's regulations under the
18 following grounds.

19 The signer's not a duly-registered
20 voter. The signer, according to the board's
21 records, is not registered to vote at the
22 address listed on the petition at the time the

1 petition was signed. Provided that a address
2 on a petition was different from the address
3 which appears on the board's record shall be
4 seemed valid if the signer's current address
5 is within the boundaries from which the
6 candidate seeks nomination. And the signer
7 filed a change of address form with the board
8 during the first ten days following the date
9 on which the challenge to the nominating
10 petition is filed.

11 The signature's a duplicate of a
12 valid signature. The signature's not dated.
13 The signer's voter registration was designated
14 as inactive on the voter roll at the time the
15 petition was signed.

16 The petition does not include the
17 name of the signer, where the signature's not
18 sufficiently legible for identification. The
19 signature's not made by the person whose
20 signature it purports to be. The signer is not
21 a registered voter in the ward or same member
22 district from which the candidate seeks

1 nomination at the time the petition was signed
2 on a nominating petition to nominate a
3 challenge in a primary election. The signer's
4 not registered to vote in the same party as
5 the candidate at the time the petition is
6 signed.

7 My review of the petition
8 challenge indicates that a total of 56 of the
9 188 signatures are valid. This leaves the
10 candidate's nominating petition with 329
11 signatures, 79 signatures over the number
12 required for ballot access.

13 Also Ms. Manning filed two change
14 of addresses form with the board on the date
15 of the hearing, which would give her 81
16 signatures over the number required for ballot
17 access.

18 MR. MCGHIE: And at this point the
19 registrar of voters is recommending that Ms.
20 Manning be given ballot access as a candidate
21 for Ward 5 member of the Council, having
22 collected 81 signatures over the required 250

1 signatures needed for ballot access.

2 Ms. Manning, do you accept the
3 report of the registrar of voters?

4 MS. MANNING: Yes. I do.

5 MR. MCGHIE: And Mr. Motley, are
6 you taking exception to that report?

7 MR. MOTLEY: Yes; yes. I definitely
8 take an exception to that.

9 MR. MCGHIE: And would you please
10 state your basis for taking exception, and
11 what it is.

12 MR. MOTLEY: Yes; yes. Number one,
13 I take an exception to that. It was one
14 voter, in particular. It was page seven, line
15 19. There's a note -- and I realize that the -
16 - that the voter is a registered voter.
17 However, there was no proof that that was
18 actually her signature, because I had found
19 information that this actual voter doesn't
20 even live in the District. She's been living
21 in North Carolina.

22 But I had no -- and page seven,

1 line 19 --

2 MR. MCGHIE: Hold on. Page seven,
3 line 19?

4 CHAIRPERSON NICHOLS: Hold on.
5 We're trying to follow you.

6 MR. MCGHIE: Page seven, line 19.

7 CHAIRPERSON NICHOLS: Okay; okay.
8 Let's read this name. Willodeen Quattlebaum.

9 MR. MOTLEY: Correct.

10 CHAIRPERSON NICHOLS: And was that
11 challenged?

12 MR. MCGHIE: Yes; it was
13 challenged.

14 CHAIRPERSON NICHOLS: Okay. Line
15 19. Okay. Okay. Willodeen Quattlebaum. Okay.
16 So what about this one? You say she's not, in
17 fact, a -- she's what, now?

18 MR. MOTLEY: She's, in fact, is a
19 registered voter. However, that is not her
20 signature. Not only that. I have nothing to
21 compare it to, because on this from the Board
22 of Elections, I have nothing to compare it to.

1 It's -- it's been blacked out. I have nothing,
2 you know, a record -

3 CHAIRPERSON NICHOLS: That's a
4 copy.

5 MR. MOTLEY: Right; right.

6 CHAIRPERSON NICHOLS: I can't
7 speak to -

8 MR. MOTLEY: And there's no record
9 for me to -

10 CHAIRPERSON NICHOLS: We can see
11 it here.

12 MR. MOTLEY: -- to compare
13 signatures.

14 CHAIRPERSON NICHOLS: Well, we can
15 see it. We can see it in this copy, that we
16 have, and -

17 MR. MOTLEY: She's in North
18 Carolina.

19 CHAIRPERSON NICHOLS: She is in
20 North Carolina?

21 MR. MOTLEY: Yes.

22 CHAIRPERSON NICHOLS: So okay.

1 We'll give you that one. We'll give you that
2 one.

3 MS. MANNING: How are you giving
4 it?

5 MR. MCGHIE: I said if -

6 CHAIRPERSON NICHOLS: If we -

7 MS. MANNING: Oh. I didn't hear
8 the "if."

9 (Simultaneous speaking)

10 CHAIRPERSON NICHOLS: Actually -

11 MS. MANNING: You understand how
12 he's making a statement saying that she is in
13 North Carolina.

14 (Simultaneous speaking)

15 CHAIRPERSON NICHOLS: Well, I
16 could -- if you look at the signature, his
17 suggestion that this signature is not the
18 same, it does have merit, simply because of
19 the way she does her q's. I mean, we wouldn't
20 conduct a further investigation into this.

21 MR. MOTLEY: Okay. Again, I
22 reemphasize that's not her signature. She's in

1 North Carolina.

2 CHAIRPERSON NICHOLS: Okay. Moving
3 right along.

4 MS. MANNING: She's in North
5 Carolina, her signature changed.

6 MR. MOTLEY: You want to speak up.

7 CHAIRPERSON NICHOLS: Well, she
8 can. She has -

9 (Simultaneous speaking)

10 MR. MOTLEY: Okay. Sure; sure.
11 That's what I'm saying.

12 MS. MANNING: So you've got to
13 prove that she -

14 CHAIRPERSON NICHOLS: Let me say
15 this. I'm dictating that you don't talk to
16 her, except through me. You don't talk to him,
17 and you don't tell me what the procedure is.
18 Understand this. I'm not having any, you know,
19 quibbling going on here with each other. I'm
20 not having it.

21 She's got, how many? 81, 80
22 signatures more than she needs. You are the

1 one that has the burden of proof to go here.
2 And I'm not going to sit here and go through
3 signature by signature. That should really
4 have been done in the prehearing.

5 I should be here, at this point,
6 hearing some very persuasive arguments. I'm
7 not going to sit here and go through signature
8 by signature.

9 You understand that? That is not
10 my role.

11 MR. MOTLEY: Okay.

12 CHAIRPERSON NICHOLS: So if you've
13 got problems, you need to go on and put them
14 in categories, cause I'm not going to go
15 through a line by line with you at this point.
16 That should have been done with Mr. McGhie and
17 his attorneys at the prehearing. And here we
18 should be dealing only with issues at a very
19 summary level.

20 MR. MOTLEY: Okay.

21 CHAIRPERSON NICHOLS: Okay. Now
22 what are you going through now?

1 MR. MOTLEY: Okay. Now I just
2 heard you said I should be dealing with issues
3 on a very summary level.

4 CHAIRPERSON NICHOLS: Summary
5 level. So if you've got categories --

6 MR. MOTLEY: Okay. So -- okay.
7 Now let's get to categories. How's that?

8 CHAIRPERSON NICHOLS: Okay.

9 MR. MOTLEY: Okay. Now when the
10 petitions were handed over to me for
11 challenging, it's on record, that it was 15
12 petitions that were handed over to me for
13 challenge. Now that's what was handed over to
14 me. Fifteen petitions.

15 MS. BROOKS: Okay.

16 MR. MOTLEY: Okay. Fifteen
17 petitions, if my math is correct, is 300
18 signatures.

19 CHAIRPERSON NICHOLS: Fifteen
20 petitions. I'm not --

21 MR. MOTLEY: That -- that was not
22 my error.

1 MS. BROOKS: Ms. Manning submitted
2 seven supplemental petition pages.

3 CHAIRPERSON NICHOLS: Seven
4 supplemental?

5 MS. BROOKS: Yes.

6 MR. MOTLEY: Okay. I'm getting to
7 that. First, I just want to deal with the
8 fifteen.

9 CHAIRPERSON NICHOLS: Plus
10 supplemental.

11 MS. BROOKS: Yes.

12 MR. MOTLEY: That equals that.
13 Okay. You say go through you; right?

14 CHAIRPERSON NICHOLS: Yes.

15 MR. MOTLEY: Okay. So now I'm going
16 to keep my attention towards you.

17 CHAIRPERSON NICHOLS: That's
18 right.

19 MR. MOTLEY: So that's the
20 instructions that you gave me.

21 CHAIRPERSON NICHOLS: Okay.

22 MR. MOTLEY: Okay. So therefore, 15

1 petitions equal 300 signatures. That's what
2 was given me to examine. Now Ms. Brooks just
3 verified that 56 of those challenges were in
4 fact upheld.

5 Now 56 from 300 leaves a total of
6 244 signatures, which means Ms. Manning does
7 not qualify for ballot access. Okay. Can I
8 continue?

9 CHAIRPERSON NICHOLS: Yes. You
10 can.

11 MR. MOTLEY: Now I believe someone
12 just stated that there was seven petitions,
13 somewhere out there. Now the big problem that
14 I have with that is I was not given any kind
15 a opportunity to examine, or, you know, to
16 object, challenge, any of those 85 signatures.
17 Now I do realize that you just stated, very
18 clearly, that you are in charge, and this is
19 your -- you know -- your board and your
20 hearing.

21 However, at this time, this is
22 just my suggestion as a remedy. That I ask

1 the Board of Elections and Ethics to either
2 give me an opportunity to examine those other
3 seven petitions, and their signatures, or B,
4 eliminate and dismiss all 85 of 'em since they
5 were not -- I did not have any kind a
6 opportunity to examine 'em. I didn't even know
7 they existed.

8 CHAIRPERSON NICHOLS: Ms. Manning.

9
10 MS. MANNING: I disagree with
11 that, cause he had the opportunity, with all
12 that was sent in the day -- when everything
13 was turned in, on January 2nd, was the last
14 day. So he had ample opportunity to look over
15 all those signatures. When I came down and got
16 my disk, everybody's signatures, whoever was
17 out there, you can get those.

18 So he only selected what he
19 wanted. From my understanding, when you
20 request for signatures, Board of Elections
21 only give you what request for. So he did not
22 ask for that.

1 Even that day in the hearing,
2 which he -- that's not the first time he's
3 hearing what she said. He has a copy of that
4 statement.

5 CHAIRPERSON NICHOLS: Okay.

6 MS. MANNING: He had the
7 opportunity, then, to make that, and he did
8 not say anything at that prehearing.

9 CHAIRPERSON NICHOLS: When did you
10 request the petition?

11 MR. MOTLEY: Oh. On the 13th of --
12 on the 13th, the day that I did the initial --
13 on the day that --

14 CHAIRPERSON NICHOLS: No, no, no,
15 no. The petitions had to be filed on January
16 2nd.

17 MS. MANNING: 2nd. Was the last
18 day.

19 CHAIRPERSON NICHOLS: On January
20 2nd.

21 MR. MCGHIE: And he challenged on
22 the 13th.

1 CHAIRPERSON NICHOLS: And you --
2 so you challenged on the 13th.

3 MR. MOTLEY: Right. And I had no
4 knowledge whatsoever --

5 CHAIRPERSON NICHOLS: And did you
6 --

7 MR. MOTLEY: -- that there was --
8 that there was seven additional pages of
9 petitions out there.

10 CHAIRPERSON NICHOLS: But you
11 would have gotten everything.

12 MR. MOTLEY: No. I've only
13 received, and it should be a matter of record.
14 Now this shouldn't be anything that just
15 floating around. This is a matter of record,
16 that I only in fact received 15 --

17 MR. MCGHIE: Petitions.

18 MR. MOTLEY: -- petitions. That -
19 - that is a matter of record.

20 MR. MCGHIE: Well, all of her
21 petitions should have been posted for a 10 day
22 challenge. So -

1 CHAIRPERSON NICHOLS: All of them.

2

3 MS. BROOKS: All of them.

4 CHAIRPERSON NICHOLS: That is

5 standard practice. All of them. Nothing is not

6 posted. It is incumbent upon you to pick the

7 signatures to review. Everything is posted.

8 Everything. Everything. We don't get involved

9 with deciding which -- you know -- or how

10 many, or what. All of this is posted online.

11 I will look at it further Mr. Motley.

12 MR. MOTLEY: Again, I could only

13 review what I had -

14 CHAIRPERSON NICHOLS: But we don't

15 pull those sheets down, do we?

16 MS. BROOKS: No. They come in to

17 the office and they request a copy of

18 petitions to review. We give them everything

19 we have on file.

20 CHAIRPERSON NICHOLS: Right.

21 MS. BROOKS: And Mr. Motley -

22 MR. MOTLEY: Exactly.

1 MS. BROOKS: Excuse me. Mr. Motley
2 may have, did not miss any of this in the
3 prehearing.

4 CHAIRPERSON NICHOLS: And so I'm
5 not going to take it up now. I'm not going to
6 take it up now. This is not a hearing of new
7 issues. You have to process these through our
8 prehearing process, and then when you're not
9 satisfied with that, then you come to the
10 board. You know, I'm a one-person hearing.
11 Then you go to the full board, if you're not
12 satisfied. But -

13 MR. MCGHIE: Perhaps for the
14 record, the registrar of voters should state
15 what the process is -

16 CHAIRPERSON NICHOLS: Yes.

17 MR. MCGHIE: -- of posting
18 nominating petitions, which should include the
19 initial filing and any supplemental filings.
20 So -

21 (Simultaneous speaking)

22 CHAIRPERSON NICHOLS: And, really,

1 the -- let me, let me-let me just -- just say
2 this. And then you can -- you can say. Any
3 initial filing would have occurred prior to
4 January 6th, and every final filing had to
5 have occurred on January 2nd. Nothing else
6 would come in, that we would recognize after
7 January 2nd. And those petitions had to be
8 published for public review. All of them,
9 supplemental and everything. So I will look
10 in to this. But you should have gotten
11 everything --

12 MR. MOTLEY: And again, I did
13 indeed ask for all -- all Jacqueline Manning
14 petitions, and I was given --

15 (Simultaneous speaking)

16 CHAIRPERSON NICHOLS: And this was
17 on January 13th, you came in to challenge the
18 --

19 MR. MOTLEY: Correct.

20 CHAIRPERSON NICHOLS: And when was
21 the last day.

22 MS. BROOKS: That was the last

1 day.

2 CHAIRPERSON NICHOLS: That was the
3 last day.

4 MS. BROOKS: That was the last
5 day.

6 CHAIRPERSON NICHOLS: I really
7 wish you had come in earlier. That would have
8 helped.

9 MR. MOTLEY: I do want to be fair
10 about --

11 (Simultaneous speaking)

12 CHAIRPERSON NICHOLS: But -- well,
13 we are trying to be fair. Yes, sir. We are
14 trying to be fair.

15 MR. MOTLEY: And I want to be fair
16 about this.

17 CHAIRPERSON NICHOLS: Yes.

18 MR. MOTLEY: Now can I go to my
19 final point?

20 CHAIRPERSON NICHOLS: Yes, sir.

21 MR. MOTLEY: But I really wish you
22 would -

1 (Simultaneous speaking)

2 CHAIRPERSON NICHOLS: We will look
3 in to that. Yes.

4 MR. MOTLEY: I just want to be fair
5 about the ballot, so -- and last but not
6 least, I find it somewhat curious that -- what
7 Ms. Brooks was saying -- oh, yes, and I've
8 been trying to get those seven, because I just
9 have a question to ask. I had called Mr.
10 McGann. I had called Mr. McGann -

11 CHAIRPERSON NICHOLS: Yes, sir.

12 MR. MOTLEY: -- on the phone. And
13 I had asked Mr. McGann his -- the camera's
14 working over in the election office. I really
15 did ask him that. You know, I made a special
16 call. And he -- because I made some
17 "observations," would be the correct term.
18 Okay.

19 And going back to those
20 observations, back on the day of the
21 prehearing, I observed something that, you
22 know, kind a -- that someone, I'll say, just

1 got my attention. Ms. Manning and Ms. Brooks
2 were being rather, you know, "chummy-chum."
3 When I'm saying chummy-chum, way over the
4 ordinarily -- you know -- like shaking hands,
5 and giving the "thumbs up." Okay. I can
6 accept that. you know, I have no problem with
7 that.

8 But as they dismissing like, you
9 know, giving hugs, you know -- that,
10 collectively, gives the wrong aura. It sends
11 the wrong message. It makes me feel --

12 CHAIRPERSON NICHOLS: It does, Mr.
13 Motley.

14 MR. MOTLEY: -- that I -- the
15 appearance, that I was not being fair in this
16 overall process, just as you just stated --

17 CHAIRPERSON NICHOLS: I wouldn't
18 say it conveyed that --

19 (Simultaneous speaking)

20 CHAIRPERSON NICHOLS: -- but it
21 is improper -

22 MR. MOTLEY: -- face that. So, you

1 know, that's where I really wish you would
2 look very closely at that other matter.

3 CHAIRPERSON NICHOLS: I will.

4 MR. MOTLEY: With this observation,
5 cause I find it very curious, why those
6 camera, all of a sudden, disappeared. Now --
7 so you could review the camera yourself, to
8 see this -

9 CHAIRPERSON NICHOLS: Yes.

10 MR. MOTLEY: All of sudden they
11 disappeared.

12 CHAIRPERSON NICHOLS: I'm going to
13 check into -

14 (Simultaneous speaking)

15 MR. MOTLEY: So that whole package
16 -- in consideration.

17 CHAIRPERSON NICHOLS: I'm going to
18 check in to all that, Mr. Motley.

19 MR. MOTLEY: Thank you very much.

20 CHAIRPERSON NICHOLS: And I do
21 agree that we have to maintain proper decorum.
22 And that is something we're going to work with

1 staff to improve. I've seen it at the board
2 level, as well as with staff, that we don't,
3 sometimes, maintain proper decorum with regard
4 to our discussions with folks we might know.

5 MR. MOTLEY: So -- so -

6 CHAIRPERSON NICHOLS: Yes, sir?

7 MR. MOTLEY: So finally, I just
8 wanted to very closely recap. 85 of them, I
9 didn't know existed. And last, but not least,
10 that was very inappropriate and sent out the
11 wrong message, with that whole package we
12 believe.

13 CHAIRPERSON NICHOLS: Now let me
14 ask you something. How am I going to know that
15 you did not get all of the pages, and somehow
16 only stuck with, you know, the one through
17 fifteen? How am I -- what evidence -- your
18 burden. What evidence do you have, that you
19 did not get?

20 MR. MOTLEY: Okay. The evidence
21 that I have, the Office of Board of Elections,
22 they filled out a paper where I signed on -

1 CHAIRPERSON NICHOLS: Okay.

2 MR. MOTLEY: -- the exact number
3 of pages -

4 CHAIRPERSON NICHOLS: Number of
5 pages that you got?

6 MR. MOTLEY: -- that I received.

7 CHAIRPERSON NICHOLS: Okay.

8 MR. MOTLEY: You have my signature,
9 and on some paper.

10 CHAIRPERSON NICHOLS: Okay.

11 MR. MOTLEY: The gentleman -- he's
12 not here.

13 CHAIRPERSON NICHOLS: All right.
14 I'll check with them. Ms. Manning, and then
15 Ms. Brooks, I want you to put on the record
16 what the standard procedure is for making
17 available petition challenges.

18 Yes, ma'am.

19 MS. MANNING: I'm working my way
20 back up from what he says.

21 CHAIRPERSON NICHOLS: Yes.

22 MS. MANNING: That day of the

1 13th, I -- yes, I did shake Ms. Brooks' hand;
2 but I did not hug her. I do understand the
3 code of ethics, and professionally in the
4 environment where people are standing around.
5 This gentleman kept following me around the --
6 the entire building, down to my car as we
7 walked out.

8 (Simultaneous speaking)

9 CHAIRPERSON NICHOLS: Okay. Were
10 you doing -

11 MS. MANNING: Yes. He walked down
12 E Street. So he -

13 CHAIRPERSON NICHOLS: Were you
14 following her?

15 MS. MANNING: Yes. He stood there
16 and sat -

17 (Simultaneous speaking)

18 CHAIRPERSON NICHOLS: Was you
19 following her?

20 MS. MANNING: He sat -

21 MR. MOTLEY: Of course not. The -

22

1 (Simultaneous speaking)

2 MS. MANNING: Now sir, it's --
3 ma'am. I'm sorry. He has to wait. I'm sorry.

4 MR. MOTLEY: Okay. I'm waiting.

5 CHAIRPERSON NICHOLS: Let her
6 finish.

7 MR. MOTLEY: I'm waiting.

8 MS. MANNING: I'm sorry. He waited
9 the whole time cause I stood there getting
10 information based on the other cards that I
11 turn in for the voter registration. So
12 whatever he appears, that he thinks he saw,
13 that's not what happened. I understand that,
14 working in any other place. As far as those
15 signatures, he under -- all that stuff was
16 available. Based on the prehearing, and what
17 happened, that -- that information that he's
18 trying to bring forth now was not presented
19 there.

20 CHAIRPERSON NICHOLS: Okay. I'm
21 not going to take it up now.

22 MS. MANNING: And for me, and the

1 understanding of how the hearing went, if he
2 did not discuss it then, it should not be up
3 and this should not be tabled at this time.
4 As far as that signature, we know that people
5 handwriting change as they age. We all age and
6 different things happen. However, I just feel
7 that Mr. Motley is reaching, and wasting good
8 government time on the basis of what he's
9 making, is unnecessary, especially when he's
10 accusing an employee of something that she did
11 not do. And that's just--that's my--that's--
12 that's all I have to say.

13 MR. MOTLEY: Okay. Can I--

14 CHAIRPERSON NICHOLS: Yes, sir.

15 MR. MOTLEY: It's my turn. Okay. I
16 really wasn't going to go here with this, but
17 since--after what she just said, at least I'm
18 asking you to do this. At the very least,
19 before you make your decisions on them 85
20 signatures, I would like you, personally, to
21 take a very close look at those 85 signatures,
22 because I want going to be frank with you, and

1 I'm looking you in the eye.

2 If you look very closely, you will
3 see that they were all signed by the same
4 person, and they should be dismissed, and I
5 wouldn't go--

6 [Simultaneous conversation]

7 CHAIRPERSON NICHOLS: Well, I
8 can't hear that. That's not--no. I'm not going
9 to do that, because--

10 MR. MOTLEY: Okay. Well, that's why
11 I'm saying--

12 CHAIRPERSON NICHOLS: You should
13 have raised that in the--

14 MR. MOTLEY: I didn't--

15 MR. MCGHIE: Mr. Motley. Mr.
16 Motley.

17 MR. MOTLEY: I have nothing to go
18 by. That was--

19 [Simultaneous conversation]

20 CHAIRPERSON NICHOLS: But how
21 could you challenge them now?

22 MR. MOTLEY: Because the same

1 information--

2 CHAIRPERSON NICHOLS: Mr. Motley.

3 No, no, no, no, no. Mr. Motley, how could you
4 challenge them now, if you've never seen them?

5 MR. MOTLEY: I don't have--I have--
6 believe me --

7 CHAIRPERSON NICHOLS: No, no, no,
8 no. Listen to me, please. How could you make
9 a--an allegation like that, if you have not
10 seen them? That is a serious--serious charge.

11 MR. MOTLEY: Right.

12 CHAIRPERSON NICHOLS: And my--

13 MR. MOTLEY: And I wasn't going to
14 go there--

15 CHAIRPERSON NICHOLS: No, no, no,
16 no, no. No, no, no, no. No.

17 How can you make that allegation,
18 if you have not seen those petitions?

19 MR. MOTLEY: Answer?

20 CHAIRPERSON NICHOLS: Yes.

21 MR. MOTLEY: Cause one a the
22 members in the community has--had come forward

1 and pointed out, and stated, yes--

2 [Simultaneous conversation]

3 CHAIRPERSON NICHOLS: That's some
4 hearsay.

5 MR. MOTLEY: Okay. I'm just saying--
6 -

7 CHAIRPERSON NICHOLS: That's
8 hearsay.

9 MR. MOTLEY: That's why I asked you
10 to look for yourself.

11 CHAIRPERSON NICHOLS: That's
12 hearsay.

13 MR. MOTLEY: That's why--so it
14 won't become hearsay.

15 CHAIRPERSON NICHOLS: Did you see--
16 -well, we're not listening to that. Okay.

17 [Simultaneous conversation]

18 CHAIRPERSON NICHOLS: Thank you,
19 Mr. Motley. Thank you so much.

20 MR. MOTLEY: And as far as--we did
21 catch the elevator together. It just happened.
22 But we happened to catch the elevator today.

1 And there's one exit, I went out. I live up by
2 Carver Terrace.

3 CHAIRPERSON NICHOLS: Okay.

4 MR. MOTLEY: So I went to my right,
5 and I walked all the way to Union Station. You
6 know.

7 CHAIRPERSON NICHOLS: Okay.

8 MR. MOTLEY: That--that's what I
9 did. But I never once--

10 [Simultaneous conversation]

11 CHAIRPERSON NICHOLS: Well, that's
12 beyond the bounds of this--

13 MR. MOTLEY: I never opened my
14 mouth to her--

15 CHAIRPERSON NICHOLS: --the
16 jurisdiction of this board.

17 MR. MOTLEY: Okay. Okay. A
18 accusation was made about--

19 [Simultaneous conversation]

20 CHAIRPERSON NICHOLS: Yes, and I
21 let you respond. Yes, sir. I want you to have
22 due process. At least you have--are entitled

1 to respond to that accusation. Now Ms.
2 Brooks, would you please put on the record the
3 process for challenging petitions, and for
4 making those petitions available for
5 challenge, and how that works.

6 MS. BROOKS: Okay. On or about
7 January 2nd, all petitions became available
8 for doing the challenge group, beginning on
9 Saturday, January 4th, through Monday, January
10 13th. At that time we make all petitions
11 available on hard copy, and we make make--scan
12 them for CD. Any registered voter can come in
13 and review the petitions, and the sign-in
14 sheet, and tell us which petitions they're
15 reviewing, and take them to the computer, and
16 just look at them. Or they purchase them. So
17 Mr. Motley had the same opportunity, as any
18 other registered voter, to come in and review
19 Ms. Manning's petition, or any other candidate
20 that's running for those elections.

21 CHAIRPERSON NICHOLS: So Mr.
22 Motley came in--I don't--I'm still not--

1 MS. BROOKS: We'd have to pull the
2 sign-in sheet for you.

3 CHAIRPERSON NICHOLS: Yes, please.

4 MS. BROOKS: Okay.

5 CHAIRPERSON NICHOLS: And then he
6 can either purchase a copy of those petitions,
7 or he can look at them on our computer. Did
8 you purchase a copy?

9 MR. MOTLEY: No; no.

10 CHAIRPERSON NICHOLS: So you
11 looked at them on our computer?

12 MR. MOTLEY: No. I--

13 [Simultaneous conversation]

14 CHAIRPERSON NICHOLS: How did you
15 get--

16 MR. MOTLEY: I didn't say that I
17 looked at them. I said that I did, in fact--
18 and you have my signature on that. I signed.
19 I did ask for everything, and, you know, from
20 the, you know, desk, and I was given 15
21 petitions, and told me that--that that's--

22 CHAIRPERSON NICHOLS: Do we hand--

1 oh, yes, you said we give out a hard copy.

2 MR. MOTLEY: You should have that
3 information.

4 MS. BROOKS: Well, unfortunately,
5 on the form, it does not indicate how many
6 petition pages each candidate is given at the
7 time they ask for them. We just have you sign
8 your name, and state whose candidate petitions
9 you're reviewing.

10 MR. MOTLEY: No. They told me --he
11 had one of fifteen. Yeah. Where I signed my--
12 there was a form that stated I received 15
13 petitions.

14 MS. BROOKS: I have to--
15 [Simultaneous conversation]

16 MR. MOTLEY: That I signed--

17 MS. BROOKS: -- that, cause I'm
18 almost sure--

19 MR. MOTLEY: Yeah. There was a
20 form.

21 MS. BROOKS: That's not--on that
22 sign-in sheet, it indicates the date that you

1 review them, the candidate's name--the person
2 that's reviewing the petition, and the
3 candidate's name, the time you take them out,
4 and the time you return them.

5 MR. MOTLEY: No--

6 MS. BROOKS: We do not indicate
7 how many petition pages each can--you're
8 taking out when you're reviewing them.

9 MR. MOTLEY: No. This--

10 MS. BROOKS: We give you ev--
11 excuse me, Mr. Motley. We give you everything
12 that's on file.

13 CHAIRPERSON NICHOLS: Mr. Motley,
14 please. Please.

15 MS. BROOKS: And if you did not
16 receive all of Ms. Manning's petitions, I was
17 not aware of that, and you--again, you did not
18 point it out at the prehearing.

19 CHAIRPERSON NICHOLS: So, you
20 know, Mr. Motley--and I'm just--Ms. Manning
21 only needed 250 signatures; right?

22 MS. BROOKS: Yes.

1 CHAIRPERSON NICHOLS: Even if you
2 didn't see the supplemental, the additional
3 sheets--

4 MR. MOTLEY: Which--which--which
5 number are you talking about? Eighty-five?

6 CHAIRPERSON NICHOLS: Uh-hmm.

7 MR. MOTLEY: Uh-hmm.

8 CHAIRPERSON NICHOLS: The 85.

9 MR. MOTLEY: Right.

10 CHAIRPERSON NICHOLS: There's no
11 basis for us to throw out that--

12 MR. MOTLEY: Yeah, because that
13 means there were 244--

14 CHAIRPERSON NICHOLS: No. No, no,
15 no, no. That doesn't--that's not--

16 MR. MOTLEY: How does it not? She
17 upheld 56 of them.

18 CHAIRPERSON NICHOLS: No. You're
19 not following.

20 MR. MOTLEY: I'm figuring the math.

21 CHAIRPERSON NICHOLS: You're not
22 following what--

1 MR. MOTLEY: I'm making out the
2 math.

3 CHAIRPERSON NICHOLS: You're not
4 following what I'm saying. Okay? I'm not
5 doing math at this point. I'm trying to get
6 you through. You say you did one to fifteen,
7 and that there are seven additional petitions
8 out, with approximately--

9 MR. MCGHIE: The total number of
10 signatures comes out to 385.

11 CHAIRPERSON NICHOLS: Yes. But--

12 MR. MCGHIE: She said 56.

13 CHAIRPERSON NICHOLS: And that
14 leaves her with--

15 MR. MCGHIE: 329.

16 CHAIRPERSON NICHOLS: 329. But
17 he's saying that there are--

18 MR. MCGHIE: 85--

19 CHAIRPERSON NICHOLS: --85 on the
20 so-called, you know, "mystery petitions" he
21 did not get a chance to review. And you're
22 assuming that every one of those signatures is

1 invalid, which is most impossible. I would
2 think it is--that there have to be at least
3 five valid, or six valid signatures on --
4 within that eighty-five. Let's just
5 hypothetically--let me finish. Don't say--
6 don't say nothing now, cause you're trying to
7 confuse me. I know.

8 So if we follow your logic, that
9 if you back out the 85, and that leaves her
10 with 244, all she needs is six from that--
11 really, you cannot--because there's no basis
12 to deny her the entire eighty-five. There's no
13 basis. You've given us no basis. There is no
14 basis. So even if we just went through those,
15 and tried to find invalid signatures, she'd
16 still have 250.

17 What is the basis for us throwing
18 those out? Cause you didn't see them?

19 MR. MOTLEY: No.

20 CHAIRPERSON NICHOLS: What's the
21 basis, though? See, we've got to have a basis
22 for throwing them out.

1 MR. MOTLEY: I understand, clearly.
2 Not only do I understand clearly, I understand
3 crystal clearly. I--I don't know what word to
4 use. I don't think beg would be that
5 understandable or correct. But implore you, or
6 something, that you take a look at these 85
7 signatures, and look at them very closely.
8 And I'm more than sure that, and closely
9 examine the whole batch--

10 CHAIRPERSON NICHOLS: The whole
11 batch. Okay. All right.

12 MS. BROOKS: We have the
13 supplementals here.

14 CHAIRPERSON NICHOLS: Okay. Yes.
15 Let's look at them right now. And please go
16 find that--

17 MS. BROOKS: Sheet. The sign-in
18 sheet.

19 CHAIRPERSON NICHOLS: Yes, please.

20 MR. MCGHIE: Oh, the sign-in sheet?
21 I think this is the 15 pages.

22 CHAIRPERSON NICHOLS: Oh. Page--15

1 pages.

2 MR. MCGHIE: That he challenged.

3 CHAIRPERSON NICHOLS: Oh.

4 CHAIRPERSON NICHOLS: This is not--
5 -Mr.--and let me say--yes. Thank you. The
6 sign-in sheet. You misread, apparently, "a
7 challenge containing 15 pages." So you're
8 saying from this we have to read in that there
9 were seven pages you didn't get?

10 MR. MOTLEY: And I'm not--not only
11 at that point.

12 CHAIRPERSON NICHOLS: "I
13 acknowledge receipt of the following items--

14 [Simultaneous conversation]

15 MR. MOTLEY: When I came down--when
16 I came down and actually found, you know, the
17 challenge for--

18 CHAIRPERSON NICHOLS: Yes.

19 MR. MOTLEY: --the prehearing, at
20 that point I also asked is there anything
21 else, and I signed a document saying that was
22 it, and there was 15 pages. There was a

1 letter. I signed that. I'm not only referring
2 to the sign-in sheet.

3 CHAIRPERSON NICHOLS: Okay.

4 MR. MOTLEY: When I actually filed,
5 you know, the--the legal filing. At that
6 point, I also request. And I signed--signed a
7 paper, and it was on that document that--that
8 said I was given one of 15 petitions.

9 CHAIRPERSON NICHOLS: But this is
10 the only thing that you signed in our office.

11 MR. MOTLEY: Can--can--is it okay
12 if I see that? Because there was another
13 document at the time I filed for it. Is that
14 just a sign-in sheet? Because--

15 CHAIRPERSON NICHOLS: Challenge.
16 Yes. I see. And this is--you're right.

17 MR. MOTLEY: Okay; okay.

18 [Simultaneous conversation]

19 CHAIRPERSON NICHOLS: Yes. You
20 signed two documents.

21 MR. MOTLEY: Okay; okay. So now
22 you see it. Now you can see.

1 CHAIRPERSON NICHOLS: Yes.

2 MR. MOTLEY: Is that--

3 CHAIRPERSON NICHOLS: Well, the--

4 MR. MOTLEY: Will that be put on
5 record?

6 CHAIRPERSON NICHOLS: One is the
7 challenge receipt. Really, this is--

8 MR. MCGHIE: Just saying you
9 submitted.

10 CHAIRPERSON NICHOLS: Just saying
11 that you submitted 15 pages. It doesn't say
12 how many pages you got. It doesn't say how
13 many pages you got. It just says how many
14 pages you submitted for challenge.

15 MR. MOTLEY: Okay. And I--

16 CHAIRPERSON NICHOLS: See, in
17 other
18 words--

19 MR. MOTLEY: That I had--

20 CHAIRPERSON NICHOLS: But--but--

21 MR. MOTLEY: You know--

22 CHAIRPERSON NICHOLS: Well--but

1 you have no evidence. I can't say that you
2 didn't get everything. I can't say that. I
3 can't make that leap from here. You see what
4 I'm saying? I will look at it--

5 MR. MOTLEY: Okay. So--

6 CHAIRPERSON NICHOLS: --but I
7 can't make that leap.

8 MR. MOTLEY: Okay.

9 CHAIRPERSON NICHOLS: Yes, ma'am,
10 Ms. Manning?

11 MS. MANNING: I object to the
12 reviewing of those signatures because--

13 MR. MOTLEY: I bet you do.

14 CHAIRPERSON NICHOLS: Mr. Motley.
15 Let's maintain proper decorum. See--no, no,
16 no, no. See, you're talking about somebody
17 else's decorum. You have to maintain your--

18 MR. MOTLEY: My apology--

19 CHAIRPERSON NICHOLS: You cannot--

20 MR. MOTLEY: --to the board.

21 CHAIRPERSON NICHOLS: Yes. You
22 cannot--

1 MR. MOTLEY: My apology to the
2 board.

3 CHAIRPERSON NICHOLS: Okay. Thank
4 you, sir. Ms. Manning.

5 MS. MANNING: I object.

6 CHAIRPERSON NICHOLS: And then
7 we're going to call this to an end, because I
8 think we have--

9 MS. MANNING: Yes, cause I object
10 to that--

11 CHAIRPERSON NICHOLS: Yes.

12 MS. MANNING: --because he's--his--
13 --whatever he's trying to accomplish is not
14 working, and to go over those signatures,
15 which he was supposed--again, the prehearing--
16 and we're here, and his--

17 CHAIRPERSON NICHOLS: Right. We
18 cannot raise this now--

19 MS. MANNING: But he has no
20 evidence to say--

21 CHAIRPERSON NICHOLS: Exactly.

22 MS. MANNING: --that the other

1 signatures, of what he submitted,--

2 CHAIRPERSON NICHOLS: Exactly.

3 MS. MANNING: --what he wanted, is
4 not for the board to tell him what to get. He
5 wrote--he put down what he wanted--the one
6 through fifteen. So that's what he submitted.

7 CHAIRPERSON NICHOLS: Uh-huh.

8 MS. MANNING: And he had to also--
9 in his past statement, he just said he--he
10 knows, he saw those other doc -- other sig --
11 one through seven. So I totally object to
12 what's going on right here, because there's
13 not--there's no grounds for it.

14 CHAIRPERSON NICHOLS: You have no
15 ev--you do not have any--the one thing you
16 have evidence of is Willodeen Quattlebaum. But
17 you have no evidence of anything else.

18 MR. MOTLEY: I never seen those
19 signatures.

20 CHAIRPERSON NICHOLS: But that--
21 we'll look at that--

22 [Simultaneous conversation]

1 MR. MOTLEY: I never seen those. So
2 since you--

3 CHAIRPERSON NICHOLS: Okay. Well,
4 that was not raised--that was not raised in
5 the--

6 MR. MOTLEY: --it can be seen that
7 they had been signed by the same person. Now
8 you have it in your hand, so you can see that
9 it's signed by the same person.

10 MR. MCGHIE: I just wanted to make--
11 -

12 MR. MOTLEY: Okay.

13 MR. MCGHIE: One thing I would like
14 Rudy, Mr. McGann to do, is to put on the
15 record what exactly was challenged at the
16 prehearing and what was not challenged at the
17 prehearing. And the only reason I suggested
18 that we look at the petitions is because you
19 said on the face of these petitions, you can
20 tell that there's forgery. So we--the board
21 should be able to look at the face of this,
22 and see whether or not there appears to be

1 forgeries without looking at it.

2 MR. MOTLEY: Okay. That sounds
3 fine. Okay; okay.

4 MR. MCGANN: Rudolph McGann, staff
5 attorney with the Board of Elections. At the
6 prehearing conference held last week, the
7 issue of page seven, line 19, was not raised.
8 The issue regarding the 85 petitions, or the
9 seven petition sheets, rather, was not raised.
10 The one thing that was raised, after--
11 subsequent to the prehearing, and the only
12 reason why it was raised subsequent to the
13 prehearing is because the conduct that was
14 complained of happened after the prehearing
15 conference, was the fact that Mr. Motley
16 complained about the hug that he perceived in
17 the offices after the prehearing.

18 But none of these matters that
19 have been raised today were raised at the
20 prehearing.

21 MR. MOTLEY: Can I say something,
22 please?

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CHAIRPERSON NICHOLS: No, sir.

We're done. We're done. Thank you both. We will issue an order, promptly, on this matter. Having no other business before us, it is 3:09. This meeting is hereby adjourned.

[Whereupon, at 3:09 p.m., the Special Board Meeting was adjourned]

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In the matter of: Special Board Meeting

Before: BOE

Date: 01-27-2014

Place: Washington, D.C.

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