

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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FRIDAY

APRIL 22, 2022

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The District of Columbia Board of Elections convened a Special Board Meeting via Videoconference, pursuant to notice at 10:30 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

- GARY THOMPSON, Chair
- MIKE GILL, Member
- KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

- TERRI STROUD, General Counsel
- KAREN F. BROOKS, Registrar of Voters
- MILLICENT GREEN WRIGHT, Election Services
- MYISHA THOMPSON, Election Services

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

2 (10:36 a.m.)

3 CHAIR THOMPSON: All right. Well good
4 morning, everybody. My name is Gary Thompson.

5 I'm the Chair of this 3-member Board. With me is
6 Karyn Greenfield and Mike Gill who I see present.

7 And that means we have a quorum. I also want to
8 check on the record, is the Court Reporter
9 present? I need the Court Reporter to raise
10 their hand so we can unmute them. Now we got it.

11 COURT REPORTER: Hello. This is Mr.
12 Crawley.

13 CHAIR THOMPSON: All right. Mr.
14 Crawley, thank you so much for being here. So we
15 have a quorum. We have a Court Reporter present.
16 Good morning, everybody -- everybody that's here
17 in the hearing room. Everybody that's on by
18 Zoom.

19 Today is the purpose of our hearing,
20 which was duly noticed, is to hear challenges to
21 petitions, specifically with respect to whether
22 the candidates' challenges have the requisite

1 number of signatures to run for their respective
2 offices. This is my first time chairing a series
3 of challenges like this. I'm told this is more
4 than usual. There are a lot of challenges. We
5 have ten challenges that were not resolved by
6 pre-hearing conference and that require us to go
7 through the tasks of hearing from both the
8 challenger and the candidate or their respective
9 counsel one at a time. So we've got our work cut
10 out for us.

11 Begin we dive in, I want to say on the
12 record, a thank you to the Voter Services
13 Division in particular for a lot of hard work in
14 reviewing a lot of signatures. So just to set
15 the stage a little bit for many people who I can
16 see are observing, when you're running for mayor,
17 you need 2,000 signatures or 1 percent of your
18 party, whichever is less. And different numbers
19 are needed, depending on the office, whether it's
20 an at-large member of the council or a ward
21 council member, ANC Commissioner, et cetera. It
22 ranges from 2,000, I believe, down to 25 for the

1 ANC.

2 I used to be an ANC Commissioner, so
3 I know what it's like to try to get 25
4 signatures. So I mean I haven't -- didn't have
5 to go through the chore of getting more than 25
6 and it was not easy, I can tell you. And of
7 course, this is all driven by statute and
8 regulation.

9 And just to sort of explain to
10 everybody, we don't have much discretion in that
11 regard. When you look at the relevant
12 regulations, the word "shall" appears many times.
13 In 1607 of the Title 3 of the regs for example,
14 it says, "A signature shall not be counted as
15 valid in any of the following circumstances:"
16 And then it goes from the "A" down to "N". So
17 there's a lot of circumstances where a signature
18 shall not be counted such as it's a duplicate
19 signature or it's not a registered voter and you
20 know, so on and so forth. There's a lot of
21 detail to this. And these are the regulations
22 that we are required to apply.

1 So yeah, before we dive into the
2 context of any particular challenge, I just hope
3 everybody understands that whatever views you
4 might have about whether these should be
5 requirements, we don't have the discretion today
6 to set them aside. When I read all through this,
7 I have a lot of sort of personal sort of
8 reactions to some of it, which is wow, this is
9 onerous. It should be easier. Maybe the Council
10 should do something to make this easier. That's
11 not really relevant. You know, I may think that
12 on the one hand. But on the other hand, I
13 recognize that the regulations and the governing
14 statutes, they are what they are. They're in
15 place and we have to follow them.

16 That said, sometimes we do have
17 discretion. There's some room with respect to
18 certain issues for us to decide what to do. And
19 I guess I speak only for myself when I say, when
20 there is room -- when there is discretion, I want
21 to do everything I can to allow a candidate to be
22 on the ballot. That's the starting point is to

1 try everything that we can try to see a candidate
2 through to appearing on the ballot so the voters
3 can decide. Sometimes we won't be able to get
4 there because there's just a short fall.
5 Sometimes we will be able to get there.

6 With that opening set of comments,
7 before we dive in, Karyn or Mike, any opening
8 comments on your end?

9 MEMBER GILL: Nope. For me at least,
10 ready to dive in. Ditto your remarks on, you
11 know, when it's grey, we tend to air on the side
12 of getting folks on ballots and letting people --
13 letting the voters decide.

14 MEMBER GREENFIELD: Yeah. And I don't
15 have anything, Gary. I concur with you all that
16 there is some discretion we have and we do look
17 at that.

18 CHAIR THOMPSON: Well thank you so
19 much. We've got ten matters as I said. Nine of
20 them we must address today.

21 MS. STROUD: Well one, but we're --

22 CHAIR THOMPSON: Go ahead.

1 MS. STROUD: So one of the -- the
2 first matter was filed such that it has to be
3 resolved today. The others are not necessarily
4 required to be resolved today, but we do hope to
5 resolve as many as we can today. The matters
6 that were filed on April 3rd must be resolved
7 today. The matters that were filed -- the
8 challenges that were filed on April 4th need not
9 be resolved until the 25th. But you know, we are
10 holding all these hearings today. And we hope to
11 resolve them for several reasons, the main one
12 being that we are required to mail out ballots to
13 military and overseas voters.

14 And so you know, doing -- resolving
15 challenges today would allow us extra time in
16 case of litigation to resolve our ballots. If
17 you could remove -- Excuse me. We are hoping to
18 resolve all of the matters that we can resolve
19 today. And then will in any event, be resolved
20 no later than Monday, except for the first
21 matter, which must be resolved today. But we're
22 going to -- with that, I'll let you know how

1 we're going to proceed today.

2 For each matter, we're going to have
3 the parties introduce themselves by stating their
4 name and address for the record. Then we are
5 going to have a representative from the Voter
6 Services Division provide their report with
7 respect to their findings. Then if necessary,
8 we'll hear from representatives of the Office of
9 the General Council. The challenger will have
10 five minutes to respond to the Voter Services
11 presentation. And then the candidate will have
12 similarly, five minutes to respond. And so
13 that's how we will proceed.

14 My understanding is that the Board
15 will vote to enter into executive session to
16 deliberate on the matters -- on each of the
17 matters after we've heard them all. So we will
18 not be stopping after every matter to go and
19 deliberate and then come back and then come back
20 and hear from the next matter. So there will be
21 the Voter Services report, responses to the
22 reports by the challenger and the candidate, and

1 then we will move on to the next matter. And
2 again, each side will have five minutes. So that
3 should give everyone present a sense of how much
4 time it will take to resolve or to hear each
5 matter.

6 CHAIR THOMPSON: And can you just read
7 real quick for people following the order. We're
8 going to do ten of these. Can you just read the
9 order that they're going to go in. So if you're
10 tenth, you know --

11 MS. STROUD: Yes.

12 CHAIR THOMPSON: -- you've got an hour
13 or more, maybe two or more --

14 MS. STROUD: Sure.

15 CHAIR THOMPSON: -- just to give a
16 sense of timing.

17 MS. STROUD: The first matter is James
18 Harnett versus Corren Brown or Corren Brown,
19 Candidate for Mayor of the District of Columbia.
20 And excuse me if I mispronounce, you know,
21 anyone's name. Lisa Gore versus Leniqua'dominique
22 Jenkins, Candidate for At-Large Member of the

1 Council of the District of Columbia. James
2 Harnett versus Leniqua Jenkins, Candidate for At-
3 Large Member of the Council for the District of
4 Columbia. Sirraya Gant versus Dorothy Douglas,
5 Candidate for Ward 7 Committeewoman of the
6 Democratic State Committee. Jimmie Williams
7 versus Tyrell Holcomb, Candidate for Ward 7
8 Committeeman of the Democratic State Committee.

9 Denise Reed versus Mary Candon,
10 Candidate for Democratic National Committeewoman.
11 David Meadows versus the Candidates for Ward 8
12 Committeewoman and Committeeman of the Democratic
13 State Committee on the "Fight the Power 8" Slate,
14 represented by Anthony Muhammad as the Slate
15 Manager. Dennis Jaffe versus Bradley Thomas,
16 Candidate for At-Large Member of the Council of
17 the District of Columbia. Nathan Fleming versus
18 Bradley Thomas, Candidate for At-Large Member of
19 the Council of the District of Columbia. And
20 finally Luz Martinez-Munoz versus Trayon White,
21 Candidate for Mayor of the District of Columbia.

22 CHAIR THOMPSON: All right, so thank

1 you. With that, we'll call the matter of James
2 Harnett versus Corren Brown, Candidate for Mayor
3 of the District of Columbia. Can we hear first
4 from Voter Services?

5 MS. STROUD: We will hear from Voter
6 Services and we have Millicent Green Wright from
7 Voter Services who will read the registrar's
8 report in that matter.

9 MS. GREEN WRIGHT: Good morning. On
10 March 23rd, 2022, Corren Brown submitted a
11 nominating petition to appear on the ballot as
12 Candidate --

13 MEMBER GILL: Hey, Gary. It's tough
14 to hear her.

15 MS. GREEN WRIGHT: Thank you. Good
16 morning. Can everyone hear now?

17 MEMBER GILL: Yep, all good.

18 MS. GREEN WRIGHT: On March 23rd,
19 2022, Corren Brown submitted a nominating
20 petition to appear on the ballot as a candidate
21 in the June 21, 2022 primary election for the
22 Office of Mayor of the District of Columbia. The

1 minimum requirement to obtain ballot access for
2 this office is 40 signatures of District voters
3 who are dully registered in the same party as the
4 candidate. The petition contained 48 signatures.
5 The petition was posted for public inspection for
6 ten days as required by law.

7 The petition was challenged on April
8 4th, 2022 by James Harnett, a registered voter in
9 the District of Columbia. Mr. Harnett filed a
10 challenge to 12 of the 48 signatures submitted
11 enumerated by line and page number on the
12 individual challenge sheets filed for each
13 petition page. The signatures were challenged
14 pursuant to Title 3 DCMR, Section 1607.1 of the
15 Board's regulations.

16 The review of the challenges indicates
17 that nine of the twelve challenges are valid.
18 One is valid because the signer was not
19 registered at the time the petition was signed.
20 And eight are valid because the signers are not
21 registered to vote in the same party as the
22 candidate at the time the petition was signed.

1 This leaves the candidate's nominating petition
2 with 39 signatures, one signature below the
3 number required for ballot access.

4 CHAIR THOMPSON: Just for the record,
5 what party is this?

6 MS. GREEN WRIGHT: Statehood Green.

7 CHAIR THOMPSON: Statehood Green.

8 MS. GREEN WRIGHT: Yes.

9 CHAIR THOMPSON: So that's why it's 40
10 because 1 percent gets you a much lower number
11 than 2,000.

12 MS. GREEN WRIGHT: Yes.

13 CHAIR THOMPSON: Okay.

14 MS. STROUD: Okay. Is Mr. Harnett
15 present? James Harnett?

16 MR. HARNETT: Yes, I'm present.

17 MS. STROUD: Okay. And if you could
18 state your name and address for the record.

19 MR. HARNETT: Sure thing. My name is
20 James Harnett. I reside at 2221 Eye Street
21 Northwest, Apartment 321, Washington DC 20037.

22 MS. STROUD: Okay. And you have five

1 minutes to respond to the Registrar Voters
2 findings.

3 MR. HARNETT: Great. Well, I'll keep
4 this short and brief. I agree with the findings
5 of the registrar. The candidate submitted valid
6 signatures to appear on the ballot in the race
7 where the candidate would need 40 signatures to
8 appear on the ballot. Looking at or sort of
9 coming from the conversation we had in the pre-
10 hearing conference, it was clear that the
11 candidate did not sign their own nominating
12 petition. If the candidate had signed their own
13 nominating petition, it is likely they would have
14 had 40 valid signatures to appear to the ballots.
15 I went through the case record in previous Board
16 decisions to see how the Board has determined in
17 races where a candidate's own signature on their
18 nominating petition was the determining factor in
19 whether or not to grant ballot access. And the
20 only case file that I could find was a situation
21 the Board unanimously dealt with in 2020 where a
22 candidate in the -- Let's see, it was Jamal

1 Burton v Jillian Woolin's case regarding the
2 candidate's ANC nominating petitions. They
3 submitted ten signatures. And the candidate had
4 submitted the signatures did not date his own
5 nominating -- his own signature on his nominating
6 petition. And that signature was ruled as not
7 being valid. So the candidate was one signature
8 below the threshold to make it onto the ballot.

9 I see similar parallels to this
10 situation. And I think the Board should find
11 similarly to how it did in 2020, that this
12 candidate did not file enough valid signatures to
13 make it onto the ballot. But that's all I've
14 got. Thank you very much.

15 MS. STROUD: Okay. Thank you, Mr.
16 Harnett. Is Ms. Brown present?

17 MS. BROWN: Good morning. Yes, I'm
18 present.

19 MS. STROUD: Okay. And if you could
20 just state your name and address for the record.

21 MS. BROWN: Corren Brown. My address
22 is 5885 Colorado Avenue Northwest, Apartment 108,

1 zip code 20011.

2 MS. STROUD: Okay. And you have five
3 minutes, Ms. Brown to respond.

4 MS. BROWN: I just wanted to state
5 that at the bottom of the nominating petitions,
6 it has a statement that says, "We the undersigned
7 being duly registered voters in the District of
8 Columbia who are registered in the same party as
9 the candidate request that the District of
10 Columbia Board of Elections place the name of the
11 individual nominated by this petition on the June
12 21st, 2022 primary election ballot."

13 In my ignorance of not knowing that I
14 was able to sign my own petition, I did not sign
15 it. And I'm just asking that my signing of the
16 petitions that I circulated around would be
17 considered me signing my own petition to count as
18 the one missing signature on my nominating
19 petition. Thank you.

20 MS. STROUD: Okay. Thank you, Ms.
21 Brown. Do any of the Board members have any
22 questions for either party?

1 CHAIR THOMPSON: I'm trying to find
2 the actual circulating petition to see where the
3 signature is placed. There's a PDF with 17
4 pages. Probably towards the back somewhere.

5 MS. STROUD: So I don't think that the
6 file contains --

7 CHAIR THOMPSON: Okay.

8 MS. STROUD: -- the petition sheet.

9 CHAIR THOMPSON: Okay. So thank you
10 so much, Ms. Brown. Just describe a little bit
11 more when you were circulating the petition, you
12 signed as a circulator on the same date, it just
13 was in a different spot on the -- it's not signed
14 as a petition signer, but it's signed as a
15 circulator of capacity. Is that right?

16 MS. BROWN: Yes, sir. It's signed in
17 the circulator's signage at the bottom of the
18 petition.

19 CHAIR THOMPSON: Okay. We'll take a
20 close look at that, we promise. And you know,
21 when we go into executive session, you know, I
22 think my question is certainly going to be do we

1 have the discretion to recognize that and count
2 it as a petition signature for purposes of
3 getting you from 39 to 40 signatures. And that's
4 what we'll talk about in executive session. But
5 I think we understand the issue pretty well.
6 It's heartbreakingly close and we're going to
7 look at it carefully.

8 MS. BROWN: Thank you.

9 MEMBER GILL: Hey, Gary. I noticed
10 some folks are raising hands. Just in terms of
11 procedure here, challengers and candidates are
12 speaking, but we're not doing public matters?

13 MS. STROUD: Well, just for the
14 record, I do see that Mr. David Schwartzman has
15 his hand raised. And I believe that in the pre-
16 hearing conference, Mr. Schwartzman spoke on
17 behalf of Ms. Brown at her request. And so if
18 the Board will allow -- would you want to --

19 CHAIR THOMPSON: Yes.

20 (Simultaneous speaking.)

21 CHAIR THOMPSON: We can limit comments
22 to less than a minute. Yeah, I think it would be

1 appropriate.

2 MS. STROUD: Yes.

3 CHAIR THOMPSON: We've got a long day.

4 MR. SCHWARTZMAN: Thank you so much.

5 I guess I'm a witness. I collected a lot of the
6 signatures. Now I just want to point out that
7 the nomination petition, which everyone signed,
8 you know, 39 says, "We the undersigned duly
9 registered voters in DC are registered in the
10 same party, request that the DC Board of
11 Elections place the name of the individual
12 nominated by this petition on the June 21st
13 primary election ballot."

14 I would submit that not only did she
15 sign the bottom of two submitted petitions as
16 circulator, but she -- it's obvious that she is
17 not only registered in the same party as her
18 candidate, but given her filing for candidacy and
19 circulation of a nomination petition, she is
20 requesting that she be nominated for these
21 petitions.

22 I would submit that, that in itself is

1 equivalent to signing the petition herself. In
2 other words, it's fulfilling the criteria which
3 the 39 valid signatures fulfilled. And I'm just
4 going by the criteria what the signers of the
5 petition who are registered members of the
6 Statehood Green party signed this petition. And
7 she basically fulfilled the same criteria as they
8 did. And so I would humbly submit to the Board
9 that this equivalency be considered in granting
10 her ballot status for the primary. Thank you
11 very much for this opportunity.

12 CHAIR THOMPSON: Thank you, Mr.
13 Schwartzman.

14 MS. STROUD: Okay. If there are no
15 more questions, we'll move on to the next matter.
16 The next matter is Lisa Gore versus
17 Leniqua'dominque Jenkins, Candidate for At-Large
18 Member of the Council of the District of
19 Columbia. Is Ms. Gore present? I just want to
20 make sure both parties are present before we hear
21 from the registrar voters.

22 MS. GORE: Yes, I'm present.

1 MS. STROUD: Ms. Jenkins, are you
2 present?

3 MS. JENKINS: Yes, I'm present. Can
4 you hear me?

5 MS. STROUD: Yes. Now we'll hear from
6 Voter Services representative, Ms. Myisha
7 Thomson.

8 MEMBER GILL: Karyn is her mic on?
9 I can't hear anything. I don't know if others
10 can.

11 CHAIR THOMPSON: All right. Thank
12 you, Mike. Take it from the top.

13 MS. THOMPSON: Good morning. On March
14 23rd, 2022, Leniqua'dominque Jenkins submitted a
15 nominated petition to appear on the ballot as a
16 candidate on the June 2st, 2022 primary election
17 for the Office of the At-Large Member of the
18 Council. The minimum requirement to obtain
19 ballot access for this office is 2,000 signatures
20 of District voters who are duly registered in the
21 same party as the candidate.

22 The petition contained 2,049

1 signatures. The petition was posted for public
2 inspection for ten days as required by law. The
3 petition was challenged on April 4th, 2022 by
4 Lisa Gore, a registered voter in the District of
5 Columbia. In the initial findings, it was
6 determined that Ms. Gore filed challenges to 185
7 of the 2,049 signatures submitted. Enumerated by
8 a line and page number on the individual
9 challenge sheets filed for each petition page.

10 However, upon additional review
11 following supplemental materials presented at the
12 pre-hearing, it was determined that Ms. Gore's
13 supplemental materials presented at the -- I'm
14 sorry, I read the same line. It was determined
15 that Ms. Gore filed challenges to (audio
16 interference) of the 2,049 signatures submitted.
17 The signatures were challenged pursuant to the
18 Title 3 DCMR, Section 1607.1 of the (audio
19 interference).

20 The initial review of challenges
21 indicated -- The initial review of challenges
22 indicated that 145 were valid. With the

1 additional review, it has now been determined
2 that 235 of the challenges are valid. Three are
3 valid as the signer is not registered to vote at
4 the address listed on the petition at the time
5 the petition was signed. Two are valid because
6 the petition does include the address of the
7 signer. Five are valid because the signature is
8 not dated.

9 One is valid because the signer is not
10 a registered voter -- is not registered to vote
11 in the same party as the candidate at the time
12 the petition was signed. And 224 are valid
13 because the circulator of the petition failed to
14 complete all required information in their
15 circulator's affidavit. This left the
16 candidate's nominated petition with 1,814
17 signatures. One hundred and eighty-six
18 signatures below the number required for ballot
19 access.

20 At the pre-hearing conference, Ms.
21 Jenkins admitted circulating affidavits attesting
22 to various pages addressed in Ms. Gore's

1 challenge. In total, they addressed 214
2 signatures. Accepting circulating affidavits is
3 a matter for the Board to determine. As such,
4 the candidate's nominated petitions remain at
5 1,814 signatures. One hundred and eighty-six
6 signatures below the number required for ballot
7 access.

8 MS. STROUD: Okay. Thank you, Ms.
9 Thompson. We will now hear from Ms. Gore. Ms.
10 Gore, you have five minutes to address the
11 registrar's findings.

12 MS. GORE: Good morning. Again, my
13 name is Lisa Gore and I just want to quickly --
14 Yes?

15 MS. STROUD: If you could state your
16 name and address.

17 MS. GORE: Oh, yeah. It's Lisa Gore,
18 7045 31st Street Northwest, Washington DC and the
19 zip code is 20015.

20 MS. STROUD: Okay. And you have five
21 minutes.

22 MS. GORE: Okay. I agree with the

1 original registrar's decision. One of the things
2 that I would like to just spend a little bit of
3 time to address is the issue that this is a
4 clerical error as indicated on the affidavit. I
5 think the Board should highly take into
6 consideration just the meaning of what a clerical
7 error is. And in terms of this particular
8 challenge, I think we have some differences in
9 the sheer volume of errors in completely like,
10 you know, complaining of the affidavit involved
11 in this particular case.

12 It is definitely beyond something
13 clerical when you have several challengers that
14 have consistent mistakes. It's a systemic
15 problem with the administration of the campaign
16 and in turn, integrity of the ballot circulation
17 process which is the ultimate goal in this case.

18 If you look closely at some of the
19 signature challenger sheets, there are definitely
20 issues where some of the dates don't appear to be
21 the date of the signer. One I would like you to
22 look at is Sheet 95 for Ronald Harris, Lines 1,

1 5, 6, 8, 9, and 10. Compare the three on that
2 affidavit to the three in the sworn affidavit
3 that he completed. So I think when you talk
4 about this, you have to look and ask yourself,
5 are these really errors and if that is a
6 sufficient defense. I would say that these are
7 not errors, that it's indicative of other issues
8 in the campaign, particularly with who is
9 actually signing these affidavits. And if the
10 circulator is in fact the person that is reported
11 to sign, you know, the affidavit.

12 Also in terms of the affidavit itself,
13 some of them are notarized, some of them are not.
14 Very few of the affidavits actually confirm the
15 date. In certain instances, that's really
16 important because there are certain sheets where
17 the dates are mixed. There is one sheet -- and
18 I'm trying to find the information really quickly
19 where it was pre-dated, but the last signer
20 actually had a timestamp on the sheet. Let me
21 see if I can find that real quick for you. Let
22 me get that. I'm looking through my notes to see

1 if I can find that one for you. It's actually
2 Sheet 78 by Willie Camper.

3 If you look at that sheet, the first
4 signature was done on February 28th, 1st through
5 the 4th. Fifth signature was done on February
6 27th. The sixth through the 7th was on the 29th.
7 And then the eights and the tenth was on the
8 19th. And the timestamp on that last line was
9 10-11. So I'm not sure if that's a.m. or p.m.
10 But I think there's enough issues within the
11 overall universe of all these affidavits to
12 really call into question whether this was a mere
13 clerical error. And in terms of what the spirit
14 that the Board's regulation takes that into
15 account.

16 And I would say that this is not a
17 mere clerical error. We have some petition
18 signatures that submitted numerous sheets and
19 didn't date any of them. So it really calls into
20 question who circulated what, who completed what,
21 and the integrity of that entire process.

22 MS. STROUD: Okay. Thank you, Ms.

1 Gore. Ms. Jenkins, if you could state your name
2 and address for the record and then you have five
3 minutes.

4 MS. GORE: Hi. Can everyone hear me?
5 Give me a thumbs up please. Thank you. My name
6 is Leniqua'dominique Jenkins. Leniqua'dominique
7 is one first name. I live at 901 46th Street
8 Northeast Washington DC 20019. And I am
9 requesting access to the ballot.

10 I'd like to start by saying that I'm
11 super affirmed by the information that I've
12 collected with circulating the affidavits. I'd
13 like to state that there isn't a code that sets
14 parameter on what that language should look like
15 specifically. So this represents the interest of
16 the democratic process. I'm not a lawyer. The
17 language does not reflect a lawyer. I'm a
18 citizen. The people that signed and circulated
19 are citizens. And the language represents that.

20 The affidavits state that they are
21 responsible for the circulating petitions and
22 that they were in their sole care and that

1 they're not compromised. And that they were in
2 the care of the circulators during the
3 circulation period that's in question and the
4 dates that are in question.

5 I'd also like the Board to consider
6 that there are court cases that parallel my exact
7 situation where circulators have excluded the
8 dates or used a different date within a one or
9 two day margin that should be considered and you
10 guys ruled favorably. That was in the David
11 Grusso versus Brown case in 2012. Anyone that
12 has circulated petitions knows that this is a
13 simple clerical error. And the Board has agreed
14 and affirmed that in the past. And as submitted,
15 affidavits, some have notaries, some don't
16 because of the economic burden and the volume to
17 maneuver and get around. So that was me
18 exercising academic muscle to present the
19 strongest information possible.

20 So I'm requesting access to the
21 ballot. If we would like to go side by -- like
22 line by line, I would like to request a sidebar

1 to do that. I don't have each petition in front
2 of me, but I would love the opportunity to
3 address them individually if the Board has
4 questions. And did I get an indicator for like
5 two minutes? I'm sorry, I couldn't see that.

6 MS. STROUD: Three minutes.

7 MS. JENKINS: Three minutes, yes. So
8 again, I successfully secured more than the
9 amount required to access the ballot. And I'm
10 requesting the Board to accept my circulator
11 updated affidavits affirming that they were in
12 their care on the dates in question and allow me
13 access to the ballot. Thank you.

14 MS. STROUD: Okay. Do the Board
15 members have questions for either party?

16 CHAIR THOMPSON: Yeah. I mean
17 obviously there's some small defects that don't
18 control the outcome. This really comes down to
19 whether the circulator affidavit can be cured.
20 The pertinent regulation recites that a signature
21 shall not be counted as valid in a circumstance
22 where the circulator of the petition failed to

1 complete all required information in the
2 circulator's affidavit.

3 So I guess the issue that we have to
4 talk about is, is that curable after the notice
5 date. Obviously some of these things aren't
6 curable. If you're not a member of the political
7 party or you're not a registered voter, that's
8 never curable. But this is one that is
9 potentially curable. So we'll have to talk about
10 that legal issue.

11 But I guess maybe my question is when
12 I get into the details of the report, it looks
13 like there's a shortage of 186 signatures if
14 these affidavits are, you know, defective and
15 can't be accepted. However if the affidavits
16 cure them and I appreciate that some were
17 notarized and some couldn't be of course. I
18 don't know that they have to be. But in any
19 event, they address 200 --

20 MS. JENKINS: And 27, I believe.

21 CHAIR THOMPSON: Two hundred and
22 twenty-four challenges succeeded because the

1 circulator of the petition failed to complete all
2 required information. And the circulator
3 affidavits that were submitted addressed 214
4 signatures. So is there some -- is there some
5 question about whether they in fact -- assuming
6 that we can accept the cured affidavits, is there
7 some question about the number 214? Is it maybe
8 213 or 112? Because if that's, you know, it
9 could hinge on that as well.

10 MS. STROUD: Yeah. I mean depending
11 on what the Board decides with respect to the
12 different classes of defects on the circulator
13 affidavit, it could be outcome determinative.

14 CHAIR THOMPSON: Some of these
15 affidavits might cure and some might not cure.
16 Correct?

17 MS. STROUD: Yes, correct.

18 CHAIR THOMPSON: Okay.

19 (Simultaneous speaking.)

20 CHAIR THOMPSON: Go ahead, please.

21 MS. JENKINS: I'm sorry. I wanted to
22 say that the language speaks to the intent in

1 that the circulators are responsible for the
2 circulation in its entirety. And I think just
3 because of the volume, if you notice, there were
4 just a handful of circulators. And it represents
5 the intent of being within those time parameters.
6 So I think that the language really represents
7 that considering that these are citizens and I'm
8 a citizen. It really represents, like I said,
9 the precedent that's been set with the Grusso
10 case of being curable. And that the circulators
11 are responsible and had the petitions in their
12 care on the dates in questions and on the dates
13 that are being challenged.

14 CHAIR THOMPSON: Okay and thank you.
15 And since I put a question out there, Ms. Gore,
16 would you like to comment further?

17 MS. GORE: Yes. I think as I stated
18 before, the Board has to look at whether or not
19 that is in fact the case. And I think there's so
20 many irregularities in these petitions as a whole
21 that, that is called into question. One of the
22 things that was brought up in terms of the

1 timeframe that these signatures reported to be,
2 Sheet 184 and Sheet 187 --

3 MS. JENKINS: I don't think it's fair
4 to cite sheets unless we're going to go line by
5 line because I don't have the sheets directly in
6 front of me to respond appropriately.

7 MS. GORE: Okay. Let me say --

8 (Simultaneous speaking.)

9 CHAIR THOMPSON: Well, let her finish.

10 MS. GORE: Let me finish my comment
11 please. Please, no interrupting. I'm not going
12 to interrupt you. Sheet 184 and 187 were pre-
13 dated February 19th. The signatures beginning
14 with the first through the last is almost over a
15 month, 30 days. So we're not talking in some of
16 these situations, one, two, three, four, five,
17 even ten days. So I think all of that, the
18 entirety of the issues with these -- and I
19 highlighted some of that, including you know,
20 dates, times, it has to call into question just
21 who did what on these affidavits -- on these
22 petition sheets. And I think that's something

1 that the Board has to consider when it's talking
2 about a mere clerical error versus, you know,
3 systemic issues within the collection of these
4 sheets. And that is evidence by some of the
5 issues that I talked about.

6 CHAIR THOMPSON: All right. Thank
7 you, Ms. Gore. Ms. Jenkins, a brief rebuttal?
8 Please go ahead.

9 MS. JENKINS: Again, I'm not confident
10 about the lines that she's referencing. And I
11 would love a sidebar to go line by line. I think
12 that anyone that has had five circulators or six
13 circulators circulating petitions, it's not
14 uncommon to get a date and have a blank space on
15 a date and to circle back. These are natural
16 occurrences that have been affirmed and that you
17 guys have granted petition access -- I mean
18 ballot access in the past.

19 Again, I'd just like to echo that
20 there's been a precedent set by the Board in the
21 Grusso case versus Brown where these situations
22 were identical and parallel to my own experience

1 in circulating the petition. I don't think it's
2 systemic. It's real. It's practical. And if we
3 go line by line and if we even look at the
4 affidavits, they're attesting and giving sworn
5 testimony that they are responsible, this is
6 their experience by citizens that are circulating
7 these petitions. So I hope that the Board votes
8 favorably and grants me access to the ballot like
9 you've done in past cases.

10 CHAIR THOMPSON: Okay.

11 MS. STROUD: Okay, thank you. We will
12 now move on to the next matter. And the
13 candidate is the same, but the challenger is
14 different. And so we are now moving on to James
15 Harnett versus Leniqua'dominique Jenkins. And so
16 Mr. Harnett, we heard from you earlier. So are
17 you still present? Can you go on and find a
18 participant?

19 CHAIR THOMPSON: And when we call on
20 someone, you can raise your hand. It makes it
21 easier because we have to -- in Zoom, we have to
22 scroll, you know, 69 participants. Oh, there we

1 go. There he is.

2 MR. HARNETT: Thank you. Yes, I'm
3 here.

4 MS. STROUD: You stated your name and
5 address for the record. Well, we'll hear the
6 registrars report first -- the Voter Services
7 report with respect to this matter.

8 MS. THOMPSON: On March 23rd, 2022,
9 Leniqua'dominque Jenkins submitted a nominated
10 petition to appear on the ballot as a candidate
11 in the June 21st, 2022 primary election for the
12 Office of the At-Large Member of the Council.
13 The minimum requirement to obtain ballot access
14 for this office is 2,000 signatures of District
15 voters who are duly registered in the same party
16 as the candidate.

17 The petition contained 2,049
18 signatures. The petition was posted for public
19 inspection for ten days as required by law. The
20 petition was challenged on April 4th, 2022 by
21 James Harnett, a registered voter in the District
22 of Columbia. Mr. Harnett filed challenges to 183

1 of the 2,049 signatures submitted. Enumerated by
2 line and page number on individual challenge
3 sheets filed for each petition page. The
4 signatures were challenged pursuant to Title 3
5 DCMR, Section 1607.1 of the Board's regulations.
6 And the review of challenges indicated that 183
7 of the 183 challenges are valid. One hundred and
8 eighty-three are valid because the circulator of
9 the petition failed to complete all required
10 information in this circulator's affidavit. This
11 left the candidates nominated petition with 1,866
12 with 134 signatures below the required -- the
13 number required for ballot access.

14 MS. STROUD: Okay, thank you. Are you
15 done?

16 MS. THOMPSON: No, I have some more.

17 MS. STROUD: Oh, sorry.

18 MS. THOMPSON: At the pre-hearing
19 conference on April 19th, 2022, Ms. Jenkins
20 submitted documentation that addressed 29
21 individual voters and then also circulator
22 affidavits attesting to various pages that Mr.

1 Harnett challenged that addressed 103 signatures.
2 A second circulator affidavit is a matter for the
3 Board to determine. As such, the candidate's
4 nominated petition remained at 1,866 with 134
5 signatures below the number required for ballot
6 access.

7 MS. STROUD: Okay. So I would note
8 that with respect to this matter, the Registrar
9 Voter's determination was the same. And I would
10 also note that there was some overlap with
11 respect to the challenge filed by Mr. Harnett,
12 both Ms. Gore and Mr. Harnett challenged in
13 common 18 pages. And so there is a significant
14 amount of overlap with respect to the challenge.
15 There was one page of the pages in common that
16 Mr. Harnett did not challenge and that's 193.
17 But I just wanted to say for the record that
18 there's a significant amount of overlap in terms
19 of the challenges filed by both Ms. Gore and Ms.
20 Harnett. And so we will hear from Mr. Harnett in
21 response to the Voter Services report.

22 CHAIR THOMPSON: Can I ask a question

1 real quick?

2 MS. STROUD: Sure.

3 CHAIR THOMPSON: It says at the end of
4 the report, "The candidate, Ms. Jenkins is 134
5 signatures below the threshold." And at the pre-
6 hearing conference, she submitted documentation
7 addressing 29 individual voters. And that also
8 circulator affidavits curing the issues in a
9 balance of 103 signatures. So if I'm doing my
10 math correctly. I'm a lawyer. $103 + 29$ is 132.
11 So does that -- even if that's all accepted --

12 MS. JENKINS: We cured 105 in total of
13 varied challenges. Again, I don't have it in
14 front of me line by line. But the bulk of them
15 were the affidavits with the updated sworn
16 testimony. And also I think that my campaign
17 manager that has spoken for me, she's prepared to
18 go line by line with some of these challenges.
19 She spoke at the pre-hearing as well.

20 CHAIR THOMPSON: All right. Well,
21 let's do it this way. Now that I threw that
22 question out, why don't we hear from the

1 challenger first for five minutes. And then Ms.
2 Jenkins, we'll come back to you and we'll
3 certainly recognize your campaign manager as
4 well.

5 MS. JENKINS: Thank you.

6 CHAIR THOMPSON: So Mr. Harnett, why
7 don't you go ahead.

8 MR. HARNETT: Thank you. Should I
9 repeat my name and address?

10 MS. STROUD: No. We've already got
11 your address for the record with respect to the
12 previous challenge.

13 MR. HARNETT: Okay. All right, then
14 I'll just get started. Well thank you, everyone.
15 I agree with the registrar's findings that out of
16 183 challenges, 183 are valid. From my reading
17 of the Board's regulations and of the regulations
18 in the statute -- sorry -- the rules in the
19 statute, any cures to individual signatures or to
20 any individual voters must have been received
21 within ten days of the filing of the challenge,
22 which was on April 4th, 2022 resulting in an

1 April 14th, 2022 deadline, which is enumerated in
2 Title 3 DCMR, 1607.1, Section B. These cures
3 were not received before that deadline. And
4 thus, are not curable.

5 Only change of addresses can be cured
6 as part of the post-challenge cure process, which
7 is a requirement stipulated by DCMR 1607.1(b).
8 Signers of a nominating petition must be
9 registered voters at the time of the petition,
10 otherwise the signature cannot be counted. The
11 same is true of individuals that are not
12 registered in the same party as the candidate who
13 is seeking nomination. And while my challenge
14 was only to the incomplete circulator affidavit
15 of 183 signatures, by the candidate's own
16 admission, a number of signatures are further
17 invalid because they are individuals who are not
18 registered to vote or not registered to vote in
19 the party of the candidate who seeks nomination
20 or are not dated.

21 And is outlined in Board challenge
22 regulations, "If a signature is challenged on a

1 particular ground and in the course of
2 investigating the challenge, Board staff
3 discovers an unrelated fatal defect, either on
4 the face of the petition or pursuant to a record
5 search concerning the specific allegation or
6 challenge, the Board may on its own motion
7 declare the signatures invalid, notwithstanding
8 the defect that was not alleged or challenged."

9 And now the candidate has submitted as
10 they noted, 29 voter registration, voter change
11 forms. All of those were received after the
12 deadline, as well as the circulation affidavit
13 forms. And those were inclusive of individuals
14 that were not registered to vote at the time they
15 signed the petition, were not a member of the
16 same party as the candidate, which again on the
17 reading of -- claim reading of the statute says
18 that those signatures "shall not be accepted".
19 Just as it says for incomplete circulator
20 affidavits that those "shall not be accepted if
21 not completed in full." And again, all those
22 were received after the deadline.

1 So while, you know, there were a
2 number -- there were a few -- a handful, I don't
3 have the exact number, but I'm sure the registrar
4 does, of forms that were submitted of individuals
5 who were changing their address from addresses
6 they listed on the nominating petition and the
7 address that they are registered with, with the
8 Board of Elections. There were a small number of
9 them that would not have overcome the deficit
10 that the candidate is facing in terms of the
11 signatures they need to reach 2,000. But in
12 addition to that, none were received before the
13 10-day deadline.

14 So all of them while being accepted by
15 the Board for the purposes of newly registered
16 voters and changes of addresses, are not
17 acceptable to the statute in terms of what can be
18 accepted at this Board meeting for the purposes
19 of this nominating petition. So I appreciate the
20 registrar's work and would be happy to answer any
21 questions.

22 MS. STROUD: So just for

1 clarification, Mr. Harnett, you're saying that
2 changes of address were submitted that could cure
3 defects in the signatures submitted, but they
4 were not timely submitted. And even if they were
5 timely submitted, some of them were not strict
6 changes of address, but actual registrations
7 because these individuals were not registered.
8 Is that the case, Mr. Harnett.

9 MEMBER GILL: I think he's on mute.

10 MS. STROUD: Okay. If you could
11 unmute.

12 MR. HARNETT: Yes, sorry. I wasn't
13 able to unmute. Yes, that is correct.

14 MS. STROUD: Okay.

15 CHAIR THOMPSON: This has to do with
16 the 29. Right? Within the 29.

17 MR. HARNETT: That's correct. So of
18 the 29 under the statute as I've read it, the
19 only admissible change for the purposes of this
20 nominating petition are changes of address. And
21 there were -- while there were a few, you know,
22 three, four, five changes of address forms that

1 were submitted for existing voters that would
2 have been accepted if they'd been submitted
3 within the 10-day window; they were not. Further
4 on the question of whether or not, because that's
5 not determinative to the whole number of
6 signatures that the candidate is short to receive
7 ballot access.

8 As the Chair noted at the start of the
9 window and as is spelled out in the statute, it
10 is not up -- There is no statute that allows the
11 Board to interpret or to modify the "shall"
12 requirements of what is listed in Title 3 DCMR
13 1607, which says, You must be registered to vote
14 at the time signing the petition. You must be
15 living -- You must be, you know, a member of the
16 same party. And the circulator must complete all
17 requirements of the circular affidavit, which the
18 registrar has noted in the individual challenge
19 sheets that I challenged is not the case. And
20 thus, those challenge sheets under the statute
21 and my reading of it and certainly what at least
22 initially the registrar's reading of it was as

1 well, that those would not be curable issues.

2 CHAIR THOMPSON: Thank you so much.

3 Ms. Jenkins, please go ahead.

4 MS. STROUD: If you --

5 MS. JENKINS: Thank you. I was having
6 challenges with the host unmuting me. So again,
7 I would like to circle back a little back and
8 allow my campaign manager, De Andra Judge to go
9 through the evidence that we've provided because
10 there's 150 pieces of evidence that we provided
11 to the registrar and the Board. Can she please
12 be unmuted?

13 MS. JUDGE: Good afternoon. Thank
14 you. This is De Andra.

15 MS. STROUD: Could you provide your
16 name and address for the record.

17 MS. JUDGE: Absolutely. So De Andra
18 Judge and it's a space in there. So D-E A-N-D-
19 R-A, Judge as in Judge Judy. One of the things I
20 want to point out first is just a little bit of
21 the math. As Mr. Harnett pointed out, there are
22 183 challenges that he provided that were

1 strictly pertaining to a missing date by the
2 circulator when they signed their affidavit. For
3 the purpose of his concern, those are the only
4 ones we are addressing with him. He is not
5 really pertinent to the discussion regarding any
6 of the challenges that the registrar may have
7 found, which we can address separately.

8 So looking at Mr. Harnett's
9 challenges in particular, we were able to provide
10 affidavits for all of our circulators to cure
11 183. Where the number 105 comes from is just our
12 due diligence to make sure that we segmented out
13 all of the challenges that the registrar provided
14 above and beyond the 183. So for Mr. Harnett,
15 all of his challenges are cured with our
16 affidavit.

17 As we stated before, the previous
18 ruling by the Board with the Grusso versus Brown
19 case has ruled favorably in terms of the
20 candidate. But even beyond that, one of the
21 things -- I know we've been stating statutes all
22 day. And so one of the statutes that I want to

1 bring the attention for the Board to look at is
2 Statute 1606.5, which says, "The Board shall
3 receive evidence in support of and in opposition
4 to the challenge and shall rule on the validity
5 of the challenge no more than 20 days", not ten,
6 20 days "after the challenge has been filed. The
7 Board shall consider any evidence as may be
8 submitted including, but not limited to
9 documentary evidence, affidavits, and oral
10 testimony."

11 So Mr. Harnett has been talking about
12 address changes. He didn't submit any challenges
13 on that basis. He submitted challenges based on
14 a date being missing from the circulator
15 affidavit. And according to DCMR 1606.5, there's
16 a 20-day window to be able to post any opposition
17 to those challenges that was provided. And we
18 were well within that 20-day window.

19 Separate from Mr. Harnett with the
20 Registrar Office, we had a remaining 29 that we
21 wanted to address. They were not all address
22 changes. Many of the names that were identified

1 were in defect by registered voters. We
2 specifically identified nine individuals whose
3 name had been misread on the circulator's
4 petition. And they were indeed found in the
5 voter registration file that we have provided by
6 the Board. Two were actually registered and
7 there was no misreading of the names to be had.
8 And then there was one individual whose address
9 was misread. And they too are also in the voter
10 file. There were 12 residents who were provided
11 -- who will be provided a voter register form or
12 address change.

13 I would like to be very clear that if
14 a voter registration wasn't curable, then why
15 were we provided with a form? It really implied
16 that the Board actually wants people to be
17 registered. And so we agree with that. We want
18 people to be registered as well. And so this is
19 the standard and we've met that standard. So
20 just looking at Harnett in particular, all of his
21 challenges were cured with the affidavit. They
22 were all submitted within the 20-day window as

1 referenced by 1606.5.

2 CHAIR THOMPSON: All right. So just
3 to clarify, there was a challenge to 183
4 signatures based on alleged defects in the
5 circulator affidavit. And you're saying that all
6 183 were cured?

7 MS. JUDGE: Correct.

8 CHAIR THOMPSON: Okay. Sorry. I just
9 got confused because our notes say at the pre-
10 hearing conference there was evidence that, that
11 reported to cure 103 signatures.

12 MS. JUDGE: So that's a mistake. It
13 was --

14 MS. STROUD: When you're saying that
15 you cured them, you are saying -- you're
16 referring to the fact that you submitted
17 statements from the circulators that you intend
18 to ask the Board to accept so that the defects
19 can be cured. Correct?

20 MS. JUDGE: Yes, ma'am. Yes, ma'am.

21 CHAIR THOMPSON: That's (audio
22 interference). Got you. Okay. But among that,

1 within that universe of 183, there's additional
2 challenges to 29 signatures in particular that
3 you're now saying were duly challenged within --
4 duly cured within that 20-day window.

5 MS. JUDGE: Yes, sir. So to be very
6 clear, Mr. Harnett had 183 challenges that were
7 all about the date from the circulator's
8 affidavit being missing. Our affidavit that we
9 submitted as evidence for these to be cured
10 covers his 183. The number needed for
11 Leniqua'dominique Jenkins to be on ballot was
12 134. What we did was identified of that 134, the
13 number that were cured with the updated
14 affidavits from our circulators. That addresses
15 Mr. Harnett's challenges.

16 That was 105 that were cured alone
17 that the registrar found no additional defects.
18 That took our number down to 29 remaining needing
19 to be cured in order to meet the minimum 134 for
20 her to receive ballot access. With that
21 remaining 29, we focused on those that were also
22 being addressed and resolved by the affidavit as

1 well. In that 29, we broke down in a table that
2 we provided in the pre-hearing conference, line
3 by line, those who weren't a registered voter,
4 those who needed a change of address, those who
5 their names were marked by the registrar as not
6 registered because the name was misread or the
7 address was misread. And addressed all of the
8 remaining 25 people.

9 MS. STROUD: So when you say that you
10 submitted documents to cure -- for example, the
11 signatures that were declared invalid because
12 they had a change of address, you're saying that
13 you submitted change of address forms or voter
14 registration forms indicating that the addresses
15 should be updated. And if you did that, did you
16 do it within the ten days after the challenges
17 were filed?

18 MS. JENKINS: Yes.

19 MS. JUDGE: Yes. And we were notified
20 April 6th that we actually had challenges. We
21 were not notified on the 4th. And so the ten
22 days actually would have ended on a weekend,

1 which would have given us until the 18th. And
2 all of our affidavits are signed on or before the
3 18th of April, which is a Monday.

4 MS. STROUD: (Audio interference)
5 filed on the 4th, then that meant that you had
6 until the 14th (audio interference) address.

7 MS. JUDGE: We had communication from
8 the Board of Elections on the 6th, so ten days
9 from that would be the 16th, which is a weekend.
10 Friday, Government agencies were closed in
11 observation of Emancipation Day. And our last
12 affidavit signature is on the 18th, which is a
13 Monday. So we are still within that parameter of
14 the 10-day window that he's referencing paired
15 with the DCR Code that we mentioned as well.

16 MS. STROUD: When you received notice
17 -- So you received notice of the challenge,
18 you're saying on the 6th.

19 MS. JUDGE: Correct.

20 MS. STROUD: And that notice indicated
21 that you had to file -- it indicated the date
22 where you had to file changes of address under

1 the statute.

2 MS. JUDGE: Yes.

3 MS. STROUD: And did you turn in the
4 changes of address by the date indicated in the
5 notice you got? Because the statute -- I just
6 want to, you know, be clear on this point -- the
7 statute provides that the changes of address must
8 be submitted within ten days after the challenge
9 is filed, not within 10 days after your receipt
10 of notice of the challenge.

11 (Simultaneous speaking.)

12 MS. JUDGE: Thank you for asking that.
13 I'm sorry if I cut you off. There is a delay on
14 my end, so just forgive me in advance. Yes, I
15 did do the change of address within that window.
16 All of the changes of address are before the
17 14th. And we submitted evidence to support that
18 as well during the preliminary conference. We
19 have the folks standing with their picture with
20 their changeable voter registration. And we
21 submitted all of that in a PDF.

22 MS. STROUD: On or before the 14th?

1 I just want clarification on that.

2 MS. JENKINS: Yes.

3 MS. JUDGE: That's correct.

4 CHAIR THOMPSON: Okay.

5 MR. HARNETT: So if I may --

6 CHAIR THOMPSON: Yeah, please. Go
7 ahead. Take a few minutes.

8 MR. HARNETT: Sure thing. So just to
9 touch on a few items. As the registrar noted, I
10 received the same correspondence that the
11 candidate did in terms of the qualifications.
12 I'm happy to share the email -- share my screen
13 and show you -- the date that the candidate
14 needed to submit to the Board any changes of
15 address was April 14th. And I received -- and I
16 have the timestamp for when the registrar and
17 myself both received the spreadsheet of potential
18 cures that the candidate submitted. And that was
19 on April 20th.

20 And so there wasn't any submissions
21 that I received, that the registrar received as
22 the registrar would have forwarded those to me,

1 before April 14th. Our pre-hearing conference
2 was on the 19th -- I'm sorry, it was submitted on
3 the 19th. The 19th was the first day that I saw
4 any documentation submitted by the candidate.
5 There's really two buckets here. There's the
6 first being, you know, for changes of address,
7 those must be submitted within ten days of the
8 challenge. That's what the statute says. And so
9 the deadline for that is April 14th because the
10 challenge was submitted on April 4th.

11 There's a separate question about,
12 you know, documentation before the Board before
13 this conversation about you know, whether or not
14 the candidate has potential, you know, forms
15 that circulators have completed that attest to
16 the fact that they would have dated the form had
17 they known to or had they read, you know, what it
18 says at the bottom of the petition page. Those
19 can be accepted within 20 days, which we are
20 within and which is, you know, the Board -- the
21 registrar accepted and what is, you know, I
22 imagine going to be a topic of conversation when

1 you all go into executive session. And so that's
2 a separate bucket.

3 That is the focus of what my challenge
4 was as I noted in my introduction. The Board may
5 on its motion declare invalid signatures that are
6 not qualifiable under a different part of the
7 statute be it that they were not registered to
8 vote at the time they signed the petition. That
9 they were not a member of the same party. While
10 there were a few of the 29 that were changes of
11 addresses that obviously have since been
12 processed by the Board, for the purposes of this
13 conversation, those were submitted on April 19th,
14 five days after the deadline for -- you know,
15 whether or not it's dated by April 14th, that's
16 sort of irrelevant because the statute says the
17 Board must have received those changes within,
18 you know, the 10-day deadline. So you know, the
19 candidate submitted documentation to the Board
20 that the first documentation that I received was
21 on April 19th.

22 Separately, the question of whether or

1 not things are curable, under the statute there
2 is only one item that is curable. And that's
3 changes of address. Even if, you know, let's
4 just say for the purpose of this conversation,
5 they were received within the 10-day window.
6 Circulator, you know, changes to the nominating
7 petition saying the circulator did actually date
8 or would have dated, you know, that is not a
9 curable issue. If someone was not a registered
10 voter at the time that they signed the petition,
11 that is not a curable issue.

12 There's a list of noncurable issues in
13 the statute. Only one is curable. And again,
14 that wasn't received as the registrar was hinting
15 at. That was not received before the pre-hearing
16 conference. It was not received before or on
17 April 14th. And I'm sure the registrar would
18 attest to that being the case, but you know, I
19 don't want to speak for anybody else.

20 MS. JUDGE: Can we respond?

21 CHAIR THOMPSON: Yes, please. Yeah,
22 please go ahead.

1 MS. JUDGE: So I want to just make it
2 clear that while the statute may say that there
3 is this 10-day window from when the challenge is
4 filed, as the Board perfectly stated in their
5 opening that they do have discretion. And
6 because this is a democracy and we believe in
7 fairness and equity and justice, it is impossible
8 to uphold some statute that is disenfranchising.
9 If we cannot find out about when a challenge is
10 made until we are notified by the Board and then
11 that eats into a 10-day window, we have to ask
12 ourselves where is justice? Where is equity?
13 And so we respect every statute that is there and
14 we are definitely wanting to uphold everything,
15 but we also have to be mindful that we have to
16 wait to be told that there's a challenge. And
17 with that, we moved and we acted. And there's
18 also very limited information provided to
19 candidates on how to cure things. And so we just
20 want to make sure that the Board understands that
21 every rule that is out there, we will also adhere
22 to and we have. And so thank you.

1 MS. JENKINS: Also I would like to
2 elongate that comment by saying that all of the
3 change of addresses are within the parameters.
4 Folks signed out a paper change of address and
5 put them in the mail. And we have the photo of
6 the folks that changed their address and it
7 dated. So we are within those parameters. So it
8 may not have been communicated, I'm not sure, to
9 Mr. Harnett, but once we got communication from
10 the Board of Elections that change of addresses
11 needed to be made, we actually received that on
12 the 13th, a day before the actual window closed.
13 And we still were able to meet that expectation
14 and provide evidence that we actually did it in
15 time for the preliminary hearing.

16 So I feel like in both cases, but
17 particularly this one, we have gone above and
18 beyond in terms of curing and providing hard
19 tangible evidence. We provided over 64 images
20 that we took and notaries and evidence to cure
21 and have access to the ballot. So I just want to
22 echo cases that have set precedence for

1 situations similar to my own. And also the
2 academic liberties that I was forced to take
3 because there are not any codes that give
4 guidance on how to cure. So we had to be
5 creative to show that we want access to ballot
6 and that we have met the expectations of the
7 Board and we represent the interest of the over
8 2,000 people that desire to have me as a
9 candidate, but most importantly desire democracy
10 and enfranchisement.

11 CHAIR THOMPSON: Okay. Thank you so
12 much, everybody. Any other Board members have
13 any questions before we move to the next matter?
14 We've got a lot to sort through on this one. And
15 some (audio interference) with respect to the
16 prior challenge. Just thank you everybody for
17 making your points and helping us understand the
18 issues and frame them well. I promise you, we're
19 going to sort through it thoroughly and you know,
20 apply the laws as written. But to the extent we
21 have discretion, respect the ballot access
22 preference if we can. Thank you so much.

1 MS. STROUD: The next matter before
2 the Board is Sirraya Gant versus Dorothy Douglas.
3 And before we hear from the Voter Services
4 representative, I'd like to ascertain whether the
5 parties are present on the platform. Sirraya
6 Gant and Dorothy Douglas. And this matter is
7 Sirraya Gant versus Dorothy Douglas, Candidate
8 for Ward 7 Committeewoman of the Democratic State
9 Committee.

10 MS. GANT: I'm present. Thank you.

11 MS. STROUD: Yes.

12 MS. DOUGLAS: And I'm present as well.

13 Thank you.

14 MS. STROUD: Thank you. And now we'll
15 hear from the Voter Services representative.

16 MS. GREEN WRIGHT: Greetings. On
17 March 21st, 2022, Dorothy Douglas submitted a
18 nominating petition to appear on the ballot as a
19 candidate in the June 21, 2022 primary election
20 for the Office of Ward 7 Committeewoman of the
21 Democratic State Committee. The minimum
22 requirement to obtain (audio interference) is 100

1 signatures of District voters who are duly
2 registered in the same ward (audio interference).

3 The petition contains 100 of the 56
4 signatures. (Audio interference) public
5 inspection for today as required by law. The
6 petition was (audio interference) by Sirraya
7 Gant, a registered voter in the District of
8 Columbia. Ms. Gant filed challenges to 80 of the
9 156 signatures submitted. Enumerated by line and
10 page number on individual challenge sheets filed
11 for each petition page. The signatures were
12 challenged pursuant to Title 3 DCMR, Section
13 1607.1 of the Board's regulations.

14 Our review of the challenges indicates
15 that 39 of the 80 challenges are valid. Five are
16 valid because the signer is not registered to
17 vote at the address listed on the petition at the
18 time the petition was signed. Two are valid
19 because the petition does not include the address
20 of the signer. Four are valid because the
21 signers are not dated. Nine are valid because
22 the signers were not registered at the time the

1 petition was signed.

2 Six are valid because the signer is
3 not registered to vote in the same party as the
4 candidate at the time that the petition was
5 signed. Three are valid because the petition
6 does not include the name of the signer where the
7 signature is not sufficiently legible for
8 identification. And ten are valid because the
9 signer is not registered -- is not a registered
10 voter in the ward from which the candidate seeks
11 nomination at the time the petition was signed.

12 This leaves the candidate's nominating
13 petition was 117 signatures. Seventeen
14 signatures over the number required for ballot
15 access.

16 MS. STROUD: Okay. Thank you, Mrs.
17 Green Wright. So we will now hear from Ms. Gant.
18 And if you could state your name and address for
19 the record and you have five minutes.

20 MS. GANT: Hello. Good morning. I'm
21 Sirraya Gant, 116 56th Street Southeast and 219.
22 And so I agree with the 39 that were invalid, but

1 I also raise the question about Ms. Dorothy
2 Douglas affidavit -- circulator affidavit and her
3 signing her affidavit. It was raised during the
4 hearing and we spoke about it. And (audio
5 interference) petitions; one, two, three, four,
6 five, six, seven, eight of the 13 that she
7 changed her dated and compromised the dates on
8 signing her circulators. And too, you couldn't
9 recognize what the dates were. And from my
10 understanding during training for circulators is
11 that you're never supposed to pre-sign your
12 circulators or change the date. It compromises
13 the process and it comprises the signatures on
14 the petition.

15 During the hearing, Dorothy Douglas
16 also talked about how she did change it. And she
17 said she changed it based off of the fact that
18 she wanted them to match because they're supposed
19 to match the signatures of the signers. And so I
20 ask that those should be thrown out. And after
21 speaking about that (audio interference), it came
22 back that she initially, I think -- Let me say

1 what she did. She didn't initial. She crossed
2 them out and she didn't initial 20 of her
3 signatures of 20 of her dates that she put on
4 there.

5 So one of the things that I'm asking
6 is that they -- that the Board reconsiders the
7 fact of the petitions whose dates were
8 compromised during the time of her turning in her
9 petitions. And like I said again, it was maybe
10 about four sheets.

11 MS. STROUD: Okay. So just to get
12 clarity or provide clarity because there were
13 some instances in which we really couldn't hear
14 you. But I'm familiar with your challenge. And
15 the issue we've got on some petition sheets that
16 were circulated in the circulator affidavit, some
17 of the dates were crossed out and updated on the
18 sheets.

19 MS. GANT: Yes.

20 MS. STROUD: So as a result of that,
21 you think that those sheets should be disregarded
22 and not counted towards meeting the signature

1 requirements. The signatures on those sheets
2 should not be counted towards the minimum number
3 of signatures required for ballot access because
4 of that issue with scratching out and marking up
5 and updating the dates on the circulator
6 affidavits.

7 MS. GANT: Exactly, yes. In my
8 training with the circulators is that the dates
9 cannot be compromised. The dates should not be
10 crossed out because you cannot tell -- it's hard
11 to tell afterwards if for whatever reason the
12 circulator changed the date. Because the fact
13 that other people started signing it and then
14 they had to change it, so that's the compromising
15 of it. And so that's why I'm asking that they do
16 not be considered.

17 MS. STROUD: Okay, thank you. And now
18 we'll hear from you, Ms. Douglas. And if you
19 could state your name and address for the record
20 and then you have five minutes.

21 MS. DOUGLAS: Can you hear me?

22 MS. STROUD: Yes, thank you.

1 MS. DOUGLAS: Okay, I'm sorry. My
2 name is Dorothy Douglas. My address is 4401
3 Minnesota Avenue. And I want to say Happy
4 belated Easter, everybody. And thank you for
5 giving me this opportunity to speak.

6 I want to say that the registrar had
7 already approved 117 that qualified me for the
8 ballot. There's nowhere on here that says that I
9 crossed out anything on my petitions. She said
10 look, the only thing that was done, which it was
11 overwritten -- written over so you could see what
12 I had signed. And this was me and I initialed it
13 to say that I signed those dates. And I hear Ms.
14 Gant saying beforehand that I didn't (audio
15 interference) to make that accusation. And I
16 wanted to also say that (audio interference).

17 MR. GURLEY: (Audio interference)
18 talking.

19 MS. DOUGLAS: Yes, ma'am. Hello?
20 Okay, can I continue? I also wanted to say that
21 the key code for nomination petition does not say
22 anything that is not allowed to change -- change

1 or correct or overlap anything. I was present at
2 the time on the date that was corrected in front
3 of the registrar at the date when I submitted my
4 records to them in-person who asked me to correct
5 my petitions in which I did in their presence.
6 And then they brought back my petition saying
7 things were done -- they were stamped and
8 approved and it was submitted on time.

9 And I also want to say that I did
10 submit those signatures on time. And now I'm up
11 to 117.

12 MR. GURLEY: Cell phone. Reserve the
13 time you have left.

14 MS. DOUGLAS: Can you reserve my time
15 that I have left? So I just wanted to say
16 according to the key code, nomination petition,
17 it doesn't say anything (audio interference) in
18 reference to what you're saying. The only thing
19 that it referenced to is that the nomination
20 means that the register is not dated. That's all
21 that's mentioned.

22 MR. GURLEY: Reserve your time.

1 MS. DOUGLAS: Reserve my time please.

2 MS. GANT: Can I say something?

3 (Simultaneous speaking.)

4 MR. GURLEY: Can you reserve the time
5 that's remaining of the five minutes?

6 CHAIR THOMPSON: Absolutely, yes.

7 MR. GURLEY: Okay, thank you.

8 CHAIR THOMPSON: I think Ms. Gant
9 wants to speak again.

10 MS. GANT: Yes. So I understand what
11 Ms. Douglas is saying. But what wasn't -- if you
12 look at my petitions, I clearly -- that was a
13 challenge that was not -- it was not acknowledged
14 during the preliminary hearing from the report.
15 And I brought it up and I also asked for the
16 recording because it was not -- they ignored it.
17 And then when I brought it up, we talked about
18 it. We talked about -- and Ms. Dorothy did talk
19 about changing the dates on it. And from my
20 understanding, even for her to get there and the
21 registrar is asking her or telling her to change
22 the dates on it, I've never seen that to be done.

1 Or according to the regulations that you all have
2 that the dates of the circulator should be
3 accurate. It also speaks to her integrity
4 because you should know for sure after all these
5 times being able to sign dates. In Allen versus
6 Silverman, making mistakes tells the integrity of
7 the candidate. For me, in looking at this and
8 understanding what the rules are for the Board of
9 Elections, once a person comes -- because the
10 affidavit -- So once it's compromised several
11 times -- it's not like it's one mistake. It was
12 on six different ones. And if I specifically
13 look at some of them, you can tell the dates said
14 one thing and she changed it to another date. So
15 the accuracy of the circulator should be voided
16 because you don't know -- we don't know. And we
17 don't have any registrar here to say that's
18 accurate what she's saying. Because when I --
19 when I (audio interference), all of my signatures
20 were signed. And so for even a registrar to tell
21 someone to change a date on the circulator
22 affidavit, that shouldn't be allowed.

1 CHAIR THOMPSON: Thank you so much.

2 MS. GANT: And also --

3 CHAIR THOMPSON: I'm sorry, I didn't
4 mean to interrupt you. Ms. Gant were you
5 finished?

6 MS. GANT: Yes. That's my final
7 thing.

8 CHAIR THOMPSON: Thank you so much.
9 And Ms. Douglas, you wanted to speak again?

10 MS. DOUGLAS: And also --

11 MR. GURLEY: That's okay, You don't --
12 My name is Calvin Gurley. I'm here not
13 representing, but adding to some of Mrs. Douglas'
14 testimony. And from what I understand here is
15 that this new allegation was not brought up
16 during the pre-hearing. It seems that it is
17 being brought up now. So I don't know if the
18 Board has any kind of concern with that because
19 bringing up issues after the pre-hearing perhaps,
20 I don't know if it's in accord with the
21 proceedings -- the pre-hearing and the actual
22 hearing here. So I need for you to consider

1 that.

2 But from Mrs. Dorothy Douglas, when
3 she signed the petition as the person who
4 circulated the petition and the date she used to
5 put down there, that should be here at her
6 discretion up to the point where she finalizes
7 that page and submitted it to the Board of
8 Elections. If she crossed out that particular
9 signature or updated it or corrected, as long as
10 it was done before she submitted it, it was all
11 her arbitration to put the date in which she
12 qualified that particular page.

13 And she is the person that's
14 certifying or testifying that she was in front of
15 the voter at that particular time that the voter
16 signed the petition. And she was the one that
17 collected that signature from that particular
18 registered voter. And the registered voter did
19 put their date on there. At the time that she
20 uses that space, that is that circulator's -- her
21 affidavit. The Board never had any problem with
22 a person signing it and that particular date does

1 not conflict with the signatures of the
2 registered voters. And this is not the case
3 here. I don't see the purpose of why this kind
4 of opposition would be even made or I believe
5 that the Board of Elections has taken out time to
6 address this.

7 But Mrs. Douglas does have the 117
8 votes to put her on the ballot. So I think that
9 she clarified and answered any opposition
10 clearly. But with her 117, she's clearly 17
11 signatures above the 100 that's needed.

12 CHAIR THOMPSON: Thank you, Mr.
13 Gurley. We appreciate that. I think we've got a
14 handle on this one. And we'll take all that
15 under advisement and talk about it in our
16 executive session.

17 I think what we'll do if this works
18 for everybody is we'll hear one more challenge,
19 Williams versus Holcomb and then break for half
20 an hour for a sort of quick lunch. Does that
21 sound okay? That seems to be okay. So why don't
22 we proceed now with Williams versus Holcomb.

1 MS. STROUD: Okay. The next item on
2 the agenda is Jimmie Williams versus Tyrell
3 Holcomb, Candidate for Ward 7 Committeeman of the
4 Democratic State Committee. I would first like
5 to determine whether or not both parties are
6 present in this matter.

7 MR. WILLIAMS: Yes. Jimmie Williams,
8 I'm here.

9 MS. STROUD: Okay, thank you.

10 MR. HOLCOMB: Yes. Tyrell Holcomb,
11 I'm here.

12 MS. STROUD: Okay, thank you. And
13 we'll now hear from the Registrar of Voters or
14 Voter Services representative. Thank you.

15 MS. GREEN WRIGHT: On March 23rd,
16 2022, Tyrell Holcomb submitted a nominating
17 petition to appear on the ballot as the candidate
18 in the June 21, 2022 primary election for the
19 Office of Ward 7 Committeeman of the Democratic
20 State Committee. The minimum requirement to
21 obtain ballot access for this office is 100
22 signatures of the District voters who are duly

1 registered in the same ward and party as the
2 candidate.

3 The petition contained 120 signatures.
4 The petition was posted for public inspection for
5 ten days as required by law. The District
6 petition was challenged on April 4th, 2022 by
7 Jimmie Williams, a registered voter in the
8 District of Columbia. Mr. Williams filed
9 challenges to 42 of the 120 signatures submitted,
10 enumerated by line and page number on individual
11 challenge sheets filed for each petition page.
12 The signatures were challenged based on the
13 signature's date preceding the signature
14 gathering. And also pursuant to Title 3 DCMR,
15 Section 1607.1 of the Board's regulations.

16 Based on the review of the challenges
17 indicates that 29 of the 42 challenges are valid.
18 Eleven are valid because the signer is not
19 registered to vote at the address listed on the
20 petition at the time the petition was signed.
21 Eight are valid because the signers were not
22 registered at the time that the petition was

1 signed. Three are valid because the signer is
2 not registered to vote in the same party as the
3 candidate at the same time the petition was
4 signed. And seven are valid because the
5 signatures are pre-dated. This leaves the
6 candidates nominating petition with 91
7 signatures, nine signatures below the number
8 required for the ballot access.

9 The Registrar of Voters timely
10 received seven change of address forms from
11 Tyrell Holcomb on Thursday, April 14th, 2022.
12 Two of these forms could be accepted and five of
13 the forms were from voters who were not
14 registered. Accordingly, Candidate Holcomb was
15 credited with two signatures that initially been
16 determined to be invalid. This left the
17 candidate's nominating petition with 93
18 signatures, seven signatures below the number
19 required for ballot access.

20 After additional review of the
21 challenge, the Registrar of Voters determined
22 that two signatures that had been initially --

1 that had been initially determined to be invalid
2 were in fact valid. Therefore Mr. Holcomb was
3 credited with two additional signatures. This
4 leaves the candidate's nominating petitions with
5 95 signatures. Five signatures below the number
6 of required for ballot access.

7 MS. STROUD: Okay, thank you.

8 CHAIR THOMPSON: Quick question.

9 What's the nature of the challenge where a
10 signature is pre-dated? What does that mean?

11 MS. GREEN WRIGHT: It means that it's
12 not a petition -- I'm sorry. It means that the
13 petition was -- they circulated the petition
14 before they actually collected signatures. So if
15 you sign on -- Say they dated the petition before
16 collecting signatures.

17 CHAIR THOMPSON: Okay. And that
18 affects seven signatures.

19 MS. GREEN WRIGHT: Yes.

20 CHAIR THOMPSON: And those are still

21 --

22 MS. GREEN WRIGHT: Yes.

1 CHAIR THOMPSON: There's a part of the

2 --

3 MS. GREEN WRIGHT: The overall
4 challenge, yes.

5 CHAIR THOMPSON: -- accepted
6 challenges.

7 MS. GREEN WRIGHT: Yes.

8 CHAIR THOMPSON: Okay.

9 MS. STROUD: Okay. So we'll first
10 hear from Mr. Williams. If you could state your
11 name and address for the record.

12 MR. WILLIAMS: Yes. My name is Jimmie
13 Williams. I live at 3605 Highwood Drive
14 Southeast, zip code 20020.

15 MS. STROUD: Okay, thank you. And you
16 have five minutes.

17 MR. WILLIAMS: Yes. I challenged the
18 signatures. And as you've heard in the previous
19 one and the lesson in the trainings, they tell
20 you do not sign the affidavit because the
21 affidavit does state what, five things including
22 that you witness those signatures that you

1 circulated. And so that's a serious process to
2 ensure integrity of the signatures and that you
3 follow the process, which we all do. However,
4 I'm asserting that they weren't followed because
5 the difference in the dates. It appears that it
6 was signed prior to that date. The dates do pre-
7 date the dates of the actual signatures, which
8 means the petition looks like it has been pre-
9 signed.

10 Secondly, I also say that while the
11 Board does allow sufficient time to clear in most
12 cases; however, the difference is after it's been
13 submitted. So there is ample time to review your
14 petitions to make sure the dates are corrected.
15 And in certain cases, I've seen where petitions
16 have corrected the dates, signed them, and
17 submitted it before submitting to make sure that
18 they are correct. In this particular case,
19 that's not what happened, which is why I assert
20 that those signatures should be thrown in because
21 they're invalid, did not follow the practice.
22 And despite the ample time allowed to correct

1 prior to submission, that did not happen.

2 So I'm a strong believer in democratic
3 process and the process with the Board of
4 Elections, but I don't think those were followed
5 here. So given the ample time, as they said,
6 you're not supposed to pre-sign, opportunity to
7 correct -- opportunity to correct before
8 submission. And I think that is really the
9 bright line here is were they correct when they
10 submitted? Was there ample opportunity to
11 correct before they were submitted? There was,
12 but that didn't happen. So as a result, I'm
13 asking that those signatures on Page 11 -- or I
14 do believe, it's Page 11, that they are
15 invalidated. Thank you. With three minutes
16 left, I reserve my time.

17 MS. STROUD: Thank you. Mr. Holcomb,
18 if you could state your name and address for the
19 record. And then you have five minutes.

20 MR. HOLCOMB: Yes. Tyrell Holcomb
21 4020 Minnesota Avenue Northeast 20019 is my zip
22 code.

1 MS. STROUD: Thank you.

2 MR. HOLCOMB: So I would say in
3 response to Mr. Williams firstly that our pre-
4 hearing was on April the 19th. Mr. Williams did
5 not show up to our pre-hearing. And so we didn't
6 have the opportunity to try to work this out in
7 the pre-hearing. Thus we are where we are today.
8 I certainly do believe that this is an attack on
9 democracy when you look at all three of the
10 candidates who are not running as part of a
11 slate, other candidates who have been challenged
12 by a particular slate. And I believe that, that
13 is essentially -- it is the right of every
14 individual to be able to run.

15 But furthermore, an attack on
16 democracy as it relates to the individual who
17 circulated this particular petition page, Mr.
18 Shirley Thompson Wright who is on today's call
19 and who also has submitted an affidavit that has
20 been notarized indicating that she circulated
21 that petition page on the 22nd of March and the
22 23rd of March. She herself signed the very first

1 line of that page on the 22nd. There was another
2 person who signed on the second page. The
3 remaining pages were signed on the 23rd when she
4 signed at the very bottom as the circulator, she
5 signed the date in which she signed the petition
6 herself as a voter to endorse me as a person to
7 be on the ballot.

8 Furthermore, she as a circulator is
9 not one who's been trained on what the process is
10 as it relates to circulating the petition. And
11 so I believe that it is unfair to look at holding
12 her to a process -- holding her to a standard as
13 it relates to knowing all of the ins and outs and
14 the intricacies as it relates to having to sign
15 and date in other matters as it relates to the
16 circulating petitions. Therefore I do believe
17 that the Board should consider this matter and
18 should reinstate the eight, not seven petition
19 signatures -- eight petition signatures that have
20 been challenged and brought into question. And
21 with that, I yield my time to -- With that, I ask
22 the remainder of my time to be held.

1 MS. STROUD: Okay. Thank you, Mr.
2 Holcomb.

3 CHAIR THOMPSON: I understand that the
4 circulator pre-signed on March 22nd. The
5 signatures were dated March 23rd and she has
6 since attested to the fact that she personally
7 witnessed the signatures on March 23rd,
8 recognized her clerical error and (audio
9 interference) secure her affidavit in that
10 regard?

11 MS. STROUD: Well her -- I'll read
12 into the record her statement that she submitted
13 to the Board with respect to the particular
14 petition sheet. "To whom it may concern, I
15 circulated a petition page on behalf of Tyrell M.
16 Holcomb, candidate for Ward 7 Committeeman for
17 the Democratic State Committee on March 22nd,
18 2022 and March 23rd, 2022. When I signed after
19 circulating the petition, I mistakenly thought
20 the date was March 22nd, 2022."

21 CHAIR THOMPSON: Oh, it's that simple.
22 She wrote the wrong date down?

1 MS. STROUD: Well, I understand that
2 Mr. Holcomb, you're saying that she's on the call
3 today. Maybe we could talk to her directly about
4 the circumstances around the signing of the
5 circulator's affidavit?

6 MR. HOLCOMB: Yes, she is on the call.

7 MS. STROUD: Okay.

8 CHAIR THOMPSON: Yeah, we'd love to
9 hear from you, Ms. Thompson Wright.

10 MS. STROUD: Shirley Thompson Wright.
11 Is she under a number of a particular name?

12 CHAIR THOMPSON: Also if you could
13 raise your hand --

14 MS. STROUD: Yeah, that would be
15 helpful.

16 CHAIR THOMPSON: -- Ms. Thompson
17 Wright, if you could just raise the hand, we'll
18 spot you right away. You might be under a
19 different name. There she is. Galaxy.

20 MS. THOMPSON WRIGHT: Good morning --
21 afternoon, I'm sorry.

22 CHAIR THOMPSON: Ms. Wright, just one

1 second. I guess since you're a fact witness,
2 we're just going to swear you in as best we can
3 if that's okay. Go ahead, Terri.

4 MS. STROUD: Hi, Ms. Thompson Wright.
5 If you could affirm that what you are about to
6 state in the record is the truth, the whole
7 truth, and nothing but the truth. Would you
8 raise your hand and affirm that statement?

9 MS. THOMPSON WRIGHT: I do affirm
10 that.

11 MS. STROUD: Okay, thank you. And now
12 we'll hear from you with respect to the
13 circumstances around the signing of the
14 circulator affidavit for Sheet 11.

15 MS. THOMPSON WRIGHT: Yes. So I
16 circulated a petition for Tyrell Holcomb. On the
17 22nd, I received it. And then I circulated it
18 the 22nd and the 23rd. When I went to sign at
19 the bottom, I did mistakenly put the 22nd date
20 because it was just moving so fast and it was my
21 mistake. And I put the 22nd and not the 23rd as
22 the date that I gave him the actual petitions

1 from the signatures that I received for him.

2 MS. STROUD: Okay. So you were
3 circulating the petition on March 22nd and March
4 23rd.

5 MS. THOMPSON WRIGHT: Correct.

6 MS. STROUD: And you signed the
7 affidavit -- the portion of the affidavit where
8 you're supposed to fill in the date, you signed
9 that on the 22nd.

10 MS. THOMPSON WRIGHT: No, I signed it
11 once I gave it back to Tyrell, but I signed it as
12 the 22nd date just mistakenly. I should have put
13 the 23rd on there when I gave it back to him the
14 next following day. I think it was about 2
15 o'clock in the afternoon. I was really hustling
16 and bustling when I got those last signatures.
17 And I was on my way back to work and I just --
18 the date just went past me. I put the 22nd and
19 not the 23rd.

20 CHAIR THOMPSON: You signed it on the
21 23rd, but you mistakenly wrote the 22nd?

22 MS. THOMPSON WRIGHT: Yes, sir.

1 CHAIR THOMPSON: Got it.

2 MS. THOMPSON WRIGHT: I initially
3 signed by signature on the 22nd, but when I gave
4 it back to Tyrell, it was the 23rd. And I signed
5 the 22nd and it should have been the 23rd. It
6 was just an oversight. And I did fill out an
7 affidavit and we had it notarized. So I was just
8 hoping that this mistake could be overlooked --
9 not overlooked, but it wouldn't, you know, harm
10 his chance to run in this election primary.

11 CHAIR THOMPSON: All right. Well
12 thank you so much. I think we have everything we
13 need on this matter.

14 MR. WILLIAMS: I do have a response
15 and I think I have time reserved, 3 minutes?

16 CHAIR THOMPSON: Go ahead, sir. Yeah.

17 MR. WILLIAMS: Yeah. I think my
18 concern is understanding. So when I submitted
19 petitions, I reviewed all the petitions I
20 received to make sure they are compliant to the
21 DC Board of Education law. I reviewed the dates.
22 I reviewed the signatures to make sure that I am

1 in compliance. And I do understand people make
2 errors, but at the same time, I think the rules
3 exist for a reason, including disagreements such
4 as this. That's why there are rules.

5 Regardless if there is a clerical
6 error, before you submit those petitions, you
7 have the opportunity to review them and correct.
8 In one instance, I did see where a petition that
9 I reviewed corrected the petition, initialed
10 them, and signed them correctly before they
11 submitted it to the Board of Education, which is
12 the process. I think it makes it able to ensure
13 there's democracy and to ensure that these are
14 done correctly. This minimizes a correct -- a
15 such thing as saying a clerical error, because
16 it's my name and I want to make sure that it's
17 done in process. So regardless of intent and
18 asking for exceptions, I think it's pretty much,
19 the rules exist for a reason.

20 So if you submitted an incorrect date
21 and it's your election, you have every attempt
22 before submitting to make sure that you submit

1 correct and valid signatures that are dated and
2 corrected before you submit it. So I've heard
3 signature arguments already before. And several
4 people have caught that, they recognized them,
5 and they corrected them before they submitted.
6 Once it's submitted, I think it's a different
7 case.

8 Clerical errors are errors, but when
9 you go by really was it correctly submitted?
10 Then I think that is the fault of the person who
11 is campaigning. It should be correctly submitted
12 and the Board of Elections allows ample time to
13 make that correction. So that is where I still
14 stand and I concur with the Registrar's findings
15 and that's why I raised the difference. I did
16 have an emergency where I was not able to attend
17 the previous hearing, but again, it moved forward
18 because I filed the challenge and I think exactly
19 it still stands regardless. And that's why I'm
20 here today. Thank you.

21 MS. STROUD: I think Mr. Holcomb
22 reserved time if you want --

1 CHAIR THOMPSON: Yeah. Mr. Holcomb,
2 I think you reserved time. Did you want to have
3 the final word?

4 MR. HOLCOMB: Yes. So certainly thank
5 you for the opportunity to respond as the
6 challenger asked. I hear the point that's been
7 raised as it relates to the opportunity to
8 correct. But in this regard as a candidate who
9 did not circulate this particular petition page,
10 if I were to be the one to correct it, I would
11 have been forging either her initial or her
12 signature on that particular page, which is I
13 believe to my knowledge, a federal crime.

14 And with that furthermore, I do not
15 believe it is encompassed upon any of us to
16 disenfranchise voters. This is exactly what
17 would have happened in this instance if these
18 eight petition signatures are to be thrown out
19 because Ms. Thompson Wright as she has so
20 eloquently put today, put the incorrect date by
21 mistake. And also to the fact that she signed
22 the date -- the date she signed is the date that

1 she signed at the very bottom. Obviously this is
2 an honest mistake.

3 Furthermore, the working class
4 individuals who signed by petition, the working
5 class individuals who circulated this petition
6 are of the same class of people who just like my
7 mom and my grandmother were that got me in this
8 process in the very beginning as a young man.

9 Furthermore, citing the federal law that this is
10 not punitive. This particular rule is no
11 punitive. And certainly we should protect the
12 rights to access the ballot for minority
13 candidates in any particular election. And so
14 with that said, I ask the Board to consider what
15 has been said today by myself and Ms. Thompson
16 Wright and ensure that these eight petition
17 signatures are credited so that I can run and
18 make the ballot as a candidate. Thank you.

19 MS. STROUD: Yeah. I just want to --
20 Mr. Holcomb, you know, I just want to make a
21 statement. I think this is for the benefit of
22 anyone who wants to get involved in this process.

1 You had stated -- and this is, you know, just to
2 state for the record because I think it's
3 important because this is such an important
4 process and you had indicated that your
5 circulator was not trained. But you picked up
6 documents at the beginning of the process, the
7 documents titled "circulating and filing
8 nominating petitions".

9 And all candidates when they get
10 ballot access materials, they sign to acknowledge
11 that they have received these document. And one
12 of the things that, that document says at the
13 onset is that as a candidate seeking elected
14 office in the District of Columbia, you are
15 responsible for ensuring that each individual who
16 circulates nominating petitions on your behalf
17 complies with all pertinent rules and regulations
18 regarding petition circulation. So when you
19 enlist individuals to circulate on your behalf,
20 it's incumbent upon you as the candidate to make
21 sure that they know and are aware of and follow
22 the rules governing petition circulation.

1 And I just wanted to state that for
2 the benefit of you know, anyone out there who's
3 engaging in this process. And so that's just,
4 you know, not necessarily in reference to your
5 particular, you know, situation. But it is
6 incumbent on individuals who are, you know,
7 enlisting others to circulate on their behalf to
8 ensure that they are familiar with and are
9 following. And we do provide training sessions
10 where individuals are made aware of the rules and
11 regulations surrounding the petition circulation
12 process. And so I just think it's important to
13 state that for the record with respect to these
14 matters.

15 MR. HOLCOMB: Mr. Chair, may I
16 respond?

17 CHAIR THOMPSON: Yeah, briefly.

18 MR. HOLCOMB: Thank you. I just want
19 to say that I wasn't in any way trying to
20 circumvent that aspect of the process. But what
21 I would say is that in refuting what you said,
22 what I was alluding to was formalized training.

1 I do know that there is formalized training and I
2 assume that based on what my challenger was
3 saying and his comments as it related to training
4 as a person who himself has ran campaigns and
5 hired individuals to be a part of his campaigns,
6 I assume that he was relating to formalized
7 training. And that's why I made the comment I
8 made about it.

9 CHAIR THOMPSON: Well thank you so
10 much and complements on your background for
11 those. So with that, we're going to take a
12 break. I said half an hour. It's 12:25, so why
13 don't we say 1:00 p.m. And we'll resume with
14 Reed versus Candon, then go to Meadows versus
15 Muhammad. Then Jaffe versus Bradley. Then
16 Fleming versus Bradley. And finally, Martinez-
17 Munoz versus White.

18 The final matter, I'm just going to
19 say, we won't start it before 2:00 p.m. If
20 anyone's listening and waiting for that matter,
21 when we resume at 1:00, I think it will take us
22 at least an hour to get through four of those.

1 So you can rest assured, we won't start that one
2 before 2:00 p.m. We'll see if we can finish up
3 the next five in another two hour block of time.
4 And thank you so much, everybody for
5 participating so far in the hearing.

6 So we are temporarily -- Oh, I guess
7 I should make a motion to temporarily adjourn for
8 lunch and resume at 1:00 p.m. Do I have a
9 second? Oh, the Zoom link will be the same
10 everybody. All right. Well hearing no
11 objection, we'll take a break until 1:00 p.m.
12 Thanks.

13 (Whereupon, the above-entitled matter
14 went off the record at 12:27 p.m. and resumed at
15 1:06 p.m.)

16 CHAIR THOMPSON: Okay well, good
17 afternoon everybody. I made the mistake of
18 walking outside for a bit. Wow. What a
19 beautiful one.

20 MEMBER GILL: I think we blame Terri
21 --

22 CHAIR THOMPSON: Yes.

1 MEMBER GILL: -- for choosing the best
2 spring day of 2022. It's not your fault, Terri.

3 CHAIR THOMPSON: Oh, goodness. Well
4 here we are stuck inside at least two more hours.
5 And I see that Mike Gill and Karyn Greenfield are
6 here so we are resumed on the record.

7 And we're going to pick up now with
8 the sixth case, Denise Reed vs. Mary Candon. And
9 I guess first if each can confirm that they're
10 here for starters.

11 MR. GILL: Denise Reed.

12 CHAIR THOMPSON: Denise Reed?

13 MS. REED: I'm here.

14 MS. CANDON: MaryEva Candon is here.

15 And I need to really point out my name. My first
16 name is MaryEva, M-A-R-Y-E-V-A and my last name
17 is Candon.

18 And I did put on my signature of
19 candidacy that I would have, my name would be
20 spelled out as capital M-A-R-Y, no space, capital
21 E-V-A, space Candon so.

22 CHAIR THOMPSON: Got you. Now

1 MaryEva, thank you so much.

2 MS. CANDON: Yes.

3 MS. STROUD: Did you say that the E
4 was capitalized, MaryEva?

5 MS. CANDON: Yes.

6 CHAIR THOMPSON: Okay. With that
7 we'll hear from Voter Services.

8 MS. GREEN WRIGHT: On March 23rd,
9 2022, MaryEva Candon submitted a nominating
10 Petition to appear on the ballot as a candidate
11 in the June 21, 2022, primary election for the
12 Office of National Committeewoman of the
13 Democratic State Committee.

14 The minimum requirement to obtain
15 ballot access for this office is 500 signatures
16 of district voters who are duly registered in the
17 same party as the candidate.

18 The Petition contains 523 signatures.
19 The Petition was posted for public inspection for
20 ten days as required by law. The Petition was
21 challenged on April 4th, 2022, by Denise Reed, a
22 registered voter in the District of Columbia.

1 Ms. Reed filed challenges to 111 of
2 the 523 signatures submitted enumerated by line
3 and page number on individual challenge sheets
4 filed for each Petition page.

5 The signatures were challenged
6 pursuant to Title 3 DCMR Section 1607.1 of the
7 Board's regulations. Per the review of the
8 challenges, it indicates that 90 of the 111
9 challenges are valid.

10 Four are valid because the signor is
11 not registered to vote at the address listed on
12 the Petition at the time the Petition was signed.
13 Two are valid because the signors were not
14 registered at this time the Petition was signed.

15 One is valid because the Petition does
16 not include the address of the signor. Three are
17 valid because the Petition does not include the
18 name of the signor where the signature is not
19 sufficiently legible for identification.

20 One is valid because the signor's
21 voter registration was designated as inactive on
22 the voter role at the time the Petition was

1 signed. Three are valid because the signature is
2 not dated.

3 One is valid because the signor is not
4 registered to vote in the same party as the
5 candidate at the time the Petition was signed.
6 Seventy are valid because the circulator of the
7 Petition sheet was not a qualified Petition
8 circulator at the time the Petition was signed.

9 And five are valid because the
10 signatures are predated. This leaves the
11 candidate's nominating Petition with 433
12 signatures, 67 signatures below the number
13 required for ballot access.

14 At the Prehearing Conference, Ms.
15 Candon requested that the Registrar of Voters
16 review several challenges that had been initially
17 determined to be valid.

18 After another review by the Registrar
19 of Voters, one signature challenge that was
20 initially determined to be valid has now been
21 determined to be invalid.

22 In addition, upon this review, it was

1 determined Sheet No. 29 also had double
2 circulated signatures which removes 10 additional
3 signatures.

4 This leaves a candidate's Nominating
5 Petition with 424 signatures, 76 below the number
6 required for ballot access.

7 MS. STROUD: Okay. Thank you. At
8 this time we will hear from Ms. Reed. And Ms.
9 Reed, if you could state your name and address
10 for the record, and then you can commence with
11 your position and you have five minutes.

12 MS. REED: Good morning. My name is
13 Denise L. Reed. I reside at 1711 40th Street
14 Southeast, Washington, D.C. 20020.

15 MS. STROUD: Okay.

16 MS. REED: May I proceed?

17 MS. STROUD: You may proceed.

18 MS. REED: Good morning Board Members,
19 Counsel, Madame Registrar, Ms. Candon,
20 Representatives and our viewing public and
21 participating citizens.

22 My name is Denise L. Reed, a citizen

1 and registered voter of Washington, D.C. I have
2 introduced and filed a challenge to the Petition
3 of MaryEva Candon.

4 As a citizen of Washington, D.C., I
5 take great interest in protecting the integrity
6 of our election process for our beloved city. It
7 is in that interest that we all adhere to rules
8 and procedures established in the best interest
9 of a fair and transparent process.

10 With this aim, we are presented with
11 a candidate who has grossly maligned the process
12 with multiple egregious abnormalities of policy
13 established by the Board of Elections.

14 As witness hereto and the Board of
15 Elections, Registrar Report, it has been
16 carefully highlighted the various deficiencies in
17 attempting to qualify for ballot process.

18 I'm sorry, ballot access, excuse me.
19 I take no relation in not being able to allow the
20 citizens to have an opportunity to engage and to
21 express their reasonable interest in selecting
22 the candidate of their choice.

1 However, this process deserves
2 integrity and equitable application to all
3 involved. Therefore, it is my request that the
4 Board and its members, based on the Registrar's
5 Report and the Petition challenge previously
6 submitted regarding this candidate's access to
7 the ballot be preliminary denied and/or
8 withdrawal accepted. Thank you for your time
9 today.

10 CHAIRMAN THOMPSON: Okay.

11 MS. STROUD: Okay, thank you, Ms.
12 Reed. And now we will hear from Ms. Candon.

13 MS. CANDON: Hi, hello Commissioners
14 and this wonderful public servants at the Board
15 of Elections. I am MaryEva Candon. I live at
16 2122 California Street Northwest, D.C., of
17 course, 20008.

18 And I am registered Democrat and at
19 the address I listed on my form. I want to first
20 of all, submit five statements for the record
21 just to make sure that the Board has seen them
22 and I'll just read, I'm not going to read them

1 all.

2 I'm just going to say four of them are
3 to address the eight signatures not dated. And
4 one of the submissions is a letter from attorney,
5 Johnny Barnes in reference to the challenge.

6 Okay so, I want to say that I have
7 submitted affidavits that affect eight signatures
8 that have been challenged and I don't believe
9 the, well anyway, so I think they can be allowed.

10 But more importantly, the, how many I
11 think, well anyway, I think it's 80 --. I'm
12 sorry, let me go back. I want to also put on the
13 record that the Board of Elections Registrars
14 have said there are 523 signatures submitted and
15 I contest that, but I'm not going to argue that
16 today.

17 I believe 528 signatures were
18 submitted. And among that in the challenge, in
19 the sheets of the challenge, four of the
20 challenged signatures were counted twice as
21 challenges.

22 So that would make that rather than

1 111 challenges, it's actually 107 and those four
2 are in the category of the unqualified circulator
3 80 challenges.

4 So I want to put that on the record
5 that the numbers are slightly different. But
6 predominately, I want to address the 80
7 challenges that are for one proposed violation
8 and that is that the circulators of those sheets
9 were unqualified.

10 So I am here to try to explain that,
11 in fact, they are qualified and I want to provide
12 you a sample because what actually happened is
13 that the circulators on those sheets that have
14 been disqualified because of two circulators
15 signing the one sheet, that's because the
16 circulator got back, the initial circulator got
17 this sheet back to me with say, with fewer than
18 ten signatures.

19 So I circulated it after they gave it
20 to me to get the remaining signatures and then I
21 signed my qualified information just under the
22 initial circulators so that what can do is see

1 when the initial circulators signed, you go up to
2 that date and see how far down the signatures
3 come to be within that date.

4 Those were circulated by the initial
5 signature and the last three say my date is, it
6 includes the signatures within that. So I think
7 that once it's understood that the signatures had
8 qualified circulators circulating them, I mean
9 and observing them, then our interest in having
10 valid signatures that a circulator a qualified
11 circulator gathered is clear.

12 If you understand the two dates and
13 come down the signature lines. So I don't think
14 they're unqualified circulators at all. What I
15 mean is --

16 CHAIR THOMPSON: Right.

17 MS. CANDON: -- I'm a little confused
18 at the --

19 CHAIR THOMPSON: Right.

20 MS. CANDON: -- that being a violation
21 because it --

22 CHAIR THOMPSON: It's just that we

1 can't tell which circulator is attesting to which
2 signatures. There's not like a --

3 MS. CANDON: Yes, that's -- I'm sorry.
4 Let me try to explain that again. I really
5 apologize that this seems difficult. I had one
6 that I wanted to show you.

7 Let's look at Sheet 29. At least I'll
8 use this as an example, Sheet 29. That has ten
9 voters' signatures on it including the first
10 circulator at the bottom.

11 She collected all of the signatures up
12 until 3-20 which she wrote under her circulating
13 signature. So it happens that I was out
14 gathering signatures, she handed this to me so I
15 had the next voter I ran into sign ten and you
16 see that date is 3-21.

17 And I signed below 3-21 that I had
18 observed that person signing that signature. So
19 Laura Lee Nesters (phonetic) who dated a
20 circulator of line 3-20, she gathered the
21 signatures from 3-11 to 3-19.

22 And then I had another voter fill in

1 and I observed them and so that's why I carefully
2 signed the exact information in the exact order.
3 So you just have to look at the date --

4 CHAIR THOMPSON: Yes.

5 MS. CANDON: -- and the circulators.

6 And see --

7 CHAIR THOMPSON: Well, thank you so
8 much for that. I was looking at Sheet 29 as you
9 walked us through that and it's crystal clear to
10 me so thank you.

11 MEMBER GREENFIELD: Yes.

12 MS. CANDON: Okay so it, anyway well
13 that's basically my point of and I think that the
14 having two, my effort to and I am the only second
15 circular of these 80 challenged signatures which
16 by the way is four more than, it's really 76
17 because of the double challenged on one sheet.

18 Would you like me to identify that
19 sheet?

20 CHAIR THOMPSON: No.

21 MS. CANDON: No.

22 CHAIR THOMPSON: I think we're good.

1 One question I have for Voter Services is I see a
2 comment in her notes that should the Board accept
3 the "double circulator sheet signatures as valid,
4 the remaining challenges are insufficient to deny
5 ballot access" so this is --

6 MS. CANDON: Yes.

7 CHAIR THOMPSON: -- in other words,
8 this is the outcome determinative?

9 MS. CANDON: Yes.

10 CHAIR THOMPSON: Is that true as well,
11 Voter Services?

12 MS. STROUD: Yes.

13 MEMBER GILL: Yes.

14 CHAIR THOMPSON: Okay. All right well
15 thank you so much. Any other questions out
16 there?

17 MEMBER GILL: No.

18 MS. CANDON: My only question would be
19 if you have further questions than we've
20 discussed, you know, would you get in touch with
21 the challenger and the challengee or the
22 challenged?

1 In other words, if you have any
2 further questions, will you get back to us or --

3 CHAIR THOMPSON: Probably not. We're
4 going to go into Executive session in a little
5 bit and we're going to decide the outcome. This
6 is one where we can take until Monday if we would
7 like to --

8 MS. STROUD: Yes.

9 CHAIR THOMPSON: -- so we may decide
10 during session that we do have questions and we
11 will certainly let you know, but it's possible
12 we'll decide this afternoon. So if there's
13 anything else you want to add to the record,
14 please go ahead.

15 MS. CANDON: No, well I mean, no.

16 CHAIR THOMPSON: And --

17 MS. CANDON: That's --

18 CHAIR THOMPSON: And also for the
19 record, we do have and I've read carefully your
20 April 14th letter that has five attachments to
21 it, various statements and affidavits and a
22 letter from attorney Johnny Barnes. So I want

1 you to know we've read those as well.

2 MS. CANDON: Right. I do have a
3 question. I was wondering well, oh yes, on the
4 pre-dated I think I have five that Ms. Reed has
5 claimed are pre-dated.

6 I was wondering where it's located
7 that, where in the statute or in the regulations
8 does it say that the ten signatures, the
9 circulator's date has to be after the ten
10 signatures because, in fact, I think that the one
11 way to read it is that the circulators should
12 sign it so that the person -- and date it, so
13 that the person signing the sheet realizes it's
14 an official sheet and it's a valid circulator?
15 You understand what I mean there?

16 CHAIR THOMPSON: Yes, but I think it's
17 an attestation by the circulator that they
18 witnessed the signature so logically it would
19 come on or after the date of the signatures of
20 the --

21 MS. CANDON: But if it's logical, but
22 I don't think it's, you know, I don't -- it's not

1 a requirement. It's not a rule or a --

2 MS. STROUD: Well you can't, Ms.
3 Candon, you can't swear or affirm that you've
4 done something and attest to having done
5 something if you haven't done it yet.

6 MS. CANDON: Well no, but that's where
7 our attesting to the Board before you submit it.
8 It doesn't mean that the -- you know, some
9 circulators might think and sharp circulators,
10 you know, circulators who have done it before,
11 they might think that the minute they get the
12 sheet they should sign it and date it so that
13 it's their sheet and it's all official. It's not
14 clear to me that it --

15 CHAIR THOMPSON: Yes, your point is
16 well taken. I understand. We'll take that into
17 advisement to the extent that that's even an
18 issue here that we have to decide. We may not
19 need to drill down on that one, but --

20 MS. CANDON: Right. Okay.

21 CHAIR THOMPSON: Thank you so much and
22 you've taken some time so let me give the

1 challenger, Ms. Reed, any final comments from
2 you?

3 MS. REED: Yes, thank you very much.
4 I just wanted to further state that as an
5 attorney, Ms. Candon should understand the
6 importance of not compromising an affidavit.

7 When we present ourselves as
8 candidates and the Board of Elections gives us
9 the blank Petitions to take out to the public, we
10 are given more than a sufficient amount to do
11 that where it's not necessary to add an
12 additional circulator to any of our pages.

13 And also, on the day that I came on
14 April 4th to review Ms. Candon's Petitions, when
15 I saw the egregiousness and the number of pages
16 that had been double signed as an additional
17 circulator, I questioned an official there about
18 it because I just couldn't believe that somebody
19 would do that multiple times on multiple pages.

20 And at that time I was told, no it is
21 not allowed. And so therefore I proceeded to
22 complete the challenge sheets in the manner that

1 I did for the I believe it was eight pages that
2 were double signed.

3 So you know, we have rules and we need
4 to be consistent or why should we have rules at
5 all and so it's very obvious that Ms. Candon
6 sought to skirt those rules and now she's trying
7 to explain it away when rules are rules.

8 I ask that you uphold the findings of
9 the Registrar. Thank you very much.

10 CHAIR THOMPSON: Okay well thank you
11 so much. And we will address this in Executive
12 Session later. And with that, we'll turn next to
13 the challenge of David Meadows regarding Anthony
14 Muhammad. And let's just first confirm that
15 they're both here.

16 MS. STROUD: Yes and actually so Mr.
17 Muhammad is the Slate Representative, but there
18 are other individuals who are the actual members
19 of the three member slate, the Fight the Power 8
20 slate and so I just want to confirm that let's
21 see David Meadows is first. Yes, I see you here,
22 Mr. Meadows. And Anthony Muhammad are you --

1 MR. MUHAMMAD: I'm here.

2 MS. STROUD: -- here, sir? Okay. And
3 then the other two slate members are --

4 MR. JOHNSON: Joseph Johnson and --

5 MS. STROUD: Joseph Johnson and Ms.
6 Williams.

7 MR. JOHNSON: Yes, Sandra Williams.

8 MS. STROUD: Sandra Williams, yes.
9 Are you all present or Mr. Muhammad, will you be
10 representing the slate in this matter?

11 MR. MUHAMMAD: Joseph Johnson is
12 present.

13 MS. STROUD: Okay.

14 MR. JOHNSON: Mr. Johnson will.

15 MS. STROUD: Okay. So we will first
16 hear the report of the Registrar of Voters in
17 this matter.

18 MS. GREEN WRIGHT: On March 7th, 2022,
19 Anthony Muhammad submitted a Nominating Petition
20 to appear on the ballot as a candidate in the
21 June 21, 2022, primary election with the Office
22 of Ward 8 Committeeman of the Democratic State

1 Committee.

2 The minimum requirement to obtain
3 valid access for this office is 100 signatures of
4 district voters who are duly registered in the
5 same ward and party as the candidate.

6 The Petition contained 158 signatures.
7 The Petition was posted for public inspection for
8 ten days as required by law. The Petition was
9 challenged on April 4th, 2022, by David Meadows,
10 a registered voter in the District of Columbia.

11 Mr. Meadows filed challenges to 79 of
12 the 158 signatures submitted enumerated by line
13 and page number on individual challenge sheets
14 filed for each Petition page.

15 The signatures were challenged
16 pursuant to Title 3 DCMR Section 1607.1 of the
17 Board's regulations. After reviewing, after the
18 reviewing of the challenges in the case that 65
19 of the 79 challenges are valid.

20 Twenty-nine are valid because the
21 signor is not registered to vote at the address
22 listed on the Petition at the time that the

1 Petition was signed.

2 Eighteen are valid because the signers
3 were not registered at the time the Petition was
4 signed. Two are valid because the Petition does
5 not include the address of the signor.

6 Five are valid because the Petition
7 does not include the name of the signor where the
8 signature is not sufficiently legible for
9 identification.

10 Two are valid because the signor's
11 voter registration was designated as inactive on
12 the voter roll at the time the Petition was
13 signed. Two are valid because the signature is
14 not made by the person whose signature it
15 purports to be.

16 And seven are valid because the
17 signature is not registered to vote in the same
18 party as a candidate at the time the Petition was
19 signed.

20 This left the candidate's Nominating
21 Petition with 93 signatures, seven signatures
22 below the number required for valid access. At

1 the prehearing conference, Mr. Meadows requested
2 that the Registrar of Voters reduce several
3 challenges that had been initially determined to
4 be invalid.

5 After another review by the Registrar
6 of Voters, nine of the signature challenges that
7 were initially determined to be invalid are
8 valid.

9 Two are valid because the signer is
10 not a registered voter in the Ward from which the
11 candidate seeks nomination at the time the
12 Petition was signed and seven are valid because
13 the date on the Petition was dated after the
14 Nominating Petition was filed with the Board.

15 This leaves the candidates Nominating
16 Petition with 84 signatures, 16 signatures below
17 the number required for ballot access.

18 MS. STROUD: Okay, thank you. And Mr.
19 Meadows, if you could state your name and address
20 for the record, we'll hear from you now in
21 response to the Registrar of Voters or the Voter
22 Services report with respect to your challenge.

1 MR. MEADOWS: Yes, good afternoon. My
2 name is David Meadows, I live at 305 the letter K
3 Street Southeast, Washington, D.C. 20003 in Ward
4 8.

5 I want to thank the Board for your
6 time on this matter and to the Registrar and the
7 staff for your attention. This challenge was
8 filed in good faith without animosity in a timely
9 manner as pursuant to statutory code.

10 The Fight the Power Slate failed to
11 cure the deficiencies within the allotted
12 timeframe and we believe that the Board has no
13 option but to accept the Registrar's findings
14 that show that the Slate is 16 signatures short
15 of the 100 required signatures needed.

16 I must point out that this is roughly
17 one-fifth of one percent of the current 46,923
18 registered Democrats within Ward 8. And I will
19 reserve my time as needed.

20 MS. STROUD: Okay, thank you. And Mr.
21 Johnson, will you be representing the slate in
22 terms of the response to the Registrar's report?

1 MR. JOHNSON: Yes. Good afternoon.

2 MS. STROUD: If you could state your
3 name and address for the record.

4 MR. JOHNSON: Yes, Joseph Johnson,
5 2431 Alabama Avenue Southeast, Washington, D.C.
6 zip code 20020, Apartment 202.

7 MS. STROUD: Thank you. And you have
8 five minutes.

9 MR. JOHNSON: And I'll free here and
10 we did discuss the challenges, the determination
11 that they made the four finding, the seven below
12 the required signatures to gain ballot access.

13 Our concerns in the prehearing was not
14 addressed as the registering attorney for the
15 Board overlooked our concerns, but did pay clear
16 attention to David's concerns so I'll go over
17 some of the initial concerns that we had in the
18 prehearing.

19 On Page 1 of 20, signature 1, line 1,
20 signature 6, lines 6, 8 and 10, the Board said
21 that those signatures was originally okay. Or
22 they said that they needed a change of address.

1 On Page 3 of 20, 7, 8 and 10 the Board
2 said that they were all in Ward 8. Page 4 of 20,
3 1, 4 and 8 and 9, the Board said that they needed
4 a change of address.

5 A lot of these changes happened where
6 we did not have time. This was after the
7 prehearing. A lot of changes have been after so
8 we did not have time to basically reach out to
9 the residents that signed our Petitions to obtain
10 those corrections.

11 Page 5 of 20, 3, 8 and 9, the same
12 exact same. Page 6 of 20, 2 and 6, the same
13 exact same. Page 4, Page 7 of 20, 4 and 8, same
14 exact same. Page 10 of 20, number 2, Page 12 of
15 20, number 3 and on to Page 17 of 20, I have some
16 of these, these are my family members that is on
17 the call to testify.

18 One, two, four, six, nine and ten,
19 those were challenged as the date and forged
20 signatures so they are on a call to corroborate
21 and verify their signatures, but when it comes to
22 the date, the dates was not put there.

1 We are and still in the midst of a
2 pandemic. People have moved, addresses have not
3 been updated or changed over and so I am asking
4 the Board to look into this to grant us access on
5 the ballot as there is a lot of discrepancies in
6 their report and when it comes to Page 17 of 20,
7 number 2, they have my father as a Republican
8 when he's a Democrat when it pulls up in the
9 Board of Election system.

10 And so we made these concerns known.
11 None of these are new concerns. The Board and
12 the email that they sent, they did not address
13 our concerns, but they did address David's
14 concerns and so none of these are new.

15 I said that in our prehearing from
16 Page 1 through 20 these were concerns of ours on
17 every page, but those concerns was not addressed
18 and like I said, some of my family members and
19 other residents is on the call to address their
20 signature and as it says for the dates, not too
21 long ago, the Board granted Regina Pixley access
22 on the ballot with no dates at all.

1 And so there is a date there and so I
2 would ask the Board to grant us access. And any
3 remaining time I would like to hold. Thank you.

4 CHAIR THOMPSON: Okay.

5 MS. STROUD: Okay, thank you. Do any
6 of the, Ms. Greenfield or Mr. Gill, do you have
7 any questions for either party?

8 MR. GILL: No questions, Terri.

9 MS. STROUD: Okay.

10 CHAIR THOMPSON: I'll just say that,
11 you know, this is one where it doesn't look like
12 there's sort of like a big sort of a legal issue
13 like can you cure a circulator's affidavit, that
14 sort of thing.

15 This is about the detail, signature by
16 signature. And it looks like the finding is for
17 16 short, but I want to promise you that we're
18 going to look and re-examine the details on all
19 20 of those sheets that you just walked us
20 through.

21 And really double our efforts to make
22 sure we get it right and we'll take that under

1 advisement in our executive session.

2 MS. STROUD: So just for
3 clarification, Mr. Johnson, you're saying that
4 you understood that you had signatures that could
5 be cured pursuant to changes of address, but are
6 you saying that you submitted the changes of
7 address or were not able to?

8 MR. JOHNSON: Both. Thank you. Some
9 of these just came up. Right? So during the
10 prehearing we just received this, the new up to
11 date that was added and a lot of these were on
12 Page 17 of 20 was not there.

13 So basically these are not new
14 challenges, they were challenged, but they were
15 not challenged in terms of -- the Board basically
16 said that they were okay and so that when they
17 re-looked and they came back and they said that
18 for the signature, for instance, if we look at
19 minus the ten, they challenged me and I'm the
20 candidate, but they saying my signature is
21 forged.

22 So the problem here is if I'm a

1 candidate and I'm attesting to my signature and
2 I'm saying that my signature is not forged, I
3 don't understand the disconnect there and so I
4 had this conversation with the attorney of the
5 Board and as well as Ms. Karen Brooks, the
6 Registrar of the Board, and I'm just, like I
7 said, I listened to everyone and their arguments
8 today and I'm just concerned that the democracy
9 and everything that everybody is so concerned
10 about is at risk here because there's a
11 possibility we are using outdated information or
12 an outdated system to verify these signatures.

13 The card that the Registrar sent Ms.
14 Karen Brooks, some of these were from 2013 and
15 2014. If that's in between of 7 to 8 years or
16 even 10 years, signatures change over time.

17 Even if it's just the slightest, you
18 know, you taking the J up or whatever the case
19 may be, over time these things do change and, you
20 know, the idea of it is a lot of these things was
21 not addressed in our prehearing and so I'm hoping
22 that the Board look into this and grant us access

1 on the Board, on the ballot.

2 MS. STROUD: Okay, thank you.

3 MR. JOHNSON: Thank you.

4 CHAIR THOMPSON: Okay, thank you
5 everybody. With that, we'll turn to the eighth
6 case.

7 MR. GILL: Yes.

8 MS. STROUD: Yes.

9 CHAIR THOMPSON: The case of Dennis
10 Jaffe vs. Bradley Thomas.

11 MS. STROUD: Yes, and then I just want
12 to ascertain that the parties are here. Mr.
13 Jaffee and Mr. Thomas?

14 MR. THOMAS: Yes, I am present. As a
15 preliminary matter, however, I have authorized
16 attorney Robert Bell pursuant to 3 DCMR of 403.2
17 and 403.3 to represent me in this matter. And
18 Mr. Bell is on board as well.

19 MS. STROUD: Okay, thank you. So
20 first of all, we'll hear from Voter Services and
21 then Mr. Jaffe and then Mr. Bell on behalf of
22 Bradley Thomas. And as always, each party will

1 have five minutes to state their position.

2 MR. BELL: Thank you. There is a
3 preliminary matter that I wish to address if I
4 could so that we can save time. The preliminary
5 matter is that there are two hearings involving
6 Mr. Bradley Thomas.

7 This one and the second one involving
8 Nathan Fleming vs. Bradley Thomas. The issues
9 are the same from a legal perspective and we
10 think for administrative convenience and economy,
11 if these two were combined, the arguments that
12 would be made in opposition by Mr. Thomas would I
13 think save the court -- I mean this panel from
14 having to go through two hearings involving this
15 exact same issue.

16 The major issue is that there that we
17 argue is there is a lack of jurisdiction on the
18 part of the Board to move forward with untimely
19 challenges.

20 And on the fact of both of the
21 documents filed by both of these challenges,
22 there are untimely as a matter of fact by looking

1 at the face of them.

2 Both of them have been filed at a time
3 that the office was closed. And so that's a
4 legal position that we think that the Board does
5 not have authority to proceed with and
6 adjudicate.

7 And if you combine them, then you can
8 make that argument without you having to hear the
9 same thing twice.

10 CHAIR THOMPSON: Yes, --

11 MR. BELL: So we hereby move to
12 consolidate.

13 CHAIR THOMPSON: Well, I thank you for
14 that. I think what we'll do is we'll hear from
15 Voter Services on Mr. Jaffe's challenge, then
16 also hear from Voter Services on Mr. Fleming's
17 challenge.

18 Then we'll hear from Mr. Jaffee and
19 then from Mr. Fleming and then, Mr. Bell, that
20 will give you a chance to consolidate all of your
21 comments including your threshold abduction to
22 the Board having jurisdiction at all.

1 MR. BELL: That's fine. I understand.
2 Another preliminary matter is that we move to
3 dismiss either this matter because of lack of
4 jurisdiction by the Board to hear it.

5 And I'd be prepared to address both of
6 those at the conclusion.

7 CHAIR THOMPSON: Yes, we'll hear that
8 when we come to you and I, you know, appreciate
9 that, the importance of that issue. So we're
10 going to make sure, is Mr. Fleming here?

11 MR. FLEMING: I am here, but I am not
12 prepared. I was not informed that I would need
13 to be prepared for this particular hearing, so
14 that's my position.

15 CHAIR THOMPSON: All right.

16 MR. BELL: And we hereby move to
17 dismiss his challenge because he's not prepared
18 to go forward.

19 CHAIR THOMPSON: Okay, I tell you
20 what, let's go back to Jaffe vs. Thomas. Let's
21 hear from Voter Services and then we'll turn to
22 Mr. Jaffee.

1 MS. THOMPSON: Good afternoon. On
2 March 23rd, 2022, Bradley Thomas submitted a
3 Nominating Petition to appear on the ballot as a
4 candidate in the June 21, 2022, primary election
5 for the Office of At Large Member of the Council.

6 The minimum requirements of obtain
7 ballot access for this office is 2,000 signatures
8 of District voters who are duly registered in the
9 party as the candidate.

10 The Petition contained 2,443
11 signatures. The Petition was posted for public
12 inspection for ten days as required by law. The
13 Petition was challenged on April 4th, 2022, by
14 Dennis Jaffe, a registered voter in the District
15 of Columbia.

16 Mr. Jaffee filed challenges to 865 of
17 the 2,443 signatures submitted enumerated by line
18 and page number on individual challenge sheets
19 filed for each Petition page.

20 This was challenged pursuant to Title
21 3 DCMR Section 1607.1 of the Board's regulations.
22 In reviewing of the challenges indicated that 789

1 of the 865 challenges are filed, are valid. I'm
2 sorry.

3 One hundred seventy-four are valid
4 because the signor is not a registered voter, is
5 not registered to vote, the address listed on the
6 Petition at the time the Petition was signed.

7 Two hundred sixty-three are valid
8 because the signors are not registered. Twenty-
9 three are valid because the signors' voter
10 registration was designated as inactive on the
11 voter roll at the time the Petition was signed.

12 Ten are valid because the Petition
13 does not include the address of the signor.
14 Twenty-seven are valid because the signature is
15 not dated. Thirteen are valid because the
16 signature is a duplicate of a valid signature.

17 Sixty-three are valid because the
18 Petition does not include the name of the signor,
19 the signor is not especially legible for
20 identification.

21 Seven are valid because the signature
22 is not made by the person whose signature it

1 purports to be. One hundred and forty are valid
2 because the signor is not registered to vote in
3 the same party as the candidate at the time the
4 Petition was signed.

5 And 69 that are valid because the
6 circulator of the Petition failed to complete all
7 required information in the circulator's
8 affidavit.

9 This left the circulated, I'm sorry,
10 the candidate's Nominated Petition with 1,654
11 signatures. Three hundred and forty-six
12 signatures below the number required for ballot
13 access.

14 Following this review, the Registrar
15 of Voters timely received 12 change of address
16 forms from Mr. Thomas on Thursday, April 14th,
17 2022. Six of these forms could be accepted as
18 address changes.

19 The remaining were not accepted in
20 regards to this challenge because two of the
21 forms were from the voters who were not
22 registered. One of the forms was a voter found

1 to be inactive and three of the forms were no
2 changes to their voter record.

3 Accordingly, Mr. Thomas was credited
4 with six signatures that had initially been
5 determined to be invalid. This leaves the
6 candidates Nominating Petition with 1,660
7 signatures, 340 signatures below the number
8 required for ballot access.

9 CHAIR THOMPSON: Okay, Mr. Jaffe.

10 MS. STROUD: Yes, Mr. Jaffe, if you
11 could state your name and address for the record
12 and we'll have five minutes to present your
13 response to the Voter Services report.

14 MR. JAFFE: Thank you. My name is
15 Dennis Jaffe. I reside at 1629 Columbia Road
16 Northwest, Apartment 726, Washington, D.C. 20009.
17 When I reviewed various Petitions for the
18 candidates, I started out with the expectation
19 that maybe it was naive on my part after all
20 these years I don't know, that each candidate in
21 each campaign took with the utmost seriousness
22 the expectation that rules be complied with and

1 that the Petitions filed be done so competently.

2 I ran two Petition signature efforts
3 in 2010 and 2011. I ran another one four years
4 ago in 2018. All of which exceeded the required
5 number of signatures by many, many, many
6 signatures.

7 When in January before I was even
8 thinking about supporting Ms. Gore for Council, I
9 wrote a letter to the D.C. Council urging them to
10 consider lowering the number of signatures on,
11 that would be required all around because of the
12 pandemic.

13 There was no action on that and at the
14 same time I received a response from Ms. Gore
15 that said that she appreciated the notion of what
16 I was saying and she was committed in her
17 response to powering through as she wrote to
18 doing the best as the campaign could to comply
19 with the law.

20 I didn't know at that time that I
21 would be running the effort for Ms. Gore. There
22 was not one other candidate who responded for at-

1 large Council.

2 To the letter that I shared with the
3 other candidates, Mr. Thomas did not respond at
4 all. I would have welcomed that. And I welcome
5 his belated notion that it was too many
6 signatures, but I don't see the purpose of
7 contesting a rule long after it went into effect.

8 You just can't do that. And that's
9 something that Mr. Thomas had raised during the
10 prehearing. You just can't change the rules
11 after the rules are completely implemented.

12 And while I respect Mr. Thomas, with
13 respect to his leadership on Statehood and on the
14 ANC and having resided in D.C. for generations in
15 his own family, in my having looked at the
16 Petitions that he filed, when we filed the 865
17 challenges to the Petitions, it was because, to
18 my surprise, someone with the amount of
19 experience that he had apparently had circulators
20 who just let him down.

21 They did not rise to the occasion of
22 doing the kind of job that any candidate

1 deserves. But that doesn't give an attorney or a
2 candidate, even the candidate who's an attorney,
3 the right to challenge what the rule is with
4 respect to the 2,000 long after it's been done.

5 In fact, it's kind of odd I would
6 think that Mr. Thomas filed 12 change of address
7 forms although only six were legitimate. If he
8 was contesting the 2,000 being legitimate in the
9 first place which is not something the Board of
10 Elections can do anything about.

11 It was the Council many months ago.
12 I don't know why he bothered even responding to
13 the challenge at all if he thinks in his mind
14 that for some make-believe reason that it was not
15 timely.

16 We were there well before 5 o'clock or
17 before 5 o'clock, a little after 4:00 I'd say.
18 And it's odd that he bothered to legitimize the
19 process and the challenge that we filed, that I
20 filed with respect to attempting to get change of
21 address forms.

22 Why bother if the challenge is

1 illegitimate in his mind? Why bother if the
2 2,000 was illegitimate and he exceeded to, well
3 he got more than 1,600 signatures.

4 Why bother contesting the challenge if
5 it was based upon the notion that 2,000 is
6 required? It just doesn't make sense to me. You
7 know, the time that he mentioned, I was there at
8 4:30 and filed.

9 As I stated during the prehearing, I
10 looked at my cell phone and saw 4:59 when the
11 Clerk came up to me to accept what we had already
12 prepared and they said, put down 5 o'clock. I
13 said, okay. Put down 5 o'clock. I did that.

14 But it's just frightening that Mr.
15 Thomas kind of has a cafeteria style of complying
16 with the rules. Oh, I'm going to make up
17 something about this time that they were there
18 even though he wasn't there to see it.

19 Other people were there when I was
20 there. And their office was not closed. So it's
21 odd that he pays attention to a rule of the time
22 that he makes up that we were not in compliance

1 with, but then there's a rule about 2,000
2 signatures and that rule does not have to apply.

3 It, that just doesn't make sense to
4 me. It is odd that to me he's challenging or
5 that he makes the argument especially with the
6 2,000 only after failing to file enough cures to
7 bring him up to the 2,000.

8 And if there weren't enough curable
9 defects to allow him to do that to begin with.
10 So I take the process very seriously. I respect
11 the process. Some things are easier than others
12 to comply with.

13 That's why I asked questions and I
14 cannot possibly, I cannot say enough how
15 incredibly accessible and responsive Ms. Brooks
16 has been, the Registrar.

17 CHAIR THOMPSON: Yes, thank you so
18 much.

19 MR. JAFFE: And Ms. Echols (phonetic)
20 as well. Thank you.

21 CHAIR THOMPSON: Appreciate that.
22 With that, I tell you what, Mr. Bell, it's your

1 option. Do you want to go next and we'll cap off
2 this challenge or do you want to let Mr. Fleming
3 speak and then you can do both of them together?

4 MR. BELL: I think so. That's the
5 best approach we would definitely have at the
6 beginning would apply so we think moving with Mr.
7 Fleming so for that.

8 CHAIR THOMPSON: All right. So let's
9 hear then from Voter Registration.

10 MR. FLEMING: I object to that
11 request. There are two separate matters and they
12 should be resolved separately. I was not called
13 for the Jaffe to this hearing which is occurring
14 now.

15 CHAIR THOMPSON: Fair enough.

16 MR. FLEMING: From this hearing.

17 CHAIR THOMPSON: That's your right,
18 Mr. Fleming. Thank you. Well we'll go back and
19 thank you, Mr. Bell, for your offer, but why
20 don't we go ahead and hear from you and as Mr.
21 Fleming has requested we'll conclude Mr. Jaffe's
22 challenge first and then even though it might be

1 somewhat repetitive, we'll hear from Mr. Fleming
2 so Mr. Bell, if you could go ahead.

3 MR. BELL: Thank you very much. Again
4 I have a motion to strike not only the testimony
5 and the evidence that were offered from the Voter
6 Services, but also Mr. Jaffe's challenge.

7 Both of them are untimely and cannot
8 be considered or adjudicated by this Board
9 because the Board does not have authority to deal
10 with untimely challenges.

11 The Board has made and I'm relying
12 upon the records from the Board, and I ask the
13 Board to take judicial notice of those so that
14 they would be a part of the record.

15 And also we rely upon data and
16 information on the Board's website and to the
17 extent that we relied upon that, we ask the panel
18 to take judicial notice of it.

19 We are prepared to submit documents
20 that reflect those public records along with the
21 website entries. The key issue here is, can an
22 untimely challenge be used as a way to deny a

1 property right to access to a ballot to a
2 candidate such as Mr. Bradley Thomas?

3 This body, after Mr. Thomas filed his
4 Petition, Nomination Petition, made the
5 preliminary determination and they sent Mr.
6 Thomas a letter dated March 28th telling him that
7 based on his submission they met sufficiency for
8 filing a Petition and as a result of that his
9 Petition gave him the right to be on the ballot.

10 They said that they would open up a
11 challenge period and they specifically gave the
12 timeframe for that challenge period and they said
13 that challenge period would close or end on April
14 the 4th, 2022 at 5:00 p.m. Not a continuation at
15 5:00 p.m., but it ended at 5:00.

16 And if you look at the face of the
17 Nominating Petition receipt filed by Mr. Jaffe,
18 it has on it, 5:00 p.m. at the close of business.
19 This Board has no jurisdiction to deal with
20 depriving a person with a property constitutional
21 right to be on the ballot.

22 And this is protected by the law from

1 the D.C. Court of Appeals as well as the Supreme
2 Court. And I draw your attention particularly to
3 the Supreme Court decision of Anderson vs.
4 Celebrezze, and also the decision from the D.C.
5 Court of Appeals called Vincent Orange vs. the
6 D.C. Board of Election and Ethics.

7 And particularly the footnote 4 in
8 1993 decision. And the Court recognized the
9 property right not only of Mr. Bradley, but it
10 recognized the property right of the voters and
11 the signatures who have signed those Petitions.

12 Because there was a preliminary
13 determination that he was entitled to meet
14 forward, that property right can only be taken
15 away if there were timely filed challenges.

16 And the rules of this Board are very
17 clear on that. That this office closed and I
18 direct this Board's attention to in particular
19 Third D.C. Municipal Regulation at 9900.1.

20 And it says specifically in no
21 uncertain terms that the close of business is at
22 4:45. If you look at the letter that sent to Mr.

1 Bradley Thomas on March the 28th, 2022, it said
2 that it's closed. The period ends at 5:00 p.m.

3 So what we have here now is a very
4 loose, sloppy process whereby the panel and the
5 Board are allowing people to come in and take,
6 sabotage attacks and ambushes on legitimate
7 candidates solely because they wait until the
8 last minute to run in there and file these so-
9 called challenges.

10 But Mr. Bradley serves and stands in
11 the same position as any candidate who had no
12 challenged time to file against them because Mr.
13 Jaffe's challenge is untimely.

14 It cannot be considered, it cannot be
15 adjudicated and Mr. Bradley Thomas' property
16 right and the right that he has under the
17 Constitution and the First Amendment cannot be
18 deprived because he has, he's on pontification
19 about, you know, COVID.

20 COVID was real. There was concerns
21 with COVID, but we're not relying upon COVID.
22 We're relying on the fact that with all the

1 experience that he articulated, he couldn't get
2 to the Board in time at 4:44, 4:45 before the
3 office closed.

4 This Board cannot continue to allow
5 these sabotage ambush tactics on innocent people
6 who are trying to engage the Democratic process
7 by people who wait until the last minute to run
8 in there and file these kind of complaints.

9 This is what is going on with respect
10 to Mr. Jaffe. He's a professional at it. He's
11 now bragging about it and we think that this
12 needs to be looked at very carefully, but you
13 also need to look at what authority based on your
14 own regulation that says if a person who is
15 otherwise earned the right to be on the ballot
16 has a property interest in it and has First
17 Amendment protection can be deprived of that just
18 because somebody do not want him on the ballet.

19 That's something that this Board
20 cannot do. I'm prepared at this point in time to
21 offer additional authority and I direct your
22 attention to the case called, Harvey vs. the D.C.

1 Board of Election, 581 Atlantic 2d, at 757 (1990)
2 where the D.C. Court of Appeals reversed this
3 Board because the Board allowed a process to try
4 to deny access to the ballot to a candidate who
5 had otherwise satisfied the minimum targeted
6 amount and the Board was reversed and told to put
7 that person's name on the ballot.

8 The Board took an appeal or asked for
9 a request for rehearing to the full Panel and the
10 full Panel rejected the Board. So requests can
11 allow the decision to remain so the decision of
12 Harvey vs. the Board tells this Board that you
13 got to be a little bit more careful and the court
14 warned this Board of that in Pree vs. the D.C.
15 Board when they said you have no process in place
16 to deal with these challenges.

17 You are bootlegging and you are
18 bootstrapping the Petition process as a way of
19 saying this has given notice of people how to do
20 the challenge process.

21 And what we're saying here is that the
22 challenge process ended at 5 o'clock. It did not

1 continue at 5 o'clock, and there was absolutely
2 no authority on the part of this Board to allow
3 those challenges to go forth.

4 And Mr. Bradley standing in the same
5 position as any other unchallenged candidate has
6 the right to go forward and have access to that
7 ballot.

8 Not only based on law, but based on
9 the Constitution. For those reasons, we ask that
10 this challenge be rejected.

11 CHAIR THOMPSON: All right. Thank you
12 very much, Mr. Bell. I certainly understand your
13 argument referencing the definition and the 3
14 DCMR 9900.1.

15 We'll take this under advisement in
16 Executive session and obviously talk about it
17 carefully with our counsel. I would note for the
18 record, 5:00 p.m. is clearly listed in the,
19 elsewhere as the time by which challenges can be
20 submitted. It's on the --

21 MS. STROUD: The Board's calendar.

22 CHIARMAN THOMPSON: Yes, the actual

1 Board calendar. Doesn't mean that's controlling,
2 but it's on the Board's calendar and it's what's
3 been advertised which everyone, it's the rule
4 that under which everyone's been operating.

5 But I do want to take a careful look
6 at what does it mean in 9900.1 when it references
7 4:30? So we'll look at that.

8 MR. BELL: 4:45.

9 MR. GILL: Let the Chairman of the
10 Board finish.

11 MR. THOMPSON: We'll take your, we'll
12 obviously take your point seriously. I mean, I
13 certainly understand that if something's not
14 submitted timely then it, you know, it may not be
15 acceptable. So thank you.

16 MR. BELL: Can I make a final comment?

17 CHAIR THOMPSON: Go ahead.

18 MR. BELL: You're giving me a chance
19 to make a final comment?

20 CHAIR THOMPSON: Yes, please, yes.

21 MR. BELL: Yes, I appreciate your
22 offer of consideration and I appreciate the fact

1 that you're going to look at that, but I also
2 would ask that you look very carefully at the
3 case law and I ask you to look very carefully at
4 the interpretation of the Constitution by the
5 D.C. Department of Appeals as well as the Supreme
6 Court and realize that this Board's authority
7 does not continue after 5 o'clock as it relates
8 to the challenge posting period.

9 The challenge posting period ends at
10 5 o'clock and the Board has absolutely no
11 authority to be accepting these erroneous
12 burdensome challenges and taught, and waste the
13 resources of the city trying to process stuff
14 that just straight up ambush on candidates who
15 are otherwise legitimate and qualified as
16 determined by the Board. Thank you.

17 CHAIR THOMPSON: Thank you so much.
18 Before we turn to Mr. Fleming, Mr. Jaffee, any
19 final, do you just very briefly have a comment?
20 I see your hand's up.

21 MR. JAFFEE: Yes, yes, yes. Thank
22 you. First, I want to note that when I hear

1 ambush and I think of a last minute request to
2 have another representative of the challenge be
3 prepared to speak prior to the time that they're
4 scheduled to speak, that sounds more like an
5 ambush to me number one.

6 Number two, I've taken over and I have
7 to apologize if anything I said came across as
8 bragging. Wow. Bragging would be if I made note
9 that we submitted 4,102 signatures. That's
10 perhaps what bragging would be. I think --

11 CHAIR THOMPSON: Wrap it up in just
12 one minute if you could please.

13 MR. JAFFE: I took an Uber to the
14 Board of Elections and the Uber let me off at
15 4:40 p.m. and I assure you that with everything
16 that I had prepared to be submitted, it didn't
17 take me all that long to get out of the Uber and
18 up to the Board of Elections to be late there so
19 that's one thing.

20 And the other thing is I did neglect
21 to mention previously I would like to recognize
22 if I may, the candidate Lisa Gore with respect to

1 assisting and collaborating on the challenge.
2 She has her hand raised.

3 CHAIR THOMPSON: Thank you so much.
4 And that's enough to satisfy all. Ms. Gore,
5 please go ahead.

6 MS. GORE: Thank you and I'll
7 definitely be brief. I just want to add a little
8 context to the time that the campaign was in the
9 Board of Election and I actually had a portion of
10 the documents for the Bradley Thomas challenge.

11 As you know, we were speaking to the
12 Board earlier this morning on another challenge.
13 That challenge sheet is time stamped at 4:25. So
14 the campaign was at the Board of Election way
15 before the 5:00 p.m. deadline.

16 As you know, it was incredibly busy,
17 but I can just attest under the record that our
18 sheets were filled out, we got the information to
19 the Board on time, we were there way prior to the
20 5:00 p.m. deadline.

21 We saw many campaigns go in and out
22 and we did not, you know, show up at the last

1 minute trying to push documents through. The
2 campaign was there in a timely fashion and
3 submitted the challenge in a timely fashion.
4 Thank you.

5 CHAIR THOMPSON: Okay. I really
6 appreciate or appreciate that. You're right,
7 that's very helpful context. Okay with that, why
8 don't we turn to Mr. Fleming's challenge, the
9 ninth challenge and we'll hear from Voter
10 Services and then Mr. Fleming and then back to
11 Mr. Bradley's attorney, Mr. Bell.

12 MS. THOMPSON: On March 23rd, 2022,
13 Bradley Thomas submitted a Nominating Petition to
14 appear on the ballot as a candidate in the June
15 21, 2022, primary election for the Office of At
16 Large Member of the Council.

17 The minimum requirement to obtain
18 ballot access for this office is 2,000 signatures
19 of district voters who are duly registered and
20 the same party as the candidate.

21 The Petition contained 2,443
22 signatures. The Petition was posted for public

1 inspection for ten days as required by law. The
2 Petition was challenged on April 4th, 2022, by
3 Nathan Fleming, a registered voter in the
4 District of Columbia.

5 Mr. Fleming filed challenges to 1,238
6 of the 2,443 signatures submitted enumerated by
7 line and page number on individual challenge
8 sheets filed for each Petition page.

9 The signatures were challenged
10 pursuant to Title 3 DCMR Section 1607.1 of the
11 Board's regulations. A review of the challenges
12 indicates that 1,600 of the 1,238 challenges are
13 valid.

14 Two hundred sixty-eight are valid
15 because the signor is not registered to vote at
16 the address listed on the Petition at the time
17 the Petition was signed.

18 Three hundred twenty-seven are valid
19 because the signors are not registered. Forty-
20 two are valid because the signors' voter
21 registration was designated as inactive on the
22 voter roll at the time the Petition was signed.

1 Nine are valid because the Petition
2 does not include the address of the signor.

3 Thirty-three are valid because the signature is
4 not dated.

5 Seven are valid because the signature
6 is a duplicate of a valid signature. Eighty-
7 three are valid because the Petition does not
8 include the name of the signor is not
9 sufficiently legible for identification.

10 One is valid because the signature is
11 not made by the person whose signature it
12 purports to be. One hundred seventy-seven are
13 valid because the signor is not registered to
14 vote in the same party as the candidate at the
15 time the Petition is signed.

16 And 59 are valid because the
17 circulator of the Petition failed to complete all
18 required information in the circulator's
19 affidavit. This left the candidates Nominating
20 Petition with 1,437 signatures, 563 signatures
21 below the number required for ballot access.

22 Following this review, the Registrar

1 of Voters timely received 12 changes of address
2 forms from Mr. Thomas on Thursday, April 14,
3 2022.

4 Six of these forms could be accepted
5 as address changes. The remainder were not
6 accepted in regards to this challenge because two
7 of the form were from voters who were not
8 registered.

9 One of the forms was a register found
10 to be inactive and three of the forms were no
11 changes to the voter record. Accordingly, Mr.
12 Thomas was credited six signatures that had
13 initially been determined to be invalid.

14 This leaves the candidates nominating
15 Petition with 1,443 signatures, 557 signatures
16 below the number required for ballot access.

17 CHAIR THOMPSON: Okay, thank you so
18 much.

19 MS. STROUD: So now we will hear from
20 Mr. Fleming. Mr. Fleming, if you could state
21 your name and address for the record.

22 MR. FLEMING: Good afternoon. My name

1 is Nathan Fleming. I reside at 5047 Sheriff Road
2 NE, Washington, D.C. I am a duly registered
3 voter of the District of Columbia who believes in
4 ensuring the integrity of the process.

5 Voters, as you know, are responsible
6 for ensuring the residents of the District are
7 responsible for ensuring the integrity of the
8 process through the challenge period.

9 I exercised that right and the
10 Registrar has indicated that Mr. Thomas fails to
11 meet the mandatory signatures required for ballot
12 access. I encourage the Board to accept the
13 Registrar's Report.

14 I will respond to the allegation that
15 the report was not, the challenge was not timely
16 filed. The Registrar's Report notes that the
17 challenge was timely filed.

18 I filed the challenge before 5:00 p.m.
19 in the Office of the Board of Elections and I
20 note that there was no evidence provided by Mr.
21 Thomas or will be provided by Mr. Thomas contrary
22 to that fact.

1 I reserve the remainder of my time.
2 Can you please let me know how much time I have
3 remaining?

4 MS. STROUD: Three minutes. Just
5 under four minutes actually 3 minutes and 57
6 seconds.

7 MR. FLEMING: Okay. Thank you. The
8 majority of that time I would like to respond,
9 use to respond to Mr. Thomas' attorney's
10 argument.

11 CHAIR THOMPSON: Okay. Mr. Bell, go
12 ahead and we certainly heard, I felt like you
13 meant to say on the timing issue, we certainly
14 heard you previously so you don't necessarily
15 have to repeat what you've said, but please go
16 ahead.

17 MR. BELL: Okay, thank you very much.
18 And I appreciate this opportunity and I would
19 incorporate by reference all of the earlier
20 statements I made with respect to the
21 untimeliness of the Petition in the Jaffe matter.

22 But we think that in this matter, the

1 same issue. If you look at the face of the
2 Nominating Petition challenge receipt that was
3 submitted in the Jaffee matter and the same thing
4 with respect to the Fleming matter, it doesn't
5 say 4:45, 46 or 4:59, it says 5 o'clock.

6 The office and the authority of the
7 Board to operate dealing with a challenge is over
8 at 5 o'clock. It doesn't continue at 5 and you
9 start the process anew.

10 If you look at the Petition receipt
11 challenge of Mr. Fleming, now you're talking
12 about an individual who came in with this
13 sanctimonious approach about how he's trying to
14 do all of this for fairness, he's running for the
15 same office.

16 But look at these Petition receipt and
17 the sloppiness in it. Take a moment and take
18 judicial notice, it says 04052020 and it got
19 slashed out, it look like 23, very sloppy work.

20 He saying he filed it on the 5th. If
21 you file it on the 5th clearly, that was late and
22 this was on the face of the document and if you

1 look right across to the right hand side of the
2 same receipt, it says 5:00 p.m.

3 That's an admission that the Office
4 was closed therefore not closing, not continuing
5 to work a processing and trying to take away the
6 constitutional right for a person who has
7 otherwise earned that right, not trying to shut
8 down the First Amendment rights of those who have
9 supported this candidate in a fair and
10 competitive process with votes.

11 Here we are with the same ambush
12 approach again and they're trying to use and are
13 using the Board as the cover to allow them to do
14 this dirty work.

15 The Board they said let them come in
16 and file it at 5:00, the Board got regulations
17 there that the Office is closed at 5:00. They
18 got statements all over the internet saying that
19 5 o'clock you know is over.

20 And they got in this regulation
21 particular the DCMR that 4:45 is the piece. If
22 you go to the Court of Appeals in the pre-case

1 and say what we do is let those in the office at
2 4:45 do certain things and the Court of Appeals
3 has warned that's not the approach.

4 Do something about your approach in
5 handling these challenges. Mr. Fleming is just
6 like Mr. Jaffe. He's late, he's out of time, and
7 he has shown nothing that contradict the
8 presumption of going forward with ballot access
9 to Mr. Bradley Thomas.

10 He can't show anything because on the
11 face of his receipt, just like on the face of Mr.
12 Jaffe's receipt, it says 5 o'clock. What kind of
13 office can operate when 5 o'clock is close of
14 business the way the Board has allowing its
15 office to operate, 5 o'clock is a continuation of
16 business?

17 You can't take away constitutional and
18 statutory rights allowing things to go on the way
19 you have allowed things to go on as the Board.
20 This needs to be looked at, it needs to be
21 stopped, it needs to be corrected and Mr. Bradley
22 Thomas' case is the idea case to put a stop to

1 these 5 o'clock filings.

2 sitting around waiting until the last
3 minute to just dump all of this into the office
4 and so now you the Board, you go deal with it.
5 We are dealing in a pandemic.

6 Mr. Bradley Thomas made the decision
7 because we're in a pandemic not to challenge any
8 of the others because of the difficulties of
9 collecting these signatures. That's a lot of
10 work.

11 The Constitution as well as the
12 Supreme Court has made it very clear that a
13 campaign is a serious idea of getting diverse
14 ideas into the marketplace so that the voters can
15 decide.

16 But what we've got going on now is
17 this ambush process where this Board is allowing
18 folks to just run in and Mr. Jaffe as well as Mr.
19 Fleming, Mr. Jaffe said, somebody at the Board
20 told him don't put 4:49 on it, put 5 o'clock.
21 How ridiculous.

22 How, if somebody at the Board did

1 that, that person needs to be fired because what
2 they have done is told him to do something that's
3 a misrepresentation and he put it into his
4 document. And now he's already testified to it.

5 Lisa Gore testified too that I was
6 coming into the office, I was in the office and
7 Mr. Jaffe come running in with new so called
8 challenges. This is not the way this process is
9 supposed to work.

10 Mr. Fleming, Mr. Jaffe if you look at
11 both of them in the totality of the
12 circumstances, shows that something needs to be
13 done by the Board to correct this or the Court's
14 going to have to correct it because too many
15 legitimate candidates are being harmed.

16 The office was closed, close of
17 business is recognized throughout the whole
18 United States, 5 o'clock is what is recognized.
19 Your regulations say 4:45, but yet still you
20 allow this to go forward.

21 It needs to be stopped and presumption
22 in favor of Mr. Bradley that he is qualified,

1 that he is got a ballot access. That's a
2 property right that's protected by the
3 Constitution, it's consistent with the
4 regulations that you have in place.

5 It's consistent with the Statute and
6 what you do about allowing these challenges under
7 these circumstances, you are violating the
8 governing statute and you are violating the
9 Constitution and you're violating the case law
10 from the District of Columbia, the Court of
11 Appeals.

12 We ask you to correct that. And I
13 reserve one minute for Mr. Bradley if I have it
14 to say whatever he'd like because he is the
15 candidate. Thank you.

16 CHAIR THOMPSON: Yes, thank you so
17 much. We appreciate you raising this issue
18 again. I promise we'll take a close look at it.
19 You certainly have made it clear.

20 With that, I think it would be
21 appropriate for Mr. Fleming to have any, he
22 reserved some time for any rebuttal comments.

1 MR. FLEMING: Yes, can I get a report
2 on how much time Mr. Bell took with his remarks?

3 CHAIR THOMPSON: He took the full five
4 minutes and I think --

5 MR. FLEMING: Did you say over five
6 minutes?

7 CHAIR THOMPSON: He took five, he took
8 one so you can speak for us to four minutes
9 please.

10 MR. FLEMING: Also, I would like to
11 speak for nine minutes because he incorporated
12 his remarks from the previous hearing or those
13 remarks should not be allowed in this proceeding.

14 CHAIR THOMPSON: They really were part
15 of the separate, we kept the two things
16 completely separate procedurally at your requests
17 so, you know --

18 MR. FLEMING: Okay.

19 CHAIR THOMPSON: -- I decline the
20 request and would ask you to please -- I mean, we
21 don't have a strict time limit, but we --

22 MR. FLEMING: Okay. Please. Okay,

1 thank you --

2 CHAIR THOMPSON: Okay.

3 MR. FLEMING: -- for allowing me the
4 time to speak given that I am also the candidate.
5 So I want to begin by making it clear that Mr.
6 Bell did not assert any arguments disputing any
7 of the facts found in the Registrar's report
8 regarding Mr. Thomas' signature.

9 We found he has less than 1,700
10 signatures. He's well under the number that he
11 needs for ballot access and there's been several
12 issues with the report with the quality of the
13 challenge where there's been signatures,
14 Petitions where none of the people listed on the
15 sheet are even residents of the District of
16 Columbia which speaks to circulator fraud.

17 Which this Board has ruled and the
18 Court has ruled in *Brizill v. Williams* and in
19 *Allen v. Silverman* that circulator fraud should
20 lead to all of those Petitions being thrown out,
21 but none of those facts were rebutted by Mr.
22 Bell.

1 I would like to think that the Statute
2 does not require a receipt of the time of the
3 challenge to be filed. It simply requires a
4 challenge that specifically alleges the lines and
5 the defects according to the code and the DCMR
6 when that was properly held here.

7 I am, no evidence was offered that the
8 challenge was filed before, was not filed before
9 5:00 p.m. I am offering evidence that I filed
10 the challenge before 5:00 p.m. I'm entering that
11 into the record currently that I filed the
12 challenge before 5:00 p.m.

13 But in the alternative, I don't think
14 that there's a distinction between at/or 5:00
15 p.m. And the Board should not outweigh my duly
16 filed challenge, my right as a citizen to file
17 the challenge for and the Board has a standard of
18 form or fashion.

19 Not form or fashion, but I'm sorry, I
20 can't think of the exact term, but the form
21 should not outweigh the substantiveness of my
22 challenge. In the matter that he articulated

1 Harvey v. Board of Elections, it does not favor
2 his candidate's position.

3 Actually, in that particular matter,
4 the Board was admonished for not following the
5 statutory language of the District Counsel and so
6 he's asking you to do exactly what the board was
7 admonished for by going outside of what the
8 Statute states. The Statute states at 5:00.

9 Also, it's the job of the Registrar's,
10 the job of Voter Services, the job of Board of
11 Elections to determine whether things were timely
12 filed. That's why my Petition was accepted.

13 By coming on the backend and saying
14 that it was not timely filed, that calls into a
15 question every determination made by the Board of
16 Elections and that would lead to a result that is
17 extremely unfavorable.

18 Also I would like to make the point
19 that the character of this challenge speaks to an
20 attack at the entire body of law related to
21 signatures and Mr. Bell's point about the DCMR
22 was not raised at the prehearing conference.

1 Therefore, I had no opportunity to
2 look it up and the Board's regulations and the
3 law states that matters that were not spoken on
4 in the prehearing conference cannot be addressed
5 here so anything in the LMR should be made moot
6 based upon that point.

7 And I will, in general, I would
8 believe that characteristic of Mr. Thomas'
9 Petition rises to the level of the Petitions in
10 the matters of Brizill v. Williams and in the
11 matters of Allen v. Silverman where this Board
12 noted that the defects of particular circulator
13 defects, the circulator is the person that is
14 responsible for upholding the law and making sure
15 that the signatures are valid.

16 Not the Board of Elections, by law, by
17 statute and we must make sure that we uphold the
18 rules that we have. Thank you.

19 CHAIR THOMPSON: Okay, Mr. Fleming,
20 thank you so much. So Mr. Fleming, Mr. Bell, you
21 both have plenty of time and I know Mr. Bell
22 requested Bradley Thomas to have a word and so

1 we'll permit a minute for Mr. Thomas.

2 I believe you're present if you'd like
3 to have the final word on this?

4 MR. THOMAS: All right. Thank you.

5 I thank the Board for your time and attention to
6 this matter. I think you've done a very fair job
7 of hearing these issues.

8 I agree with my counsel that we do
9 have an issue of timeliness here that the prima
10 facie evidence is that these challenges were
11 filed at 5 o'clock.

12 We find that mysterious that both of
13 them were filed at exactly 5 o'clock and suggest
14 that the Board might want to consider whether or
15 not the challenges have adequately proven that
16 their submissions were timely.

17 But beyond that, I just want to again
18 thank you all for taking the time to consider our
19 response to the challenge here and for the
20 overall way that you've been handling these
21 matters today.

22 I thank you for your time again and I

1 trust the Board will reach the proper conclusion.
2 Thank you.

3 CHAIR THOMPSON: All right. Thank you
4 so much, Mr. Thomas and everybody. That
5 concludes that matter. We have one more matter.
6 Before we turn to it, I think maybe we could use
7 a five-minute break just to clear our heads, use
8 the restroom and such.

9 So why don't we take that five-minute
10 break and then I think we'll resume and take up
11 the final matter.

12 (Whereupon, the above-entitled matter
13 went off the record at 2:26 p.m. and resumed at
14 2:35 p.m.)

15 CHAIR THOMPSON: Before we proceed I
16 see Mr. Jaffe has his hand and up I assume from
17 previously, it's inadvertently left up.

18 MR. JAFFE: No, thank you. It was not
19 inadvertent.

20 CHAIR THOMPSON: If I could just
21 quickly say, I mean, we did close that matter but
22 please go ahead for about like half a minute.

1 MR. JAFFE: I don't even need a half
2 a minute.

3 CHAIR THOMPSON: Okay.

4 MR. JAFFE: I'm responding to several
5 comments that were made and I wish to simply note
6 that Mr. Thomas ought to consider his attorney's
7 characterization of my challenge in dirty work as
8 being beneath the dignity with which Mr. Thomas
9 has sought to conduct his campaign.

10 CHAIR THOMPSON: Thank you so much. I
11 see somebody else with a hand raised. It came to
12 the former matter, for the next matter.

13 So, okay, so let me just pause there
14 before we proceed. I was going to make a remark
15 relatedly or incidentally. We've heard nine
16 challenges so far today. You know, in each case
17 the candidate has done a great job, the
18 challenger has done a great job and I don't
19 assign any ill motives to anybody. You're a
20 candidate. I appreciate that there's some
21 detailed work to do when you pick up these
22 petitions and have to get them filled out,

1 frequently relying on circulators. I know it's
2 not easy. Some of the petition forms are not in
3 great shape. Some of them have mistakes in them.
4 Things wrong with different signatures, maybe
5 with the circulator affidavits. I don't infer
6 from that, I don't think anybody on the board at
7 the BOE infers from that but anyone involved is
8 disrespecting the rules or, you know, not taking
9 democracy seriously or some, whatever phrases
10 have been used in that regard. And likewise with
11 respect to the challengers, every citizen has a
12 right to challenge a petition. If they make a
13 challenge, you know, that's their prerogative.
14 Then in one vain I don't assign to any challenger
15 any ill will or ill motives. Nobody in my mind
16 is trying to ambush or anything like or subvert
17 democracy or anything like that. People can use,
18 you know, adjectives or phrases of that nature,
19 it's fine. That's the words you want to use but,
20 you know, for me, those kind of adjectives just
21 go right past me. We're just looking at the
22 facts and the regulations here. And we're going

1 to get the answer right in each case. So, I just
2 thought I'd add that after the, three or four of
3 these have gotten a little heated in that regard.

4 So, I went back. It's been a long day
5 and we will turn last but certainly not least to
6 the matter of Luz Martinez-Munoz versus Trayon
7 White, candidate for mayor in the district. And
8 the way we're going to do this is we're going to
9 hear from Voter Services first and then from the
10 challenger and then from the candidate or the
11 respective representatives. And before Voter
12 Services goes I just want to confirm that there
13 is somebody here for the challenger of Luz
14 Martinez-Munoz?

15 MS. MARTINEZ-MUNOZ: Yes, I'm present.

16 CHAIR THOMPSON: Okay.

17 MS. MARTINEZ-MUNOZ: And I have my
18 counsel with me who will need to be unmuted as
19 well, Christy White.

20 CHAIR THOMPSON: Thank you so much, and
21 welcome, Mrs. White.

22 MRS. WHITE: Thank you.

1 CHAIR THOMPSON: And also, Trayon
2 White, are you present or is your counsel
3 present?

4 MR. WHITE: Yes.

5 MS. MARTINEZ-MUNOZ: Is Ari Theresa
6 there?

7 MR. WHITE: Yes, if needed but I'm here
8 and my counsel, Ari Theresa, is here as well.

9 CHAIR THOMPSON: All right. Thank you
10 so much for being here. So, with that Voting
11 Services, please proceed.

12 MS. THOMPSON: On March 23, 2022,
13 Trayon White met a nominating petition to appear
14 on the ballot as a candidate in the June 21st,
15 2022, primary election for the office of Mayor of
16 the district of Columbia.

17 The minimum requirement to obtain
18 ballot access for this office is 2,000 signatures
19 of voters who are duly registered in the same
20 party as the candidate. The petition contains
21 4,391 signatures. The petition was posted for
22 public inspection for 10 days as required by law.

1 The petition was challenged on April 4th, 2022,
2 by Luz Martinez-Munoz, sorry, if I pronounced
3 your last name wrong.

4 MS. MARTINEZ-MUNOZ: Munoz.

5 MS. THOMPSON: Munoz. Sorry if I
6 pronounced it wrong. He raised the vote in the
7 District of Columbia. Ms. Martinez-Munoz, filed
8 challenges to 2,768 of the 4,391 signatures
9 submitted, enumerated by line and page number on
10 individual challenge sheets filed for each
11 petition page. These signatures were challenged
12 pursuant to Title III, DCMR Section 1607.1 of the
13 Board's regulations.

14 In review of the challenges in the
15 case that 2,192 of the 2,768 challenges are
16 valid. Eight hundred and sixty are invalid
17 because the signer is not registered to vote at
18 the address listed on the petition at the time
19 the petition signed. Four hundred and ninety
20 eight are invalid because the signer is not
21 registered. Seventy four are invalid because the
22 signer's voter registration was designated as

1 inactive on the voter roll at the time the
2 petition was signed. Nineteen are invalid
3 because the signature is a duplicate of a valid
4 signature. Forty six are invalid because the
5 signature was not dated. Eighty three are
6 invalid because the petition does not include the
7 address of the signer. Two Hundred four are
8 invalid because the petition does not include the
9 name of the signer with a signature is not
10 sufficiently legible for identification. Fifty
11 three are invalid because the circular of the
12 petition fails to complete all required
13 information in the circular's affidavit. Nine
14 are invalid because the signature was not made by
15 the person whose signature it purports to be.
16 Three hundred forty six are invalid because the
17 signer was not registered to vote in the same
18 party as the candidate at the time the petition
19 was signed. This left the candidate's nominated
20 petition with 2,199, 199 signature above the
21 number required for ballot access.

22 At the pre-hearing conference on April

1 19, 2022, Ms. Martinez-Munoz asks for an
2 additional review of the preliminary findings.
3 The second review indicates that there are an
4 additional 61 invalid challenges. As a result
5 2,253 of the 2,768 challengers are valid. The
6 new valid is as follows. Eight hundred seventy
7 eight are invalid because the signer is not
8 registered to vote at the address listed on the
9 petition at the time the petition was signed.
10 Five hundred nine are invalid because the signer
11 is not registered. Eight three are invalid
12 because the signer's voter registration was
13 designated as inactive on the voter roll at the
14 time the petition was signed. Twenty four are
15 invalid because the signature is a duplicate of a
16 valid signature. Twenty six are invalid because
17 the signature was outdated. Eighty are invalid
18 because the petition does not include the address
19 of the signer. Two hundred five are invalid
20 because the petition does not include the name of
21 the signer with the signature is not specifically
22 legible for identification. Fifty two are

1 invalid because the circular of the petition
2 failed to complete all required information in
3 the circular's affidavit. Eighteen are invalid
4 because the signature was not made by the person
5 whose signature it purports to be and 358 are
6 invalid because the signer was not registered to
7 vote in the same party as the candidate at the
8 time the petition was signed. This means the
9 candidate's nominating petition with 2,138, 138
10 signature above the number required for ballot
11 access.

12 MS. STROUD: Thank you,. And now we'll
13 be hearing from the parties in the matter. So,
14 Ms. Martinez-Munoz, are you going to be speaking
15 on your own behalf or will you be represented by
16 Mrs. White in this matter?

17 MS. MARTINEZ-MUNOZ: I'll be
18 represented by Mrs. White.

19 MS. STROUD: Excuse me?

20 MS. MARTINEZ-MUNOZ: I'll be
21 represented by Mrs. White.

22 MS. STROUD: Okay, thank you.

1 Mrs. White, if you could state your
2 name and address for the record.

3 MRS. WHITE: Good afternoon, thank you.
4 My name is Christy White. My address is 1601
5 Holly Street, Northwest, Washington, D.C. 20012.

6 MS. STROUD: Thank you and you have
7 five minutes.

8 MRS. WHITE: Thank you.

9 The registrar undertook a preliminary
10 review to determine the sufficiency of the
11 challenge against Trayon White's petition.
12 Although the resulting reports not finding this
13 review resulted in the invalidation of more than
14 2,000 signatures, approximately half of the
15 signature submitted by Trayon White.

16 After the pre-hearing conference
17 another review invalidated 61 more signature
18 bringing Tray White's signature total down to
19 2,138. In essence, every other signature
20 provided by Trayon White has been found to be
21 invalid and each time an official has reviewed
22 the signatures submitted by Trayon White it finds

1 more signatures to invalidate. The challenger's
2 position is that enough additional signatures
3 remain and that are invalid so as to deny Trayon
4 White access to the ballot.

5 The challenger has presented detailed
6 evidence that provides a good faith basis for
7 approximately 400 additional signatures to be
8 invalidated and a synopsis of this is also
9 provided prior to this hearing to the parties.

10 To date, a majority of these
11 challenges have not been reviewed or disputed.
12 In order to insure integrity in the ballot access
13 process, the law requires that the petition
14 signatures accepted on behalf of the candidate
15 meet certain requirements. Against the back drop
16 of a clear case of a campaign that failed to meet
17 the legal requirements for collecting valid
18 signatures and failed to perform adequate due
19 diligence prior to submitting these signatures to
20 the Board of Elections it is imperative to set a
21 precedent that when it comes to ballot access the
22 law will be followed. Not only is there enough

1 evidence to invalidate more than 138 signatures,
2 the Trayon White campaign has failed to present
3 any reliable evidence that would dispute the
4 allegations of the challenger. The alleged
5 evidence submitted by his counsel is questionable
6 at best and it was provided to the Board of
7 Elections after the pre-hearing conference and
8 we'd like that to be reviewed as well. It gives
9 the appearance of photo shop signatures and other
10 deficiencies. Trayon White's campaign has also
11 objected to our request to subpoena witnesses to
12 testify at today's hearing leaving us little to
13 no other options for getting this information to
14 the panel to decide. Therefore, the challenger
15 requests a detailed review of the challenges
16 identified during the pre-hearing conference as
17 finding as evidence by the spreadsheet provided
18 to Board of Elections and the condensed synopsis
19 provided today and to make a finding that Trayon
20 White's ballot signature count is less than 2,000
21 signatures for ballot access.

22 The challenger has gone through pain-

1 seeking detail to make a prima facie case that
2 Trayon White did not collect enough valid
3 signatures. The challenger vote has specifically
4 identified the invalid signatures and unqualified
5 circulators in filing the challenge and when
6 requesting reconsideration after the preliminary
7 review was done. And it should be noted that to
8 date it appears that there has been no review of
9 the circulator challenges in this matter.

10 It has been incumbent upon Trayon
11 White to defend against the challenge. However,
12 the record is void of any reliable evidentiary
13 showing from him. On the other hand, again, we
14 have submitted detailed information for the
15 additional invalid signatures and unqualified
16 circulators.

17 We ask the panel or the appropriate
18 designees to apply the law to the outstanding
19 challenges submitted by the challenger and render
20 a determination based on the record and evidence
21 in this case. We are not dealing with a
22 political novice with no experience with the

1 petition signature process and the laws that
2 govern them. We are dealing with a sitting
3 council members who has gone through this process
4 twice before and was elected in part to draft,
5 pass and review the District's laws. I would
6 think that we should hold him to a higher
7 standard than the average person under these
8 circumstances but at the very least he should be
9 held to uphold the bare minimum requirements of
10 the law. We request a thorough review of the
11 remaining challenges on the challenger
12 spreadsheet, memorandum and testimony of any
13 arguments offered today before making a final
14 determination. To do so would be to create a
15 dangerous precedent to not do so I should say
16 would to create a dangerous precedent that
17 incomplete or unintentional of intentional
18 indifference to the laws if sufficient override
19 the very law is to insure fairness and protect
20 the integrity of our city's elections.

21 I use my time and reserve to continue
22 in the future.

1 CHAIR THOMPSON: I just have a question
2 or two. I think initially you all filed
3 challenges to 2,768 specific signatures among the
4 4,391 collected which is in keeping with the
5 regulations that you to specifically challenge
6 signatures. But then you referenced another
7 spreadsheet that I think you put together after
8 the pre-hearing conference highlighting issues
9 you think exist with respect to 405 of the
10 signatures. Are those 405 within the 2,768 you
11 previously identified or is this something new
12 that's come up since the pre-hearing conference?

13 MRS. WHITE: These are one and the same
14 of the initial challenges submitted to the Board
15 of Elections. This is nothing new.

16 CHAIR THOMPSON: Okay. With respect to
17 those 405 did you have a chance to discuss that
18 and vetted that with the BOE including at the
19 pre-hearing conference?

20 MRS. WHITE: Unfortunately, we did not.
21 We submitted the spreadsheet after the pre-
22 hearing conference. We were prepared to discuss

1 in detail the various challenges that we would
2 like to have reconsidered and determined. But
3 there was no time to do so so we submit that
4 spreadsheet to the panel to review in addition to
5 the rest of the testimony.

6 CHAIR THOMPSON: And you're essentially
7 asking the BOE to reconsider its determination to
8 date with respect to those 405 signatures?

9 MRS. WHITE: In essence, yes. We would
10 like the Board of Elections to apply the law to
11 the remaining outstanding challenges. Again, it
12 appears that the circulator challenges have not
13 been reviewed, only the signature challenges have
14 been reviewed and the circulator challenges
15 constitute approximately 238 of our challenges so
16 they have not been reviewed. There are an
17 additional approximately 80 challenges that based
18 on the law should have been invalidated and since
19 only 61 have been invalidated since the pre-
20 hearing conference there are still a lot of
21 challenges that we believe deserve attention.

22 CHAIR THOMPSON: Okay. And those 405

1 that, those examples in it, that's the
2 spreadsheet that you submitted yesterday, is that
3 right?

4 MRS. WHITE: That was -- well, they
5 submitted it Tuesday but the spreadsheet has been
6 updated by Voter Services to respond to each of
7 the challenges that the challenger wants to be
8 reviewed by Voter Services. And so within the
9 spreadsheet the Voter services Division indicated
10 the responses to the signatures that the
11 challenger wanted to raise in the case. So, they
12 have reviewed.

13 CHAIR THOMPSON: That was my next
14 question. So, Voter services has had a chance to
15 study the detail on those 405 signatures that
16 were further specific on the spreadsheet?

17 MS. THOMPSON: Yes, we did.

18 CHAIR THOMPSON: And that's been --

19 MS. THOMPSON: That doesn't include --

20 CHAIR THOMPSON: That was included by
21 the time of your presentation today?

22 MS. THOMPSON: That's correct, yes.

1 MS. STROUD: And so as a basis of that
2 review your final determination is that the
3 petition still maintains 2,138 valid signatures?

4 MS. THOMPSON: That's correct.

5 MS. STROUD: Okay.

6 MRS. WHITE: I would like to note that
7 we did not get any of this information regarding
8 the additional update made to the spreadsheet
9 and, again, to reiterate that we have information
10 from Board of Elections that the circulator
11 challenges have not been counted or reviewed
12 determined at this time.

13 CHAIR THOMPSON: Do you have a response
14 to that?

15 MS. BROOKS: Despite --

16 MS. STROUD: If you could speak into
17 the mic.

18 MS. BROOKS: Okay. As I explained to
19 you in the pre-hearing conference your challenge
20 is based on the fact that you cannot confirm that
21 there would be evidence. That is totally the
22 responsibility of the challenger to confirm the

1 actually residents. But the law doesn't say --
2 the law just states you have to be a resident of
3 the District or a resident of another
4 jurisdiction that files an application with us
5 prior to circulating the petition. So, those
6 challenges that you filed against the
7 circulators, yes, we did look at them and on
8 particular pages we did identify those as far as
9 the circulators we are not obligated to go and
10 check to see if they're actually residents in the
11 District of Columbia. That is the challenger's
12 responsibility.

13 MRS. WHITE: May I respond?

14 CHAIR THOMPSON: Yes, please.

15 MRS. WHITE: Thank you. And so as I
16 indicated we undertook a systemic review of the
17 petition submitted by Trayon White's campaign.
18 There are 25 circulators that circulated
19 petitions on his behalf. Twenty of them we were
20 able to confirm that they are D.C. residents at
21 the time of circulating the petition. The five
22 that we have noted on the spreadsheet and through

1 the challenge, we were unable to confirm their
2 residency. They are not listed as a resident or
3 on the voter rolls or anywhere else that we find
4 at the address that they provided on their
5 circulator affidavit. That to me raises a
6 question and proves that there is a question that
7 they are not D.C. residents.

8 We have not been able to subpoena
9 these circulators to inquire as to whether they
10 are residents and find any additional proof. We
11 have been stonewalled on that aspect and so we
12 require some additional information. There are,
13 for example, one of the circulators there are 12
14 of them that live in D.C. but none of them reside
15 at the address that the circulator attested to on
16 the affidavit. It seems as though this is a case
17 where we would need to get more information
18 through this process so that we can confirm
19 whether or not this is a D.C. resident because
20 all of the searches that we have performed have
21 not pulled up this particular person at this
22 address. And that's in five cases.

1 CHAIR THOMPSON: Okay. So, you don't
2 -- you don't know whether they are or are not a
3 D.C. resident. But you're continuing to raise
4 the question as to whether they are or not and
5 all these five, petitioned by these five
6 circulators how many signatures are contained on
7 their sheets?

8 MRS. WHITE: There's a combined total
9 of about 238 signatures.

10 CHAIR THOMPSON: By those five
11 circulators?

12 MRS. WHITE: By those five circulators
13 and there are documents that were provided by
14 counsel for Trayon White's campaign that purport
15 to I guess cure the address or something along
16 those lines for some of the circulators and
17 there's no supporting information provided that
18 show that these circulators indeed reside at the
19 address that they indicated and also their
20 signatures are not in person signatures. They
21 appear to be photo shopped from other documents
22 including one where it has a date of February and

1 these were supposed to be submitted in April.

2 CHAIR THOMPSON: Okay. Ms. White,
3 please, we'll come back for more comments that
4 you may have. And at this time let's hear from
5 Trayon White or his counsel.

6 MR. WHITE: Yes. Thank you.

7 First of all, I want to thank everyone
8 joining in this process. And the people, the
9 residents of the District of Columbia went out
10 day and night at the local grocery stores and the
11 community to help us to get 4,390 signatures
12 which, in fact, was more than any other candidate
13 in all races in Washington, D.C.

14 It is a fact that we met the
15 threshold. The threshold was 2,000 valid
16 signatures. And after tedious review the D.C.
17 Board of Elections verified that we qualified.
18 The challengers than challenged that again and
19 after tedious review again of 4,391 signatures
20 D.C. Board of Elections came back and said, again
21 we qualify again to be on the ballot. And so
22 this seems to me like a witch hunt. We knew

1 going into this that we had to deal with a lot of
2 residents who were in D.C. who had a lot of
3 housing insecurities, had changed residencies
4 during the Pandemic and as a result we went above
5 and beyond to make sure we had enough signatures
6 to qualify.

7 It was said that I, I'm not new to
8 this. In fact, I'm not. This is my sixth time
9 doing this. In fact, I served on Ronald White's
10 petition signature when he first ran and lost and
11 even the second one I got a call to served again.
12 And so there is no implied fraud here. In fact,
13 some of the statements made by the contester was
14 that we did not "Did not submit any evidence".
15 That is not true.

16 As you will note by the evidence
17 submitted again on April the 5th, 2022, I myself
18 along with other people came down to the Board of
19 Elections and got proof that these were D.C.
20 residents. And the burden of proof again is on
21 the contester. The contester said "Twelve of
22 them do not live in D.C." Where is the evidence

1 that they do not live in D.C.? This is an
2 assault of democracy and every day residents and,
3 in fact, voter suppression. When we talk about
4 making sure everyone is able to exercise the
5 democratic voting rights. And I even heard
6 (audio interference) this is a privilege. No,
7 it's called voting rights because everyone in
8 D.C. has the right to sign a petition and to
9 participate in the democratic process for an
10 election. And so I'm appalled at this contesteer
11 and the leadership and what's happened so far.

12 We have done our due diligence. And,
13 in fact, even after the number got scrubbed down
14 to 2,199, they did context it again another 405
15 and we, again, sustained the challenge. This
16 seems to me like a witch hunt for fear that, fear
17 of the outcome, but the reality is that we, the
18 Trayon White campaign for mayor has qualified to
19 be on the ballot in 2002 to run for mayor in
20 Washington, D.C. And so we're here --
21 allegations or hurtful language about what we did
22 or didn't do or what was the word that was said?

1 I think she said it was photo shopped or was
2 implied fraud. I'm not sure where she's getting
3 that from. But, indeed, we submitted above and
4 beyond the required amount of signatures. And to
5 note in closing that the D.C. Board of Elections
6 after scrubbing through this stuff over and over
7 again has declared that we have 2,138 valid
8 signatures. One hundred and thirty eight over
9 the required amount. Therefore, Trayon White for
10 Mayor is by law, by law, to be on the ballot and
11 this is a democracy so we must exercise the laws
12 to its fullest extent to insure we create equity
13 and opportunity for everybody to participate in
14 the democratic process.

15 I'm joined today by my lawyer, Ari
16 Theresa, who is here to answer any questions.
17 But it is plain and simple where we are, where we
18 should land. So, let's not waste a whole lot of
19 time on this. Let's get to this -- get to this
20 election and win and bring equity and resolutions
21 to D.C.

22 Thank you.

1 CHAIR THOMPSON: Okay. Council Member
2 White, thank you so much for taking the time to
3 turn out today and talk about your petition
4 process.

5 I just have one question. It's a
6 question that's been raised obviously with
7 respect to five or maybe as many as 12 of your
8 circulators, maybe not being D.C. residents. To
9 your knowledge are all your circulators residents
10 of D.C. or otherwise be registered, no resident
11 circulators?

12 MR. WHITE: To my knowledge all
13 circulators with the exception of one we could
14 not verify if that person was a D.C. resident or
15 not. But to my knowledge all of them with the
16 exception of one we were unable to verify if they
17 was or was not. But that's not even in question.
18 The question is from them, they're saying that
19 they're not, 12 of them are not and you have to
20 prove that today in want to hear the evidence.

21 CHAIR THOMPSON: Okay. And thank you
22 so much for that, again. You mentioned your

1 attorney. I'd like to know if she would like to
2 speak or him, I'm sorry.

3 MS. MARTINEZ-MUNOZ: It seems to be
4 unmuted.

5 CHAIR THOMPSON: What is the name
6 again?

7 MS. STROUD: Ari Theresa. Theresa, T-
8 H-E-R-E-S-A.

9 MR. THERESA: Thank you. My name is
10 Aristotle Theresa. And I'm going to respond to
11 some of the allegations from opposing counsel
12 here.

13 One of them and this has been
14 discussed a little bit but I'd like to go through
15 the timeline.

16 April 6th we received the challenge
17 which was line by line challenge. April 19th,
18 D.C. BOD provided a response to those. April
19 19th the opposing counsel in the campaign filed a
20 review of their voided challenges and then April
21 21st we had a preliminary hearing where we heard
22 the voided challenges and the response and the

1 initial challenge. April 21 D.C. BOE provided a
2 second response and then April 21 they filed a
3 post-hearing response and here we are now
4 complaining about there not being ample
5 opportunity to present their case. And they
6 raise some other issues about errors and I'd like
7 to just go over the standard for that because it
8 seems that opposing counsel has placed a higher
9 standard than is required by law.

10 So, Title III, Section 1605(b) states
11 that an affidavit is executed by the person
12 filing the petition, attesting to that the best
13 of his or her knowledge the petition is complete
14 and contains the legally required number of valid
15 signatures. It doesn't say that to the best of
16 their knowledge that there are no errors, that
17 there are no blank spots in the petition. It
18 says that they testify that it's complete and
19 that it has the sufficient number of signatures.
20 And after three reviews now D.C. BOE has agreed.
21 Further, there's this issue, you know, one of the
22 biggest issues they had and this was mentioned by

1 the council member was this idea of wrong
2 addresses. So, there are 878 wrong address
3 challenges. And I'd just like to share some
4 information from the deputy mayor for economic
5 and planning and development from their D.C.
6 Housing Survey Report. And it states that
7 residents in Ward 8 have -- 28 percent of
8 residents in Ward 8 have housing instability.
9 But if you go through 1 through 4 you see that
10 they have about half the rate of housing
11 instability.

12 If you go through 5 and 6 it's about
13 5 to 7 percent less the rate of housing
14 instability. So, it's not 5 to 7 percent but,
15 you know, it's about 60 or 70 percent of the rate
16 at Ward 8. And so if you go through that and you
17 look at these challenges if the council man was a
18 council man and his base was somewhere else in
19 the city it's possible he may be 500 over the
20 limit. But we're neither here nor there. Our
21 council man did his due diligence. He gather
22 4,400 signatures almost. And the fact that there

1 is this discrepancy in house insecurity in the
2 District of Columbia should not be used against
3 him to allege some kind of malfeasance in the
4 collecting of signatures which I think is
5 completely unfair to the council man who I know
6 has done a very good job running his campaign and
7 collecting signatures.

8 And as a part of that good faith and
9 the effort that he's taken I want to speak to
10 these five -- five circulators that were at issue
11 that we supposedly forged, right? So, they're
12 right here. We've shared them. These are not
13 even cures actually. This is directly from the
14 D.C. Board of Elections. So, on April 5th,
15 Councilman White, along with others came and they
16 in good faith to prove that these people were
17 residents, they went and got the proof from D.C.
18 BOE and they printed these out for us. So, if
19 anything appears as fraud or whatever, D.C. BOE
20 could print these sheets out today and they would
21 be identical to the ones that we have. This is
22 why they're challenges have failed is because in

1 their due diligence they were unable to find
2 these people in the system even though they were
3 there. These people have been registered to vote
4 since 2004, 2007. This is directly from the D.C.
5 Board of Elections.

6 So, I mean, and beyond that, beyond
7 the most, you know, this issue of fraud.
8 Something that's more representative of our
9 campaign and the cleanness with which it's been
10 run, out of 4,400 signatures D.C. BOE who
11 probably has years and years of experience
12 looking at these signatures found nine signatures
13 did not match. That's less an one percent, .05
14 percent. I don't know if my math is right but
15 it's really low. Nine out of 4,400 signatures
16 apparently did not match and they're alleging
17 fraud. And I just don't see it.

18 We are happy with the findings of D.C.
19 BOE. We don't believe that this is an
20 appropriate use of public money to keep
21 contesting public findings. If you accept public
22 funding, accept public findings. This is a

1 fishing expedition. And perhaps opposing counsel
2 is a bit too close to this case.

3 I'll let it rest there.

4 CHAIR THOMPSON: All right.

5 MRS. WHITE: May I respond?

6 CHAIR THOMPSON: Yes, absolutely, hold
7 on a second.

8 MS. STROUD: I just wanted to ask Mr.
9 Theresa a question.

10 The document that you pointed to that
11 you said came from the BOE they are in reference
12 to Vincent Brown, Burnell Smith, +Brian Boyd,
13 Danielle Simmons and Irving Harris?

14 MR. THERESA: Yes.

15 MS. STROUD: Okay. And so those
16 printouts and I'm going to ask, you know, the
17 Registrar of Voters to speak to that as well.
18 You provided a -- Voter Services provided those
19 printouts with respect to the five individuals
20 that I just named, Mr. --

21 MR. THERESA: And in good faith we
22 share them with the opposing side and instead

1 were assaulted with claims of fraud.

2 CHAIR THOMPSON: And those are the same
3 five circulators we were talking about before
4 that contained 238 signatures?

5 MS. STROUD: Let me confirm that with
6 Mrs. White. Mrs. White, those individuals that
7 you were referring to as the five circulators
8 that you could not identify as D.C. residents
9 they were Vincent Brown, Burnell Smith, Brian
10 Boyd, Danielle Simmons and Irving Harris?

11 MRS. WHITE: That's correct.

12 MS. STROUD: Okay. And, Ms. Brooks, do
13 you have the print-outs that you provided to the
14 campaign with respect to those individuals?

15 MS. BROOKS: Yes.

16 MS. STROUD: Okay. Could you -- the
17 five individuals Vincent Brown, Burnell Smith,
18 Brian Boyd, Danielle Simmons and Irving Harris.

19 MS. BROOKS: We have -- well, we have
20 Ronald Hughes, Danielle Simmons, Andrea Whittle,
21 I'm not sure if she was on the list. Vincent
22 Brown and Irving Harris.

1 MS. STROUD: Okay. What about Burnell
2 Smith and Brian Boyd?

3 MS. BROOKS: Those weren't submitted to
4 us, no.

5 MS. STROUD: Those were not, excuse me,
6 I'm sorry.

7 MS. BROOKS: No. Unless they are
8 (audio interference).

9 CHAIR THOMPSON: So, is that three out
10 of five that are --

11 MS. STROUD: We do. I would just say
12 for the record that the other two names were
13 Burnell Smith and Brian Boyd.

14 MS. BROOKS: Okay. They gave us their
15 driver's license of Burnell Smith. We have that.

16 MS. STROUD: Okay.

17 MS. BROOKS: And what was the other
18 name?

19 MS. STROUD: Brian Boyd.

20 MS. BROOKS: they gave me -- I guess
21 this came from --

22 MS. STROUD: Can you identify what that

1 document is for the record?

2 MS. BROOKS: It must have come from our
3 website.

4 MS. STROUD: Okay. This appears to be
5 with respect to Brian Boyd, a print-out from the
6 Board's website that indicates the name Brian
7 Anthony Boyd, party affiliation, Democrat and it
8 provides also the address for the voter. But I
9 would just also state for the record that in
10 order to circulate petitions in D.C. you have to
11 be an individual who is 18 years of age or older
12 and a District resident, not necessarily a
13 registered voter. But you do have to be a D.C.
14 resident. But we do have registration records
15 for Vincent Brown, Danielle Simmons and Irving
16 Harris.

17 MS. BROOKS: Yes.

18 CHAIR THOMPSON: For the record, they
19 all indicate D.C. addresses.

20 MS. STROUD: They all indicate D.C.
21 addresses, yes.

22 CHAIR THOMPSON: Okay. Ms. White,

1 thank you for your patience. We certainly
2 allowed ample presentation by the candidate.
3 Please take as much additional time as you need
4 to rebut or address anything that's come up.

5 MRS. WHITE: Thank you so much.

6 So, for the record when we had our
7 pre-hearing conference the Board of Elections had
8 no record of receiving the supposed print-outs
9 that attest to the residency of certain
10 circulators. I would like to know whether the
11 document that you were just provided were
12 provided from counsel for Trayon White or from
13 their own files as being part of the challenge
14 involving Trayon white or if it's just part of
15 their records generally. The circulators, the
16 issue with the circulators is that so Vincent
17 Brown, for example, who we have a print-out for.
18 There are 12 Vincent Browns on the voter roll and
19 none of them match the registered address -- the
20 address that was used on the circulator form.
21 The Vincent Brown print-out that you have that
22 address still does not match the address that was

1 on the circulator affidavit. There's no way for
2 us to understand or know definitively that the
3 Vincent Brown's print-out that you have is the
4 Vincent Brown that circulated the petition. And
5 our due diligence in searching on line, the voter
6 rolls and whatever we had access to has not
7 provided us proof that he is a D.C. resident.

8 The same thing from Burnell Smith. We
9 did not receive the driver's licenses that you
10 just received so I'm not sure when they were
11 provided or received or put into the file but
12 that's something that we still have not seen to
13 date. And the same for Brian Boyd.

14 For Danielle Simmons there are four
15 other Danielle Simmons in the voter roll none of
16 which have an address that match the address she
17 used on her circulator petition. And there are
18 four Irving Harris' in the voter roll but none at
19 the address that was put on the petition. And,
20 in fact, the address that was put on the petition
21 was invalid because it was an intersection and
22 not an address. And so just to respond to, you

1 know, allegations of disenfranchisement, the onus
2 is on the campaign to cure these issues. And the
3 campaign did not cure these issues. The
4 challenger has submitted detailed and verified
5 information that there are issues and
6 invalidities in what was submitted in Trayon
7 White's petition. And he has provided very
8 little, if any, evidence to counter these
9 assertions. And while, yes, we did have the
10 burden of proof for presenting these challenges
11 and we made them in good faith, there should be
12 and is some responsibility or obligation on
13 behalf of Trayon White's campaign to dispute this
14 information and provide information. But when we
15 requested access to witnesses and things of that
16 nature we were denied emphatically. And we were
17 unable to get a determination as to whether or
18 not we could subpoena witnesses to date quite
19 frankly. So, there's a limited amount of
20 information I can give you because I cannot
21 subpoena Mr. Brown, for example. Have him come
22 before you and testify to the fact that this

1 signature is his and the address is his and he
2 was a D.C. resident at the time the petition was
3 circulated.

4 CHAIR THOMPSON: Thank you so much.

5 Well, here's what I can promise you.
6 We will continue to drill down on the details of
7 those five circulators and confirm what we can
8 within the BOE. This is necessarily an
9 accelerated process. There isn't much time
10 between when petitions are filed, challenges are
11 made and decisions like this one have to be made
12 so that the ballot can be confirmed. It's
13 necessarily super fast-paced and just not time to
14 drill down on every questions. But I can assure
15 you that hundreds and hundreds of aggregate hours
16 have been spent by the registrar and Voter
17 Services Division reviewing each challenge. In
18 this case, 2,768. So, this has been an
19 excruciatingly busy time here and I want to
20 continue to thank everybody involved in this
21 herculean effort.

22 But, you know, that said, we'll keep

1 drilling down on the details, especially on these
2 five circulators and make sure we get it right or
3 as right as we can possibly get it in the time
4 that we're permitted. But I just gave --

5 MRS. WHITE: Thank you.

6 CHAIR THOMPSON: i just gave a short
7 speech. I see Council Member White has hand
8 raised. Let me recognize him.

9 MRS. WHITE: I do have a question.

10 MR. WHITE: Thank you. I want to thank
11 you for that even in listening to counsel I still
12 have not heard proof in the allegations 12 of my
13 circulations were not D.C. residents. And based
14 on the law once you sign the affidavit you're
15 good. Like, so if they make that assertion and
16 based this whole witch hunt on that you have to
17 prove that. And still to now we have not heard
18 it. So, I'm still waiting to get it from counsel
19 which I haven't heard yet and we just belonging
20 the process of this hearing with nothing. So, I
21 wanted to rebuttal with that because I don't see
22 any proof even after all them words that meant

1 nothing.

2 CHAIR THOMPSON: Thank you for that.

3 MRS. WHITE: I do have a question.

4 CHAIR THOMPSON: Ms. White, you had a
5 question. Please go ahead.

6 MRS. WHITE: Yes, thank you. I'm not
7 sure if I'm allowed to directly address anyone
8 but I would like to know the name of the
9 circulator that's not a D.C. resident because
10 that is new information for the Board to consider
11 and invalidate those signatures pursuant to the
12 law.

13 CHAIR THOMPSON: Well, that's entirely
14 up to, I'd say the council members counsel more
15 appropriately to field. You don't have to answer
16 it but please, Mr. Theresa, go ahead. We got to
17 unmute you, sorry.

18 MR. THERESA: Okay. Yeah, basically,
19 opposing counsel admitted that they don't know
20 the address and that they don't have evidence
21 that they do not live at that address. Even in
22 their post-preliminary hearing brief they vaguely

1 state that they heard something. So, this is
2 based on hearsay. This continued fish hunt. And
3 they don't have evidence and as the councilman
4 stated the burden is theirs. And our circulator
5 stated for the record that they swore under oath
6 that they're D.C. residents. The councilman is
7 speaking under oath. He said only one was not.
8 There needs to be no further inquiry on this
9 matter. The Board has the ability to quash
10 subpoenas. We don't have all the time in the
11 world to deal with this. We don't have all the
12 resources in the world to deal with this. And,
13 frankly, I think it's an inappropriate use of
14 public funding to continue this, you know, this
15 inquiry in this way. I hope it ends today, this
16 afternoon preferably.

17 Thank you.

18 MRS. WHITE: I'd like the record to
19 reflect that the question remains unanswered as
20 to who -- which circulator was not a resident of
21 D.C. that Mr. Trayon White has already attested
22 to the fact that there was one circulator who was

1 not a resident of D.C.

2 CHAIR THOMPSON: All right. Well,
3 thank you for that. I think we've heard from
4 everybody on this issue. We appreciate how much
5 time this took for everybody to organize and deal
6 with for the last week or so. There's been a lot
7 of detail exchange so thank you, everybody, for
8 being here. And that concludes this matter and
9 all 10 of the challenges we've dealt with here
10 and after a long day.

11 I see a couple of hands up. I'm not
12 meaning to cut anybody off. I know MaryEva, I
13 see your hand up. Did you want to say something
14 real quick?

15 MS. CANDON: Yes, quickly. I know
16 you're going into executive session. This is for
17 all of us. I'm just wondering what form of the
18 communication with us will take about the
19 resolution.

20 CHAIR THOMPSON: Thank you so much.

21 MS. STROUD: Yes, orders will be issued
22 with respect to the first matter that we heard

1 today. The matter must be resolved today under
2 the law. And the Board will go into Execution
3 Session. They will deliberate with respect to
4 all of the matters that we heard today.

5 And with respect to the resolution,
6 orders will timely be issued within each -- each
7 ruling will be issued within the time allotted by
8 law which is 20 days for each matter. And we
9 will do our best to issue written orders.

10 The Board will issue oral rulings
11 today and then we will issue written orders as
12 soon as possible thereafter.

13 MS. CANDON: So, that means if not
14 today it means Monday?

15 CHAIR THOMPSON: Yes.

16 MS. STROUD: Yes. No later than
17 Monday.

18 MS. CANDON: And will it be by email or
19 mail?

20 MS. STROUD: We'll mail to the parties
21 and we'll also post the orders on our website.

22 MS. CANDON: Okay. Will you post --

1 I'm sorry. I think everybody would want to know
2 this. Will you post the orders that are
3 determined this evening on the website this
4 evening or not? I'm just asking, not demanding.

5 MS. STROUD: We will issue as many
6 orders as we can tonight and the orders -- any
7 challenges that were filed on the 4th will be
8 issued today or by no later than Monday.

9 MS. CANDON: Okay. And on the website
10 Monday?

11 MS. STROUD: Yes.

12 MS. CANDON: Okay. Just, you know,
13 some of us might be anxious.

14 Thank you very much for all your hard
15 work.

16 CHAIR THOMPSON: Thank you. I see the
17 Council Member has his hand raised again.
18 Council Member white.

19 MR. WHITE: Yes. I hate to beat a dead
20 horse but for the record I've never said that the
21 one person was not a D.C. resident. I heard
22 people say that were quoted. I said we cannot

1 verify if one out of all the 20 plus persons were
2 D.C. residents. So, we don't know if they were
3 D.C. or not. So, please don't say I say they
4 were not D.C. residents. It's on the record.

5 CHAIR THOMPSON: Thank you much.

6 That's an important distinction.

7 I see the hand raised by Sandra
8 Williams.

9 MS. STROUD: And I believe that Sandra
10 Williams is a member of the Fight the Power 8.
11 Please correct me if I'm wrong.

12 MS. WILLIAMS: Yes, it is. Meadows vs.
13 Muhammad.

14 I just wanted to go on record that I
15 felt that our part of the hearing was like just
16 brushed off the shoulder. Just like, okay, you
17 had a chance to say, let's move on. You didn't
18 question anything. You didn't review anything
19 and you didn't allow the other person who had
20 their hand up to say anything. And if it goes
21 down the way I think it will, you have not heard
22 the last from us. Thank you.

1 CHAIR THOMPSON: Thank you so much.

2 There is a hand raised by Nathan Leon,
3 and I can't see the --

4 (Simultaneous speaking.)

5 MS. STROUD: -- he was one of the
6 parties in the Thomas matter.

7 CHAIR THOMPSON: Bennett-Fleming.

8 MS. STROUD: Uh-huh.

9 CHAIR THOMPSON: Thanks for bearing
10 with us on this hand-raising thing. If we just
11 leave it open we get zoombaed. So, we have
12 really carefully control who speaks and when.

13 Okay. While we're waiting for Mr.
14 Bennett-Fleming, I see James Harnett has his hand
15 up.

16 MR. HARNETT: Yes, thank you. To
17 respect -- I understand the first -- order that
18 needs to be written and published today was the
19 matter of James Harnett v. Corren Brown. If we
20 were to stay on the zoom meeting here will you
21 all come out of Executive session and announce
22 the oral orders for that case as well as all of

1 the others that you make a determination on this
2 afternoon or is there going to be another process
3 by which people are notified earlier than that?

4 MS. STROUD: Well, the Board will vote
5 to go into Executive Session. They will
6 deliberate and then they will appear back on the
7 record after they have deliberated. And --

8 CHAIR THOMPSON: Can we come back on at
9 5. That's probably enough time.

10 MS. STROUD: Mm-hmm.

11 CHAIR THOMPSON: I'll tell you what.
12 Well, I mean, this is just a rough plan. I think
13 we'll go into executive session and we'll come
14 back at 5 and announce the rulings that we've
15 been able to reach. Most certainly, we will
16 reach a determination in Harnett v. Brown by that
17 point.

18 MR. HARNETT: Okay, thank you.

19 CHAIR THOMPSON: All right. Looks like
20 we have one hand raised. It's Council Member
21 White and you get the last word today.

22 Or, Mr. Bennett-Fleming, did you have

1 -- okay, Council Member White. Council Member
2 White, did you want to say anything? I see your
3 hand raised.

4 MR. WHITE: No, sir. I think I did not
5 take it down.

6 CHAIR THOMPSON: Thank you so much.
7 Well, that concludes everything from the time
8 that I started with the comment that a lot of
9 these petition signature requirements I recognize
10 are not easy. As a private citizen I can see all
11 kinds of ways to make them clear or easier for
12 candidates to deal with but that's a discussion
13 for another time and certainly something that
14 only the Council can address. Meanwhile, we
15 certainly must follow the letter and the spirit
16 of the statute and the regulations that are on
17 the books with respect to the requirements for
18 valid signatures and apply those to the facts of
19 each one of these 10 cases. So, that's what
20 we'll do.

21 And with that and we also want to
22 thank everybody for being here.

1 MR. FLEMING: Hello. Can you hear me?

2 CHAIR THOMPSON: I'll go ahead and move to go into
3 Executive Session under D.C. Code --

4 MR. FLEMING: Can you hear me?

5 CHAIR THOMPSON: 575(B)(13) --

6 MR. FLEMING: Can you hear me?

7 CHAIR THOMPSON: Let me get my motion
8 out. But we got one more comment it looks like.
9 Oh, there he is, Mr. Nate Fleming.

10 MR. FLEMING: Yes. Thank you. Thank
11 you so much.

12 I just wanted to note that there were
13 two separate matters. In my matter statements
14 that were seem to be incorporated from the
15 previous matter which is not properly alleging
16 those facts. He has to allege misstatements in
17 my hearing so I ask that they not be incorporated
18 because it will be improper to do so.

19 And then secondly, matters related --
20 and I tried to say it at the end of my hearing
21 but I was not able to get off of mute. And, then
22 secondly, matters related to a proprietary

1 interest or property interest in a right to the
2 ballot were not alleged in the pre-hearing
3 conference. As you know, the pre-hearing
4 conference is the opportunity to state what
5 issues will be argued at this hearing and matters
6 that are not alleged at the hearing are not ripe
7 for discussion here (audio interference). So,
8 any allegation in the cases that he cited, Orange
9 v. Board of Elections and other cases related to
10 the Supreme Court case related to proprietary
11 interests were not asserted during the pre-
12 hearing conference and they should not be in
13 consideration during the Executive Session.

14 Thank you.

15 CHAIR THOMPSON: Thank you so much.

16 So, with my motion pending to go into
17 Executive Session, do I have a second?

18 Looks like you have to unmute our own
19 Board Members.

20 MEMBER GILL: Yes, so for whatever
21 reason we get muted.

22 So, second.

1 CHAIR THOMPSON: Okay. And, Karyn, are
2 you --

3 MEMBER GREENFIELD: Yes, I'm here.

4 CHAIR THOMPSON: Okay. So, all in
5 favor of going into Executive Session?

6 (Chorus of aye.)

7 CHAIR THOMPSON: So, that's three and
8 that's what we'll do.

9 Thank you everybody for bearing with
10 us and like we said, we'll come back on the
11 record at 5:00 and we'll announce what we can.
12 At least the very first case and take it from
13 there.

14 (Whereupon, the above-entitled matter
15 went off the record at 3:33 p.m. and resumed at
16 5:07 p.m.)

17 CHAIR THOMPSON: Thank you so much
18 for hanging with us. Thank you to everybody for
19 staying past 5:00 now on a beautiful day.

20 I move that we go back on the record.

21 MEMBER GILL: Second.

22 CHAIR THOMPSON: All in favor?

1 (Chorus of aye.)

2 CHAIR THOMPSON: Okay. We are back to
3 continue and conclude our adjudication of 10
4 challenges. We've been in Executive Session. We
5 have exhaustively discussed the challenges. They
6 have reached determinations in all 10 cases. Our
7 plan is to go through all 10 of them and this is
8 just for us Board Members to conduct. There will
9 be motions made and possibly seconded, possibly
10 passed or not passed. It's not a time for any
11 further argument or public comment. So,
12 everybody is muted and thank you so much for your
13 patience in that regard.

14 So, having said that I will start and
15 go back to the same order that we've been through
16 them today.

17 The first case is a challenge by James
18 Harnett v. Corren Brown, candidate for mayor of
19 the District of Columbia. The motion is a motion
20 to uphold the challenge and deny access to
21 candidate Brown. I guess the way we'll do this
22 is I'll tee up each motion, maybe make a comment,

1 whoever wants to second can second and make
2 comment and then the three of us can make comment
3 and then we'll hold the vote.

4 So, I just have a brief comment which
5 is really heartbreaking to accept the challenge
6 where there's 39 out of 40 necessary signatures.
7 I really wanted to let go but there's just not
8 enough signatures to clear the threshold. And
9 the additional signature as a circulator is on a
10 different part of the form that doesn't count in
11 that regard. So, I'm sad to make the motion and
12 I'm sad to have to vote for it.

13 MEMBER GILL: So, following on that, I
14 second it but it really -- it comes down to the
15 form itself. I know there was comments about at
16 the top of the form it says, we the undersigned.
17 But you can be a circulator and not be -- and not
18 fit the parameters of being a District resident
19 or able to vote. You have to file a separate
20 form. But when it says, we the undersigned, it
21 does not refer to the circulator because it
22 wouldn't apply to the circulator in all cases.

1 And so we have to distinguish between those
2 places where there are signatures and then a
3 separate section for the circulator. We just
4 couldn't see our way past the four corners of the
5 letter.

6 And, Gary, I think you want to note,
7 well, we'll safe it to the end.

8 CHAIR THOMPSON: Okay. Karyn, any
9 comment?

10 MEMBER GREENFIELD: No, I don't have
11 any comment. We talked about this and, yeah, the
12 one but we did have a conversation and the form
13 doesn't draw in the circulators signature is part
14 of that so --

15 CHAIR THOMPSON: So, the motion having
16 been made and seconded, all in favor?

17 (Chorus of aye.)

18 CHAIR THOMPSON: Unanimous.

19 The second challenge we've heard is
20 Lisa Gore v. Leniqua'dominque Jenkins, candidate
21 for at-large member of the Council of the
22 District of Columbia.

1 The motion that I'm making is also a
2 motion to uphold the challenge and deny access to
3 candidate Jenkins. Reason is, she has 186
4 signatures short of the requirement and there are
5 circulator defects that either have not been
6 cured or cannot be cured and that would bar the
7 statute is -- the regulation, I should say, is
8 quite specific, 1607, that we shall not accept
9 signatures if the circulator of the petition has
10 failed to complete all required information in
11 the circulator's affidavit which is not the case
12 here in many respects. And this is not the kind
13 of formal error that we can weigh with respect to
14 dates on the circulator's affidavit and some of
15 the other particulars that we supplemented out of
16 the fact so, it's not any fun to make this motion
17 to uphold the challenge and deny ballot access
18 t2Ms. Jenkins. But, nevertheless I make the
19 motion.

20 MEMBER GREENFIELD: Second.

21 MEMBER GILL: So, I second. As Gary
22 said it's no fun after all the work to get

1 signatures but everyone has to have the same
2 rules.

3 CHAIR THOMPSON: Karyn, anything from
4 you?

5 MEMBER GREENFIELD: No, I don't
6 anything.

7 CHAIR THOMPSON: Okay. The motion
8 having been made and seconded, all in favor?

9 (Chorus of aye.)

10 CHAIR THOMPSON: It carries
11 unanimously.

12 You know even though it's somewhat
13 moot I think we should go ahead and consider and
14 rule upon the next challenge, Harnett v. Jenkins.
15 James Harnett v. Dominique Jenkins, candidate for
16 at-large member of the council of the District of
17 Columbia. It's a closely related challenge where
18 in that case the shortfall is 134 and once again,
19 we cannot see it our way allow the defects with
20 the circulator affidavits to be remedied so on
21 that particular matter I regretfully again move
22 to uphold the challenge and denied ballot access.

1 MEMBER GILL: Second.

2 CHAIR THOMPSON: All in favor?

3 MEMBER GREENFIELD: Aye.

4 (Chorus of aye.)

5 CHAIR THOMPSON: It's unanimous.

6 Okay. Moving on to the fourth
7 challenge of the day, Sirraya Gant v. Dorothy
8 Douglas, candidate for Ward 7 committee woman of
9 the Democratic State Committee. In this case,
10 the motion is to reject the challenge and allow
11 ballot access. Ms. Douglas was 17 signatures
12 over of the required threshold and without
13 belaboring the details because this one was
14 mostly about some details. We found that the
15 registrar's work in this regard and the
16 recommendation made was advisable and, therefore,
17 I move to reject the challenge and allow ballot
18 access to Ms. Douglas.

19 MEMBER GILL: Second.

20 CHAIR THOMPSON: All in favor?

21 (Chorus of aye.)

22 CHAIR THOMPSON: The motion carries

1 unanimously.

2 On to the fifth challenge of the day.
3 Jimmie Williams v. Tyrell Holcomb, candidate for
4 Ward 7 Democratic State Committee. This is one
5 where the motion once again is to reject the
6 challenge and allow ballot access. And that's
7 the motion I'm making. This was the one where
8 there was a shortfall but there was testimony in
9 the record that a circulator mistakenly dated her
10 affidavit March 22nd when in fact she signed it
11 on March 23rd just put down the wrong date. And
12 her testimony was in the record in that regard
13 and I found it acceptable so that's why I'm
14 making the motion in this case to reject the
15 challenge and allow ballot access.

16 MEMBER GILL: Second.

17 CHAIR THOMPSON: Okay. All in favor?

18 (Chorus of aye.)

19 CHAIR THOMPSON: Next is the sixth one
20 of the day or next on our agenda. Denise Reed v.
21 MaryEva Candon.

22 This is one where once again

1 regretfully I must make the motion to uphold the
2 challenge and deny ballot access. The candidate
3 was 76 signatures short. This was largely
4 because of the fact that on eight sheets each
5 with 10 signatures there were double signature by
6 circulators, although the sheet was clearly
7 intended to be completed and signed by one
8 circulator with two signatures that it's not
9 possible to tell which corresponds to which. In
10 any event it's not in compliance with the
11 important requirement of there being circulator
12 affirmation of signatures so regrettably it's a
13 motion to uphold the challenge and deny ballot
14 access.

15 MEMBER GILL: I second that.

16 CHAIR THOMPSON: Okay. Any comments
17 out there, Mike or Karyn?

18 MEMBER GILL: Well, I mean, I guess for
19 the record, you know, this is one where, you
20 know, we never infer any fraud, you know, we want
21 challengers to prove their case essentially. But
22 in this case no one even remotely is saying

1 there's anything untoward here. But the problem
2 is, that by double signing it neither signature
3 is actually true to what they're affirming. And
4 while we believe that it was done with the best
5 intentions, almost belts and suspenders, what it
6 does and what we're worried about in terms of
7 precedent is that we would essentially say the
8 language on the form doesn't matter and we just
9 can't do that. And so that's unfortunately why
10 we have to accept the challenge.

11 CHAIR THOMPSON: So, having made the
12 motion and the second is made, all in favor?

13 (Chorus of aye.)

14 CHAIR THOMPSON: Three to nothing.

15 The seventh challenge of the day,
16 David Meadows v. Anthony Muhammad, among others.
17 Candidate for Ward 8, committee woman and
18 committee men of the Democratic State Committee
19 on the Fight the Power 8 slate.

20 On this one the motion is to uphold
21 the challenge and deny ballot access. This is
22 one where the requisite number of signatures were

1 16 short. It required some re-examination of the
2 particulars which we did and, nevertheless, the
3 number of valid signatures continues to fall
4 short so I have to regretfully make this motion
5 to uphold the challenge and deny ballot access.

6 MEMBER GILL: And I second it. Same
7 thing. I know it's so hard to go and get these
8 signatures and when you end up only a couple
9 short it's even doubly heartbreaking. But as I
10 said everyone has the same bar so we got to
11 uphold the challenge. And I second.

12 MEMBER GREENFIELD: And I definitely
13 agree with Mike and we did look at it and looked
14 at all of the signatures and why and we cannot
15 get to the 100.

16 CHAIR THOMPSON: Okay. With that the
17 motion and seconded, all in favor?

18 (Chorus of aye.)

19 CHAIR THOMPSON: The motion passes.

20 The eighth matter of today is Denis
21 Jaffee v. Bradley Thomas, candidate for at-large
22 member of the council of the District of

1 Columbia. On this matter I must regretfully move
2 to uphold the challenge and deny ballot access.

3 This is the case where after many
4 challenges were upheld the candidate nevertheless
5 fell 340 ballot signature short. There wasn't
6 much discussion about the particulars but rather
7 there was discussion about whether the challenge
8 was filed on a timely basis having been filed --
9 stamped at 5:00 p.m. on the day in question with
10 the challenger obviously present in the office
11 before 5:00 p.m. and we discussed this including
12 with counsel and come to the conclusion that it
13 does constitute timely filing. And so for that
14 matter, I make a motion to uphold the challenge
15 and deny ballot access.

16 MEMBER GILL: Second. I think during
17 the discussion we sort of referenced, you know,
18 when you're in the line at the polls, you know,
19 voting ends at 7:00 or 8:00 but if you're in line
20 we stay open until everyone has voted. The day
21 that these filings are due, you know, if you're
22 there before the close of business then, you

1 know, it's not the -- it's not the person who
2 brings it in fault, if there's a crush and staff
3 can't stamp it. But if you're there in a timely
4 manner that's what gets recognized just like if
5 you're there to vote we keep the polls open until
6 the line is done. We don't reopen them the next
7 day but we keep them open until the line is done
8 so I second it.

9 CHAIR THOMPSON: Okay. The motion
10 having been made and seconded all in favor?

11 (Chorus of aye.)

12 Chair THOMPSON: Motion carries.

13 Nine is the matter of Nathan Fleming
14 v. Bradley Thomas, candidate for at-large member
15 of the council of the District of Columbia. Once
16 again I regretfully move to uphold the challenge
17 and deny ballot access. This involves the same
18 candidate, Bradley Thomas. In this count with
19 respect to these signatures challenge the
20 candidate was 557 signatures short. There wasn't
21 any discussion with regard to those particulars
22 but rather counsel for Mr. Thomas raised the

1 timing issue again, same issue that was argued
2 separately or recorded separately. And we looked
3 into it and found that as we just explained that
4 the challenge was filed on a timely basis and,
5 therefore, I make the motion to uphold the
6 challenge and deny ballot access.

7 MEMBER GILL: Second.

8 CHAIR THOMPSON: All in favor?

9 (Chorus of aye.)

10 CHAIR THOMPSON: Three in favor of that
11 motion.

12 And, finally, Luz Martinez Munoz
13 versus Trayon White, candidate for mayor of the
14 District of Columbia. In this matter I am moving
15 to reject the challenge and allow ballot access.
16 This is the case where the candidate collected
17 4,391 signatures. Many of them were invalid.
18 However, the candidate ended up with 138 more
19 than needed. After several rounds of examination
20 of the details, the 138 number stands. We re-
21 examined the spreadsheet, 405, that was submitted
22 earlier in the week and really drilled down on

1 those details including with regard to the five
2 circulators that were discussed. And the staff
3 worked exhaustively on this, all these petitions
4 but there were a lot of signatures to get through
5 on this one and a lot of details to review and
6 everything that was submitted was very carefully
7 and thoroughly considered responsibly and
8 mutually and after the dust has settled on all of
9 that the 138 overage number remains and for that
10 reason I move to reject the challenge and allow
11 ballot access.

12 MEMBER GILL: Second.

13 CHAIR THOMPSON: Okay. And comments on
14 this one from anybody else?

15 MEMBER GILL: No, I mean you got to
16 meet the bar. You don't have to clear the bar
17 more than the bar.

18 CHAIR THOMPSON: Right. Okay, with
19 that. The motion having been made and seconded,
20 all in favor?

21 (Chorus of aye.)

22 CHAIR THOMPSON: Three to nothing. So,

1 Mike, you had some comments you wanted to make
2 with respect to some of the candidates that are
3 not going to make it onto the ballot in the
4 primary.

5 MEMBER GILL: Well, so, just in the
6 first instance, it's for a candidate for, you
7 know, one of the non-majority party. One of the
8 non-majority parties and so we were always trying
9 to find a way to say, you know, let the people
10 decided if there's a missing date or we can
11 figure those types of things out. We want people
12 on the ballot. So, in the first one where it
13 came down to one signature, it's doubly hard.
14 That was the only candidate in that primary. And
15 so we just wanted to mention that, you know, a
16 write-in vote and attestation of your candidacy
17 within two days after a write-in vote, you know,
18 gets you the same result. So, that was, you
19 know, one of the -- one of the difficulties was
20 it was a challenge to a primary slot where
21 there's no -- now there's no candidate for that
22 party. And so that's just, you know, we hate to

1 see that. But we wanted to just make sure
2 everyone was aware of, it's still a primary.
3 There's still a small number or it's, you know,
4 it's a limited to the voters in that party and so
5 a write-in candidacy is not completely out of the
6 question in that respect.

7 MEMBER GREENFIELD: Actually, just a
8 correction.

9 MEMBER GILL: Did I mangle the two day
10 --

11 MEMBER GREENFIELD: No. This is
12 quoting Section 8 of the statute R2, to be
13 eligible to receive a nomination of a party for
14 public office a write-in candidate shall be a
15 duly registered member of the party nominated and
16 shall meet all the other qualifications required
17 for election to the office as long as they state
18 your candidacy by no later than the third day
19 immediately following the day of the election.
20 So, with the election being on June 21st if
21 anyone wanted to seek to be a write-in or you
22 can, mount a write-in campaign and if you get any

1 votes whether or not you announced before the
2 election you can submit an affirmation of write-
3 in candidacy by the third day after the election.

4 CHAIR THOMPSON: And I think it was
5 there for Anthony Williams.

6 MS. STROUD: Anthony Williams was
7 removed from the ballot in his re-election
8 campaign and launched a write-in candidate that
9 was successful.

10 CHAIR THOMPSON: Okay. And there's
11 always the general election, too. It might apply
12 to some of these.

13 Well, thank you, everybody, for
14 bearing with us. I have learned a lot about
15 petition challenges. There's a lot of detail to
16 this and I have a new appreciation for just how
17 difficult it is when you're a candidate to submit
18 all this and get all this in the door and I have
19 a new found overwhelming appreciation for the
20 staff of the BOE who really drills down on every
21 detail and, you know, as we've said several
22 times, thank you for the challengers. In some

1 cases successful and in some cases not. But what
2 you've done is helped keep our democracy strong
3 by making sure that these requirements are
4 administered properly and correctly. So, you
5 know, the whole process as a whole is incredibly
6 valuable and hopefully all contributes to a
7 successful and enriching campaign season.

8 So, with that, I --

9 MS. STROUD: I would just, sorry, Mr.
10 Chair. I would just note for the record that the
11 Board is hereby announcing, with respect to all
12 of these matters, their announcement of a
13 determination of the matters on the record but
14 written orders will follow.

15 CHAIR THOMPSON: All right. Thank you
16 for adding that. And I think in the case of
17 Harnett v. Brown, the written order will
18 definitely --

19 MS. STROUD: We'll get that out
20 tonight.

21 CHAIR THOMPSON: -- be issued tonight.

22 MS. STROUD: Yes.

1 CHAIR THOMPSON: Because of the date
2 deadline. The other nine probably will come out
3 on Monday.

4 MS. STROUD: Some may come out tonight.
5 So, we'll be here.

6 CHAIR THOMPSON: I'll be here.

7 MS. STROUD: Yes.

8 MEMBER GREENFIELD: We'll be here.

9 CHAIR THOMPSON: It's 5:30.

10 MS. STROUD: Let's just say Monday.

11 CHAIR THOMPSON: Okay. Monday, but,
12 no, I'm joking. I mean, this is it. This is the
13 accelerated part of the campaign season for BOE
14 so, you know, we work evenings, we work weekends.
15 You know, we do whatever it takes to keep
16 everything running towards the deadlines that we
17 know are in front of us to have the ballot
18 finalized and the ballot mailed, you know. We're
19 sticking to the calendar. It's on our BOE
20 website. And it's the first thing I looked at
21 when I was nominated. I said, wow, what does the
22 schedule look like. It's tight but we're hitting

1 every date, one after another and next week
2 there's another slew of dates so, you know, so
3 it's relentless right now. But we are keeping up
4 and keeping pace. And it's impressive. So,
5 everyone so, with that I move to adjourn.

6 MEMBER GILL: Second.

7 CHAIR THOMPSON: All in favor?

8 (Chorus of aye.)

9 (Whereupon, the above-entitled matter
10 went off the record at 5:31 p.m.)

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This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DC BOE

Date: 04-22-22

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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