

GOVERNMENT OF THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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WEDNESDAY,
SEPTEMBER 3, 2014

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The Special Board Meeting of the District of Columbia Board of Elections convened in Room 280 North, One Judiciary Square, 441 4th Street, N.W., Washington, D.C. 20001, pursuant to notice, at 10:00 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman

STEPHEN I. DANZANSKY, Member

BOARD OF ELECTIONS STAFF PRESENT:

CLIFFORD D. TATUM, Executive Director

KENNETH MCGHIE, ESQ., General Counsel

KEVIN NEWSOME, Voting Services

Assistant

MARGARITA MIKHAYLOVA, Special Projects

Advisor

BRITTANY BROWN, Legal Intern

ALSO PRESENT:

WILLIAM SANFORD, ESQ., General Counsel

Office of Campaign Finance

C-O-N-T-E-N-T-S

	Page
Opening of Board Meeting, Chair Nichols	4
Challenge to the Nominating Petition of John Cheeks	5
Challenge to the Nominating Petition of Kishan Putta	16
Challenge to the Nominating Petition of Maurice Dickens	71
Challenge to the Nominating Petition of Marvin Lee	79
Challenge to the Nominating Petition of Allyson Carpenter	83
Challenge to the Nominating Petition of Mark Renneberger	90
Challenge to the Nominating Petition of Marjorie D. Thomas-Barnes	95
Adjourn	110

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

10:25 a.m.

CHAIRMAN NICHOLS: Good morning.

This is a Special Meeting of the Board of Elections and we are here this morning to hear nominating petition challenges. It is Wednesday, September 3, 2014 and the time is 10:25 a.m. We're at One Judiciary Square, Room 280 North.

I am Deborah K. Nichols, Chairman of the Board; accompanying me this morning is Board Member Stephen Danzansky. Also present on the dais is Ken McGhie our general counsel.

Our first hearing this morning is the challenge to the nominating petition of John Cheeks, candidate for Chairman of the Council of the District of Columbia.

We will ask the parties to come to the table. Our challenger is Mr. Robert Turner, a registered voter in the District of Columbia.

All right, would everyone at the

1 table identify themselves for the record.

2 MR. TURNER: Robert Turner.

3 MR. CHARLTON: I'm Walter
4 Charlton. I'm attorney for Mr. John Cheeks.

5 MR. CHEEKS: John Cheeks for the
6 Chairman of the District of Columbia.

7 MS. MIKHAYLOVA: Margarita
8 Mikhaylova, Special Programs Coordinator.

9 MR. NEWSOME: Kevin Newsome,
10 Voter Services Assistant representing Ms.
11 Karen Brooks.

12 CHAIRMAN NICHOLS: All right.
13 Mr. Newsome, will you read the Registrar's
14 report into the record please.

15 MR. NEWSOME: On August 6, 2014,
16 John C. Cheeks submitted a nominating petition
17 to appear on the ballot as a candidate in the
18 November 4, 2014 general election for the
19 Office of Chairman of the Council.

20 That petition was posted for
21 public inspection for ten days as required by
22 law and challenged on August 18, 2014 by

1 Robert Turner, a registered voter in the
2 District of Columbia.

3 A preliminary review of the
4 challenge indicates that Mr. Cheeks submitted
5 a total of 6,216 signatures; the minimum
6 requirement to obtain ballot access for this
7 office is 3,000 signatures. Challenger Robert
8 Turner filed challenges to a total of 3,595
9 signatures enumerated by line and page number
10 on individual challenge sheets filed by each
11 petition page.

12 Petition signatures were
13 challenged pursuant to Title III DCMR Section
14 1607.1 of the Board's regulations on the
15 following grounds:

16 The signer is not a duly
17 registered voter; the signer according to the
18 Board's records is not registered to vote at
19 the address listed on the petition at the time
20 the petition was signed provided an address on
21 the petition that is different than the
22 address which appears on the Board's records

1 shall be deemed valid and that the signer's
2 current address is within boundary from which
3 the candidate seeks nomination and the signer
4 files a change of address form with the Board
5 during the first ten days following the date
6 on which the challenge to the nominating
7 petition is filed. The signature is a
8 duplicate of a ballot signature, the petition
9 does not include the address of the signer.

10 The circulator of the petition
11 sheet was not a qualified petition circulator
12 at the time the petition was signed. The
13 signature is not made by the person whose
14 signature it purports to be.

15 Additionally, Mr. Turner requested
16 the Board disqualify and reject all of the
17 signatures collected by the following seven
18 circulators on the grounds that all of the
19 signatures constitute blatant forgeries:
20 Charles Smith, James Crawley, Jonathan Reed,
21 Mary Thomas, Nikea James, Tina Summers and
22 John Cheeks.

1 She did not consider the veracity
2 of the affidavits of the circulators listed
3 above as this task lies within the sole
4 province of the Board of Elections. See
5 Brazill v. Anthony Williams 02016 July 30,
6 2002. Rather, she based her determination
7 concerning this challenge solely on a review
8 of the signatures challenge on a line-to-line
9 basis.

10 Her review of the challenge
11 indicates a total of 2,278 of the 3,595
12 challenges are valid. This leaves the
13 candidate's nominating petition with 3,938
14 signatures, 938 signatures more than the 3,000
15 signatures required for ballot access.

16 CHAIRMAN NICHOLS: Thank you, Mr.
17 Newsome. Mr. Turner?

18 MR. TURNER: Yes ma'am.

19 CHAIRMAN NICHOLS: Would you like
20 to present your challenge?

21 MR. TURNER: Yes.

22 MR. CHARLTON: Pardon me, I do

1 have a preliminary matter. For purposes of
2 nicety I want to get onto the record the fact
3 we have objected to the timeliness of Mr.
4 Turner's--

5 CHAIRMAN NICHOLS: No, Mr.
6 Charlton, no. I'm conducting this hearing so
7 let me get to you. I want to hear--

8 MR. CHARLTON: I understand.

9 CHAIRMAN NICHOLS: --the
10 challenges that he is proffering today to us.
11 We'll get to you.

12 MR. CHARLTON: Yes ma'am. Thank
13 you.

14 CHAIRMAN NICHOLS: Please respect
15 the Board.

16 MR. CHARLTON: Thank you, ma'am.

17 CHAIRMAN NICHOLS: I appreciate
18 it. Proceed, Mr. Turner.

19 MR. TURNER: Thank you, Madam
20 Chair. I first want to turn to circulator
21 Jonathan Reed. I have highlighted several
22 instances where there are in my opinion

1 blatant forgeries several of the sheets that
2 he has circulated and that there's a pattern
3 of forgery.

4 I'm not reporting that he's the
5 one who forged the signatures but signatures
6 are forged because they're in the same
7 handwriting and therefore I would like for
8 these signatures selected to be disqualified.

9 CHAIRMAN NICHOLS: Proceed.

10 MR. TURNER: On page 152 of Mr.
11 Cheeks' signatures--

12 MR. CHARLTON: 152?

13 MR. TURNER: 152.

14 CHAIRMAN NICHOLS: Hold on one
15 second. Let me just -- I have them separated
16 by circulators. So this is Mr. Jonathan
17 Reed's. Now let's go back to the first--
18 please give me a second.

19 Okay. Jonathan Reed, let's do the
20 first one briefly just so we can get the page-
21 -.

22 MR. TURNER: Sure. If you look at

1 lines 2, 3 and 5 of page 152. And then again
2 on lines 18, 19 and 20 as well as 15, 16 and
3 17.

4 CHAIRMAN NICHOLS: You're saying
5 the signatures?

6 MR. TURNER: Yes, I'm looking
7 just at the signatures.

8 CHAIRMAN NICHOLS: Okay. Thank
9 you. I don't need to go see any more.

10 MR. TURNER: Okay.

11 CHAIRMAN NICHOLS: But you have
12 those enumerated?

13 MR. TURNER: Yes.

14 CHAIRMAN NICHOLS: All right.

15 MR. TURNER: We'll move onto the
16 next one. Nikea James.

17 BOARD MEMBER DANZANSKY: I'm
18 sorry, what am I looking at? What is this and
19 what is this?

20 MR. TURNER: These are copies of
21 the petitions.

22 BOARD MEMBER DANZANSKY: Sorry.

1 This is a copy of this?

2 MR. TURNER: No, there are
3 several circulators for each challenge.

4 BOARD MEMBER DANZANSKY: Oh he's
5 naming the circulators.

6 MR. TURNER: Yes. And these are
7 the ones that have been circulated by
8 Jonathan Reed. And these are the ones
9 circulated by Cheeks. And this is Nikea James.

10 BOARD MEMBER DANZANSKY: Oh.
11 Okay. Thank you. Sorry, Mr. Turner, I just
12 want to stay with you that's all.

13 MR. TURNER: I appreciate that.
14 No problem.

15 BOARD MEMBER DANZANSKY: Are we
16 still on 152?

17 CHAIRMAN NICHOLS: We're going to
18 Nikea James, the circulator for Nikea James,
19 he's not specified a number, a page number
20 here or line number.

21 MR. TURNER: Cheeks 212. I
22 would say pretty much the entire sheet.

1 CHAIRMAN NICHOLS: I see, it's
2 the entire sheet. Now, are you alleging that
3 the signatures, the signature of the
4 petitioners are forged?

5 MR. TURNER: Yes ma'am.

6 CHAIRMAN NICHOLS: And what is
7 the basis for that?

8 MR. TURNER: They look to be in
9 the same handwriting.

10 CHAIRMAN NICHOLS: Okay. Let's
11 proceed.

12 MR. TURNER: Same petitioner?

13 CHAIRMAN NICHOLS: Yes.

14 MR. TURNER: 213.

15 CHAIRMAN NICHOLS: Okay.

16 MR. TURNER: I would say lines 1
17 through 17.

18 BOARD MEMBER DANZANSKY: Let me
19 just ask you one question. Are you saying
20 that you believe that these are all in the
21 same handwriting. Did you compare the
22 registration cards for any of these people?

1 MR. TURNER: No sir.

2 CHAIRMAN NICHOLS: Okay. Let us
3 see the ones you have compared the
4 registration, the signature on the
5 registration card to the signature here.

6 MR. TURNER: I have not.

7 CHAIRMAN NICHOLS: Okay. Well
8 let's move on. What is your next challenge?

9 MR. TURNER: They're all--

10 CHAIRMAN NICHOLS: --based on
11 that?

12 MR. TURNER: Yes.

13 CHAIRMAN NICHOLS: Have you
14 reviewed the signatures that you think are
15 fraudulent, or forged, with the signatures on
16 the voter registration card?

17 MR. TURNER: I have not, ma'am.

18 CHAIRMAN NICHOLS: Okay. Thank
19 you. That is it?

20 MR. TURNER: Yes.

21 CHAIRMAN NICHOLS: Mr. Charlton?

22 MR. CHARLTON: We'll withdraw any

1 objection as there's a question of time.

2 CHAIRMAN NICHOLS: Thank you,
3 sir.

4 MR. CHARLTON: And I apologize
5 for being premature.

6 CHAIRMAN NICHOLS: Thank you,
7 sir. I appreciate that.

8 BOARD MEMBER DANZANSKY: Could
9 you speak up, sir, please. Could you speak up
10 a little?

11 MR. CHARLTON: I say and I
12 apologize for being a little premature.

13 BOARD MEMBER DANZANSKY: Thank
14 you. Okay.

15 CHAIRMAN NICHOLS: All right. The
16 Board will take this matter under advisement.
17 Thank you both for appearing. Mr. Charlton,
18 good to see you again. I remember you from
19 the last time I think.

20 MR. CHARLTON: Good to see you
21 again.

22 CHAIRMAN NICHOLS: 2012, right?

1 MR. CHARLTON: Yes. They were
2 long years.

3 CHAIRMAN NICHOLS: All right.

4 MR. CHARLTON: I must say we're
5 looking good.

6 (END CHEEKS PETITION)

7 CHAIRMAN NICHOLS: Thank you.
8 Okay. Do you need a recess?

9 BOARD MEMBER DANZANSKY: If I
10 could just have a minute.

11 CHAIRMAN NICHOLS: Sure.

12 (WHEREUPON, A RECESS WAS TAKEN
13 FROM 10:45 A.M. UNTIL 10:48 A.M.)

14 (PETITION IS READ SILENTLY)

15 CHAIRMAN NICHOLS: All right.

16 MR. MCGHIE: Are you getting
17 ready to call the next case?

18 CHAIRMAN NICHOLS: Yes, I am. Is
19 Mr. Dickens here? Is he here? Putta is not
20 ready yet.

21 (PETITION READING CONTINUES)

22 CHAIRMAN NICHOLS: We'll proceed

1 in just a few minutes.

2 Okay. Come forth in the case of
3 Kishan Putta, candidate for At-Large member of
4 the Council and the challenger, Brian Hart or
5 his counsel. Do you need another chair? Pull
6 up a chair.

7 All right. Again, this is the
8 challenge to the nominating petition of Kishan
9 Putta, candidate for At-Large member of the
10 Council of the District of Columbia.

11 The time now is 10:48 a.m. It is
12 Wednesday, September 3, 2014. Will the
13 parties identify themselves for the record,
14 starting with you sir.

15 MR. PUTTA: Good morning. My
16 name is Kishan Putta.

17 CHAIRMAN NICHOLS: Okay.

18 MS. LINDENBAUM: I'm Dara
19 Lindenbaum, I'm an attorney on behalf--

20 CHAIRMAN NICHOLS: You'll have
21 to speak up.

22 MS. LINDENBAUM: Sure. Dara

1 Lindenbaum on behalf of Mr. Putta.

2 MS. HICKS: My name is Samantha
3 Hicks, I'm the campaign manager for Brian
4 Hart.

5 MR. HART: Brian Hart, the
6 challenger.

7 CHAIRMAN NICHOLS: All right.
8 Thanks.

9 MR. NEWSOME: Kevin Newsome,
10 Voter Services Assistant representing Ms.
11 Karen Brooks.

12 MS. MIKHALYOVA: Margarita
13 Mikhaylova, Special Programs Coordinators for
14 the D.C. Board of Elections.

15 CHAIRMAN NICHOLS: All right. Mr.
16 Newsome, would you read the Registrar's report
17 into the record please.

18 MR. NEWSOME: Yes. On August 6,
19 2014, Mr. Kishan Putta submitted a nominating
20 petition to appear on the ballot as a
21 candidate in the November 4, 2014 general
22 election for the Office of At-Large member of

1 the Council in the District of Columbia.

2 That petition was posted for
3 public inspection for ten days as required by
4 law and challenged on August 18, 2014 by Mr.
5 Brian Hart, a registered voter in the District
6 of Columbia.

7 The minimum number of signatures
8 required to obtain ballot access for this
9 office is 3,000 signatures. At the
10 preliminary review of the petition challenge,
11 our office determined that Mr. Putta submitted
12 a total of 5,570 signatures. However, a
13 subsequent review undertaken after the pre-
14 hearing conference, indicated that Mr. Putta
15 actually submitted a total of 5,557
16 signatures.

17 Mr. Hart filed challenges to a
18 total of 3,045 signatures, enumerated by line
19 and page number on individual challenge sheets
20 filed by each petition page. Petition
21 signatures were challenged pursuant to Title
22 III DCMR Section 1607.1 of the Board's

1 regulations on the following grounds:

2 The signer is not a duly
3 registered voter; the signer, according to the
4 Board's records, is not registered to vote at
5 the address listed on the petition at the time
6 the petition was signed; provided an address
7 on a petition which is different than the
8 address which appears on the Board's records
9 shall be deemed valid if the signer's current
10 address is within the boundary from which the
11 candidate seeks nomination and the signer
12 files a change of address form with the Board
13 during the first ten days following the date
14 on which the challenge to the nominating
15 petition is filed, the signature is a
16 duplicate of a valid signature, the signature
17 is not dated, the petition does not include
18 the address of the signer, the petition does
19 not include the name of the signer where the
20 signature is not sufficiently legible for
21 identification, the circulator of the petition
22 sheet was not qualified a petition circulator

1 at the time the petition was signed.

2 The circulator of the petition
3 failed to complete all required information in
4 the circulator's affidavit and the signature
5 is not made by the person whose signature it
6 purports to be.

7 The preliminary review of the
8 challenge indicated that 2,715 of the
9 challenges were valid; this left the candidate
10 with 2,855 challenges, 145 below the number
11 required for ballot access. This number is
12 based off the initial erroneous calculations
13 of the 5,570 signatures submitted. Actually,
14 Mr. Putta's petition had 2,842 signatures, 158
15 below the number required for ballot access.

16 After the pre-hearing conference,
17 Mr. Putta submitted a total of 28 voter
18 registration forms to our office. Of the 28
19 forms submitted, nine were proper address
20 changes, eight were voters who were not
21 previously registered, 4 were not properly
22 identified by petition page and line, three

1 had different addresses that were placed on
2 the petition, two were incomplete, one was a
3 duplicate registration and one was inactive.

4 Mr. Putta also submitted a
5 spreadsheet with a total of 162 signatures
6 that he believes should be credited towards
7 his total. After review of those 162, it was
8 determined that 89 of those challenges were
9 invalid and that Mr. Putta should be credited
10 with those corresponding signatures.

11 Mr. Hart submitted a spreadsheet
12 with a total of 21 signatures that he believed
13 were erroneously credited to Mr. Putta. After
14 a review of those 21, it was determined that
15 15 were correctly credited to Mr. Putta and
16 six were valid challenges.

17 Based on the post pre-hearing
18 conference submissions, it has been determined
19 that 2,623 of the 3,045 challenges are valid.
20 This leaves the candidate's nominating
21 petition with 2,934 signatures, 66 signatures
22 below the number required for ballot access.

1 BOARD MEMBER DANZANSKY: Madam
2 Chair, was that a disparity of 13 between the
3 time of the preliminary review of the pre-
4 hearing or was that just a miscount?

5 MR. NEWSOME: It was a miscount
6 during the check of the actual signatures. He
7 was credited with a few blank lines that had
8 no signatures on it. So when we went back to
9 review, we had taken those out.

10 BOARD MEMBER DANZANSKY: Okay. Is
11 that being contested at all by the parties
12 today?

13 MS. LINDENBAUM: Yes sir. We've--

14 BOARD MEMBER DANZANSKY: Okay. I
15 just wanted to know that. Thank you.

16 CHAIRMAN NICHOLS: All right. Mr.
17 Putta, you're 66 signatures short. Do you
18 have any evidence or anything to submit that
19 would bring you up over that amount?

20 MS. LINDENBAUM: All right. Yes
21 ma'am, my name is Dara Lindenbaum and I'm
22 representing Mr. Putta.

1 First, we've gone over the
2 registrar's findings that we just received
3 this morning that are based on the spreadsheet
4 that we had put together. I don't know if you
5 have this information in front of you. And
6 we challenge a few of these findings.

7 CHAIRMAN NICHOLS: Do you have 66
8 though?

9 MS. LINDENBAUM: We believe so
10 once we put together all of the different
11 challenges that we have. So first we have the
12 13.

13 CHAIRMAN NICHOLS: There's 13 on
14 the spreadsheet?

15 MS. LINDENBAUM: No, there's not
16 because this is information we just found out
17 about today.

18 CHAIRMAN NICHOLS: Okay. What's
19 the spreadsheet?

20 MS. LINDENBAUM: So the
21 spreadsheet these are the names and voter ID
22 numbers that we submitted on Thursday that

1 challenge some of the registrar's findings.
2 And for a number of them, and I can go through
3 and note which ones we disagree with, and we
4 think that there may have been some kind of
5 error -- be it human error -- in entering in
6 the voter's information from the voter
7 registration card.

8 CHAIRMAN NICHOLS: Did you check
9 the voter registration?

10 MS. LINDENBAUM: Yes, we have
11 checked all the voter registrations for them.
12 So, for example, for the third person on the
13 list, sheet 3, line 1--

14 CHAIRMAN NICHOLS: Read the name.

15 MS. LINDENBAUM: James Hawfield
16 and we have his voter ID number here. His
17 resident address on the voter registration
18 rolls is 403 50th Street, N.E. However, on
19 the rolls they have him at 31. However, on
20 his petition it appears that he's written 32.
21 And we believe that's such a close match that
22 there was some error in entering him into the

1 voter registration rolls.

2 The same goes for the next person
3 which is sheet 6, line 14, Angela Smith. Her
4 residential address on both the petition and
5 the rolls is 4224 4th Street, S.E. However,
6 on the rolls her apartment is 302. However,
7 on the petition it's 301.

8 For the next person down, sheet
9 19, row 19--

10 CHAIRMAN NICHOLS: These are not
11 numbered so we don't have any way of knowing--

12 MS. LINDENBAUM: All the way on
13 the left. I'm sorry.

14 CHAIRMAN NICHOLS: Okay. I've
15 got the methodology now. You said all the way
16 down and I thought wait. Okay. 19.

17 MS. LINDENBAUM: So sheet 19,
18 line 19 for Geraldine Bailey. If you look at
19 all of this here, unfortunately I don't have
20 these cards of each of these but here the
21 Registrar has marked the address as illegible
22 when we think if you look at the petition her

1 address is quite clearly legible to say 350
2 50th Street. I can take this out and mark
3 this if you'd like it.

4 CHAIRMAN NICHOLS: So the ones
5 you have noted with an updated result that is
6 other than okay are the ones that you have
7 problems with?

8 MS. LINDENBAUM: Um-hmm. Yes
9 ma'am.

10 MS. HICKS: Will we have an
11 opportunity to refute these?

12 CHAIRMAN NICHOLS: Yes ma'am.
13 I'll get to you.

14 MS. HICKS: Thank you.

15 CHAIRMAN NICHOLS: Got that
16 process.

17 MS. LINDENBAUM: Further down
18 the list, sheet 43, line 19, for Devon
19 Allison. On the voter registrations rolls his
20 residential house number is 4645 when on the
21 petition it appears to be 4644, but the rest
22 of his information is correct. It's Benning

1 Road, S.E., and it has the same apartment
2 number and that's apartment A. So these minor
3 differences we think do show that these are in
4 fact registered voters and we put that on the
5 residence but be it they're handwriting errors
6 or data entry error, these are off by one
7 number which led to the Registrar responding.

8 And on sheet 53, line 14, Tasha
9 Davis. Her residential address is 2018
10 Maryland Avenue, N.E. That matches both.
11 However, her apartment number on the petition
12 is 104, where on the rolls it's 105.

13 The next one is 5419, John E.
14 Screen and his residential house address it
15 appears on the rolls as 5743 when it looks
16 like on the petition he may have written 5743
17 (sic) and all the rest of the information is
18 the same.

19 For 87, 9, it's further down the
20 page, Paulette Smith. On the roll she's at
21 4230 H Street, S.E., and on the petition it
22 appears that she wrote 4232. So that 2 and the

1 zero may have mixed up in the data entry.

2 On the next page--

3 CHAIRMAN NICHOLS: Well, instead
4 of going through all of these, we'll take
5 another look at the ones you have noted.

6 MS. LINDENBAUM: Okay.

7 MR. HART: Could you turn this --
8 so the Registrar's already had a chance to
9 take a look at the spreadsheet?

10 MR. NEWSOME: Yes. Actually, if
11 you look at the last column where it says
12 "updated results," that's where we made the
13 discrepancies where we were going to give it
14 to the challenger or--

15 MR. HART: So it says okay?

16 MR. NEWSOME: We awarded it to
17 Mr. Putta. We reviewed it a second time again
18 and after we'd reviewed it a second time it
19 was noted as okay we updated it to award it to
20 Mr. Putta.

21 MR. HART: Okay. And that didn't
22 bring him over 66?

1 MR. NEWSOME: No. That's
2 included in the 89 after we'd reviewed the 162
3 we had already included in that total.

4 MR. HART: So then even if you
5 look at all these numbers on your spreadsheet
6 you don't have 66 on the spreadsheet.

7 MS. LINDENBAUM: No, not on the
8 spreadsheet.

9 CHAIRMAN NICHOLS: Okay. So if we
10 want to--

11 MR. NEWSOME: Well, let's them
12 speak to that particular issue.

13 MS. LINDENBAUM: If the Registrar
14 deemed them to be wrong, I don't believe we
15 need to repeat them at this time.

16 CHAIRMAN NICHOLS: Okay. Thank
17 you.

18 MS. LINDENBAUM: So the next
19 issue that we have is the petitions turned in
20 by Kevin Coats. Unfortunately, Mr. Coats is
21 not able to be here today but Mr. Coats is
22 homeless and he had circulated some of the

1 petition sheets for Mr. Putta. And at times
2 he lived in a shelter and he put the shelter's
3 address; at other times he didn't. And we
4 have submitted an affidavit for him. It is
5 notarized but I don't know if the notary
6 symbol came out in the copies you have.

7 CHAIRMAN NICHOLS: I don't see
8 it.

9 MS. LINDENBAUM: And you can see
10 in the affidavit that he says that he is a
11 resident of the District of Columbia but has
12 no permanent address, that he often sleeps at
13 the shelter but not always.

14 And he was instructed to write the
15 address of the shelter on his forms, and in a
16 few instances he did and a few instances he
17 didn't. And this was due to the changing
18 nature of his situation so even during one day
19 he may have a residence at the shelter but at
20 the end of the day he doesn't have a residence
21 at the shelter.

22 And if he had put down the shelter

1 address while he wasn't residing at the
2 shelter, then he risks incurring a fine and
3 that's a false statement which is very clearly
4 laid out in the circulator's affidavit. And
5 he risks a \$1,000 dollar fine or jail time so
6 he's in that Catch-22 situation.

7 Now again there are a number of
8 petition sheets that he did circulate and some
9 do have that date on it and some do not have
10 that date. And while the courts have
11 continually upheld circulator affidavits, the
12 point of the matter has really kind of
13 defeated everything that the D.C. courts may
14 view, as the Board has found, that you err on
15 the side of the voter and that you err to
16 expand the franchise rather than to restrict
17 the franchise.

18 I mean here these voters who
19 filled out his petition sheets would have
20 their signatures not counted which would
21 disenfranchise them simply because the
22 circulator is homeless and didn't want to make

1 the decision between committing a crime or
2 having his affidavit be complete.

3 And if you actually look at this
4 petition pages, they are very much complete.
5 We found 49 signatures on his pages that were
6 challenges that are valid registered voters
7 and in the registrar's first review they all
8 have voter ID numbers, their signatures are
9 clear, there was no issues there. This is a
10 man who worked very hard to procure all of
11 these signatures, but unfortunately his
12 circumstances are such that he couldn't make
13 that decision.

14 Now there was also no guidance for
15 him on what to do in that situation. The rules
16 say that you have to put down your residential
17 address -- he doesn't have a residential
18 address. And again, you know, what he's used,
19 he has a P.O. Box that he uses from time to
20 time which would not be his residence address.
21 And that shelter again, at ten in the morning
22 he may be a resident of that shelter and at

1 three in the afternoon he may not know if
2 he'll be able to stay in that shelter.

3 So we really ask that the Board
4 seriously consider this and see that there is
5 no risk there with him not including those
6 affidavits.

7 CHAIRMAN NICHOLS: So these were
8 the forms--

9 MS. LINDENBAUM: And the ones
10 that we've put on our spreadsheet is 49 that
11 we're discussing. We didn't challenge
12 multiple pages that had multiple signatures.
13 We only put forward before the Board those
14 that we have.

15 CHAIRMAN NICHOLS: The 49.

16 MS. LINDENBAUM: Yes. We only
17 put forward only put forward before the Board
18 those that we found a clear voter ID number
19 for.

20 So on that spreadsheet all of
21 those are marked H in the third column and
22 then you'll see that the Registrar did not

1 make a determination all the way at the end of
2 it.

3 CHAIRMAN NICHOLS: Okay. Mr.
4 Hart, is your counsel--

5 MR. HART: Yes, we would
6 certainly like to respond.

7 MS. HICKS: So in Kishan Putta's
8 counsel's letter originally they stated that
9 Mr. Coats did not have a permanent address and
10 therefore when he was instructed by a member
11 of the Kishan Putta campaign, he did not
12 write anything on the sheets because he did
13 not have a permanent address.

14 Counsel also argues that because
15 circulator Kevin Coats did not have a
16 permanent address he was at risk of making a
17 false statement and being subject to penalties
18 of a \$1,000 dollar fine or even 180 days in
19 jail if he completed the form with this
20 address.

21 However, this is incorrect.
22 Neither the petition circulation guidelines

1 nor the affidavits on the circulator sheets
2 state anywhere that the circulator must
3 provide his or her permanent address.

4 Rather, the affidavit simply asks
5 for the circulator's residing address.
6 Therefore, circulator Coats was not at risk of
7 making a false statement by providing his
8 residing address which could have either been
9 a shelter or the physical place where he
10 actually resided.

11 So we supported the Board's
12 initial decision to count these as valid
13 challenges.

14 CHAIRMAN NICHOLS: You would
15 count them as valid?

16 MS. HICKS: Valid challenges and
17 additionally -- I'm sorry.

18 MR. HART: I would like to add a
19 couple of points. So in addition to the
20 points that Ms. Hicks makes that, you know,
21 under Regulations 1607.1(h) it is required
22 that the affidavit be filled out by the

1 circulator for all of the appropriate
2 information and in this instance the sheet
3 simply asks for a residing address, not a
4 permanent address, so therefore he would not
5 have been subject to these crimes or these
6 penalties that they're claiming he was.

7 But the other important point is
8 that in his own affidavit he admits that he
9 was instructed by the Kishan for D.C. Campaign
10 to write his resident address, the homeless
11 shelter address, on the sheets and he
12 neglected to do so and then the Kishan for
13 D.C. Campaign did not check those sheets
14 before they submitted it to the Board.

15 And another I think important
16 point is that for two groups of these sheets
17 he filled them out on the same date and for
18 one of the sheets he put the address on the
19 very same day and for the other sheets on the
20 very same day he didn't put the address. So
21 by his own admission he had a residing address
22 for that day and yet didn't write it down on

1 the sheets.

2 So I think it was a valid
3 challenge to say it was an unqualified
4 circulator because the circulator did not put
5 down the residing address which they clearly
6 had and admitted that they had.

7 MS. LINDENBAUM: May I rebut for
8 one more?

9 CHAIRMAN NICHOLS: Certainly.

10 MS. LINDENBAUM: So on the
11 permanent address issue I think they made
12 exactly my point. He does at times have a
13 permanent address, possibly that P.O. box,
14 possibly a family member's address that he
15 uses as a permanent address for possibly voter
16 registration or any other official business.
17 That is exactly the issue here.

18 Here it doesn't ask for a
19 permanent address, it asks for the residence
20 and it's that residence that changes hourly
21 for Mr. Coats so at 10 a.m. his address, his
22 residential address which is what he was asked

1 to put down here, residing at, so at 10 a.m.
2 he may be residing at the shelter but at 2
3 p.m. he may be residing at a park bench in
4 Farragut North.

5 The changing nature of his
6 circumstances is what made this problematic
7 and that's why in one day it may have his
8 signature down and one day it won't.

9 In his affidavit he did say that
10 he was asked to put the shelter address. He
11 was asked to do so. He made the choice not to
12 risk making a false statement here and didn't
13 put them down on all of them.

14 CHAIRMAN NICHOLS: Was he being
15 paid?

16 MS. LINDENBAUM: Yes, he was.

17 CHAIRMAN NICHOLS: All right.
18 Your next issue?

19 MS. LINDENBAUM: So on one of
20 those sheets that again this one we have a
21 voter here who signed the petition who's
22 actually an ANC member. We have his voter ID

1 number and we put it down in our sheet but the
2 Registrar still found it to be illegible so we
3 have him here to testify and he's willing to
4 do so.

5 CHAIRMAN NICHOLS: What is his
6 name?

7 MS. LINDENBAUM: His name is
8 Gregory Stewart.

9 CHAIRMAN NICHOLS: Where is he on
10 the--

11 MS. LINDENBAUM: He is on page
12 245, line 1.

13 CHAIRMAN NICHOLS: Gregory
14 Stewart?

15 MS. LINDENBAUM: Yes. He had a
16 couple of challenges I think because it was
17 illegible so on the rolls he is marked down at
18 5314 (sic) Ames. So he's here to testify that
19 that is his address and that is the address
20 he's registered to vote at.

21 CHAIRMAN NICHOLS: Okay. Well why
22 is 5364 Ames on your sheet?

1 MS. LINDENBAUM: I'm sorry, 5364
2 Ames. That's where he lives and if you look
3 and again I'll show you page 245 then you can
4 see that--

5 CHAIRMAN NICHOLS: What's on his
6 voter registration form.

7 MS. LINDENBAUM: Yes. It's the
8 same thing, it's 5364 Ames Street.

9 CHAIRMAN NICHOLS: Mr. Stewart,
10 can you come forward and put on the record.
11 Could you identify yourself for the record?

12 MR. STEWART: Sure. My name is
13 Gregory Stewart, Chairman of Advisory
14 Neighborhood Commission ANC-7C.

15 CHAIRMAN NICHOLS: What is your
16 address?

17 MR. STEWART: 5364 Ames Street,
18 N.E., Washington, D.C. 20019.

19 CHAIRMAN NICHOLS: All right.
20 Could you attest to whether or not that is
21 your signature that you made personally on
22 that petition?

1 MR. STEWART: Yes, I can attest
2 to that. It is my handwriting, my wonderful
3 signature on that date, yes.

4 CHAIRMAN NICHOLS: All right.
5 Thank you so much.

6 MR. PUTTA: Madam Chair?

7 CHAIRMAN NICHOLS: Yes.

8 MR. PUTTA: If I could just add,
9 I collected those signatures and it was at a
10 campaign event in my building and I'm an ANC
11 Commissioner and invited Commissioner Stewart
12 who came there. There was another ANC
13 Commissioner on that same page was challenged
14 for date out of order and it just I think
15 shows the over-zealous nature of this
16 challenge.

17 CHAIRMAN NICHOLS: Do you all
18 have anything to say about Mr. Stewart's
19 signature?

20 MR. HART: No, I mean we
21 supported the decision but he came here and
22 testified and it makes sense.

1 CHAIRMAN NICHOLS: All right.

2 MR. PUTTA: There were so many
3 challenges like this, we couldn't get everyone
4 here to testify and luckily I had known Mr.
5 Stewart as a fellow commissioner but so many
6 other people are not so lucky that we can
7 speak up, we can stand up for them.

8 CHAIRMAN NICHOLS: That's the
9 nature of this process. It's unfortunate but
10 it is what it is.

11 COURT REPORTER: You have to
12 speak into the microphone.

13 CHAIRMAN NICHOLS: Yes. So you
14 need to kind of push the microphone over to
15 him. Really, the coffee and all of that can
16 be removed from the table. Thank you. So we
17 don't mess up anybody's records. Okay. So
18 what is your next?

19 MS. LINDENBAUM: Next we have
20 Robert Shriver and depending on how you'd like
21 to do this we can put Mr. Putta under oath to
22 -- but I can explain what we'd like to show

1 you.

2 CHAIRMAN NICHOLS: Um-hmm.

3 Explain what--

4 MS. LINDENBAUM: So Robert
5 Shriver who's not on the petition spreadsheet
6 and Mr. Shriver was marked as inactive but he
7 has submitted a sworn affidavit that states
8 that he did vote in November 2012 and voted
9 absentee ballot in 2008 and has produced a
10 copy of his driver's license and his voter
11 registration card. So I have five copies of
12 this and that is the old one so we have this
13 one affidavit to go with that.

14 CHAIRMAN NICHOLS: Okay. Sure.

15 MS. HICKS: I have--

16 MR. HART: Chair Nichols, we have
17 a clarifying question on this.

18 CHAIRMAN NICHOLS: Yes?

19 MS. HICKS: This is being
20 submitted late so that that wasn't part of
21 the--

22 CHAIRMAN NICHOLS: Yes, you had

1 to come in during the 10-day period.

2 MS. LINDENBAUM: Right. And we
3 did so we came in within that registration
4 card, yes. But on that note the challenges
5 the 21 challenges that we got in at about
6 10:30 last night, that was not submitted on
7 Thursday nor was it even submitted you know in
8 a timely manner on Tuesday.

9 MS. HICKS: Those were submitted
10 before close of business yesterday.

11 BOARD MEMBER DANZANSKY: The 21
12 signatures were submitted earlier in the day.

13 MS. LINDENBAUM: When we had all
14 agreed that it would be submitted by 4:45 on
15 Thursday so we do not believe that the 21 that
16 they submitted should be considered.

17 MR. HART: Excuse me. We can pull
18 up the time stamp but they were submitted I
19 believe at 12:30.

20 MS. LINDENBAUM: On Thursday?

21 MR. HART: On Wednesday. At the
22 Registrar's request.

1 CHAIRMAN NICHOLS: Wait. Wait.
2 Let's get to this gentlemen first before we
3 proceed to the other issue. Mr. Newsome,
4 what is the status of Mr. Shriver?

5 MR. NEWSOME: Mr. Shriver is
6 currently on our voter roll as inactive. He
7 was made inactive in 2013, I'm not sure of the
8 exact date but I have it written on there.

9 CHAIRMAN NICHOLS: 10/31?

10 MR. NEWSOME: 10/31/13. He was
11 made inactive on the voter roll. Some mail
12 was returned back as undeliverable to his
13 address.

14 CHAIRMAN NICHOLS: Is it the same
15 address?

16 MR. NEWSOME: It's the same
17 address. So when that happens he goes into an
18 inactive status until he updates that with us.

19 CHAIRMAN NICHOLS: He did not
20 vote after--

21 MR. NEWSOME: The date on the
22 letter here says in 2012 and 2008 but he was

1 made inactive after that. The mail went out
2 in 2013.

3 CHAIRMAN NICHOLS: No, that's not
4 what I'm asking. Did he vote absentee in
5 2012?

6 MR. NEWSOME: Yes.

7 CHAIRMAN NICHOLS: He voted
8 absentee?

9 MR. NEWSOME: I think he voted
10 absentee in 2008 and he voted at the polls in
11 2012.

12 CHAIRMAN NICHOLS: So why is he
13 in a--

14 MR. NEWSOME: Because in 2013 we
15 did a mailing and the mailing that we sent to
16 his residence was returned back to our office
17 deemed undeliverable by the post office.

18 CHAIRMAN NICHOLS: That would
19 really put him in a -- Okay. We'll take this
20 matter under advisement and render a decision
21 on him separately.

22 MR. PUTTA: --a a personal friend

1 of mine is very shocked and disappointed to
2 hear about this.

3 CHAIRMAN NICHOLS: All right.
4 Now let's go back to the discussion that was
5 going on while we were trying to read this and
6 catch up.

7 MS. LINDENBAUM: Prior to that,
8 while we're on the note of inactive we also do
9 challenge any of the decisions that were made
10 because the voter was inactive for this very
11 reason. That because the mailing went out they
12 may have erroneously been counted inactive and
13 the voters have had no time to cure that.

14 CHAIRMAN NICHOLS: Okay. Mr.
15 Hart, do you and your counsel have anything to
16 say about this particular Mr. Shriver.

17 MS. HICKS: Are voters made aware
18 of the fact that if mail is returned to the
19 Board of Elections they will be deemed
20 inactive and need to re-register?

21 CHAIRMAN NICHOLS: There is a
22 process that does apply to inactive that does

1 occur where we send voters correspondence and
2 it comes back. But there is a procedure that
3 should be followed so we will check into that.

4 It appears to me that if Mr.
5 Shriver voted -- regardless of how he voted --
6 in 2008 and 2012, the fact that a mailing went
7 out and it was returned should not in and of
8 itself result in a decision to render him
9 inactive.

10 So this is probably an anomaly but
11 we'll check into that and see.

12 MS. HICKS: And we're happy to go
13 through the list of those that were marked
14 inactive--

15 CHAIRMAN NICHOLS: We can do
16 that. We'll go back through. We know who
17 they were.

18 MS. HICKS: You guys get a lot of
19 challenges and I don't want to--

20 CHAIRMAN NICHOLS: Yes, but that
21 is something that we'll go back and look at
22 and make sure that we've made the proper

1 decisions in those cases in terms of the
2 rendering of the voter inactive and also not
3 crediting any candidate who happened to get
4 their signatures who's challenged as a valid
5 challenge. Did that make sense? Okay. So
6 let's move on to the next--

7 MS. LINDENBAUM: Sure. We
8 received yesterday, I guess it was maybe
9 around 4:30, this spreadsheet from the
10 challenger on the detailed 21 signatures that
11 the Registrar had marked okay but that they
12 believe are valid challenges. And then at
13 some time around--

14 BOARD MEMBER DANZANSKY: Let me--

15 CHAIRMAN NICHOLS: Hold on a
16 second.

17 CHAIRMAN NICHOLS: These are
18 signatures that--

19 BOARD MEMBER DANZANSKY: Let me
20 just--

21 CHAIRMAN NICHOLS: Hold on a
22 second.

1 BOARD MEMBER DANZANSKY: These
2 are signatures that--

3 CHAIRMAN NICHOLS: Mr. Hart that
4 you all are continuing to--

5 BOARD MEMBER DANZANSKY: And this
6 is a subsequent challenge to that validation.
7 Is that correct?

8 MS. LINDENBAUM: Yes, that the
9 challenger has made.

10 BOARD MEMBER DANZANSKY: Okay.
11 Thank you. I just wanted to be sure.

12 CHAIRMAN NICHOLS: Okay. We'll
13 let Mr. Hart's--

14 BOARD MEMBER DANZANSKY: You said
15 this was a subsequent challenge? This was not
16 the original challenge?

17 CHAIRMAN NICHOLS: This is new?

18 MS. LINDENBAUM: We reserve the
19 right to make--

20 CHAIRMAN NICHOLS: No, you don't
21 reserve the right to challenge any further
22 after the pre-hearing. Is this new? Did this

1 come in? Wait. Wait. Wait. Let me ask the
2 question. Hold on. Just want to be clear.
3 Did this come in after the issues were set in
4 the pre-hearing conference?

5 MR. HART: No.

6 CHAIRMAN NICHOLS: When did it
7 come in?

8 MR. HART: So we originally
9 challenged these 21 and then the Board went
10 and issued its preliminary determination, or
11 excuse me the Registrar found that these were
12 okay signatures and credited them to Mr.
13 Putta.

14 We reserved the right at the pre-
15 hearing conference to review these 21
16 signatures and respond back. And that's what
17 we did. And then the Board went back and
18 found that six of these were valid. So we're
19 talking about six signatures.

20 CHAIRMAN NICHOLS: Okay.

21 MR. HART: Six of the 21 were
22 valid.

1 CHAIRMAN NICHOLS: And you're
2 continuing?

3 MR. HART: We're continuing to
4 say were valid challenges, as we originally
5 stated. And we have a separate spreadsheet
6 that we submitted. It was titled "Revised
7 Spreadsheet." Do you have a copy of that, Mr.
8 Newsome?

9 MR. NEWSOME: I have a copy of
10 that.

11 MR. HART: Okay.

12 CHAIRMAN NICHOLS: You have a
13 copy of that?

14 MR. NEWSOME: I have a copy of
15 that. When they submitted it I just made--

16 CHAIRMAN NICHOLS: Is this the
17 same?

18 MR. NEWSOME: Yes. This is what
19 they submitted, they challenged BLE code at
20 the top. That's what the original preliminary
21 count was that we gave it to Mr. Putta. They
22 had their reasons for reviewing the challenge

1 decision and the last updated review that's
2 when we went back and we checked it and we
3 decided that it was still going to be a valid
4 challenge from Mr. Putta who needed to
5 overturn it and make it a valid challenge.

6 MR. HART: And also to be clear
7 we checked with the Board of Elections staff
8 and said that we weren't sure that these were
9 valid challenges but because of changes of
10 address and changes of inactive voters we just
11 asked them to double check that these 21 were
12 right. But we weren't positive that they were
13 correct.

14 And then they went back and found
15 that six of them in fact were valid
16 challenges.

17 CHAIRMAN NICHOLS: So which six
18 are they? Can you note them on this
19 spreadsheet?

20 MR. HART: Yes. I have them in
21 the letter that I provided to you.

22 CHAIRMAN NICHOLS: Okay. Well

1 then we'll look at that. We'll look at that
2 in conjunction with the letter you provided.

3 BOARD MEMBER DANZANSKY: So for
4 those that were valid you're reinstating your
5 original objection?

6 CHAIRMAN NICHOLS: Objection.
7 Right. All right.

8 MS. HICKS: And this is reinstating
9 their original challenge. During a pre-
10 hearing we were told, and we all agreed, that
11 any challenges to the Registrar's initial
12 decision would be filed before 4:45 on
13 Thursday, August 28th which is exactly what we
14 did.

15 We had all of the information. We
16 had all the Registrar's findings and that's
17 when we submitted our spreadsheet that had the
18 162 signatures that we challenged based on the
19 Registrar's findings. So we would argue that
20 this is most definitely untimely as we never
21 had any chance to review it since it came--

22 BOARD MEMBER DANZANSKY: And the

1 Registrar agreed to that?

2 MS. HICKS: Yes. Yes. We said
3 that we would like the opportunity to review
4 and we were told okay, please submit on a
5 spreadsheet by 4:45, which is close of
6 business, on August 28th so that we can review
7 those prior to a hearing. And as I said we do
8 not believe that any of these 21 should be
9 considered or included in that list.

10 CHAIRMAN NICHOLS: Is that
11 correct, Registrar?

12 MR. NEWSOME: I can't speak to
13 that. I wasn't--

14 CHAIRMAN NICHOLS: Okay. We'll
15 take that under consideration when we
16 deliberate on this matter.

17 MS. HICKS: We don't have a
18 timeliness issue with what they challenged
19 based on the spreadsheet we sent in fully
20 understanding that they had time to provide
21 it. But just like they had time to provide
22 our spreadsheet, we haven't had the time to

1 rebut theirs and that was the whole purpose of
2 that 4:45 on Thursday, August 28th deadline.

3 CHAIRMAN NICHOLS: And this came
4 in when?

5 MS. HICKS: The spreadsheet
6 itself came in about 4:30 and then the memo
7 accompanying it came in at like 10:30.

8 CHAIRMAN NICHOLS: And when did
9 this come in?

10 MS. LINDENBAUM: About 3:59 p.m.
11 yesterday.

12 CHAIRMAN NICHOLS: Okay. And
13 when was the deadline to submit any of this?

14 MS. LINDENBAUM: 4:45 on the
15 28th.

16 CHAIRMAN NICHOLS: 4:45 on the
17 28th. Okay. All right.

18 MR. HART: I would just mention
19 that we did come down in person to talk to the
20 Board, the Board staff, and to clarify this
21 issue.

22 CHAIRMAN NICHOLS: Who did you

1 talk to?

2 MR. HART: Mr. Newsome and
3 actually Brenda as well.

4 CHAIRMAN NICHOLS: Brenda who?

5 MR. HART: Okay. We spoke to Mr.
6 Newsome and I think it was less that we were
7 challenging again rather than this was just
8 brought to their attention and they asked for
9 the information to check. So it's a different
10 posture--

11 CHAIRMAN NICHOLS: You weren't
12 challenging?

13 MR. HART: No. We were just
14 providing the information.

15 CHAIRMAN NICHOLS: And so did
16 this result in any change in the count?

17 MR. NEWSOME: Yes.

18 CHAIRMAN NICHOLS: But this was
19 not a formal challenge?

20 MR. NEWSOME: We were going to
21 have them to submit and we'd review it and
22 then we would have -- I spoke with the general

1 counsel at the time.

2 BOARD MEMBER DANZANSKY: How did
3 it change the count?

4 MR. NEWSOME: It took six away
5 from Mr. Putta. Yes, six signatures away from
6 Mr. Putta.

7 CHAIRMAN NICHOLS: But this is
8 coming in after the pre-hearing, after the
9 time to challenge the signatures.

10 MR. HART: The Board was still
11 reviewing their challenges that they had
12 submitted from the 28th.

13 CHAIRMAN NICHOLS: This is new.
14 This is new?

15 MR. HART: We originally had
16 challenged that.

17 CHAIRMAN NICHOLS: We'll consider
18 this. Thank you so much.

19 MR. HART: Thank you.

20 CHAIRMAN NICHOLS: All right.
21 Are there any more--

22 MS. LINDENBAUM: Well, in the

1 period after the pre-hearing and before this
2 hearing, the Registrar has amended their
3 findings to find that the date out of orders
4 that were originally at issue to validate many
5 of those that were invalid.

6 CHAIRMAN NICHOLS: To invalidate?
7 To invalidate many of those because of the out
8 of order date they invalidate?

9 MS. LINDENBAUM: Yes. Originally
10 they were valid challenges so they then come
11 to Mr. Putta and then based on I guess what we
12 submitted and then based on the memo that
13 accompanied that we were credited with many of
14 those signatures.

15 And I don't want to waste the
16 Board's time if that is going to be a done
17 deal and if they're not challenging those.
18 But if they are challenging date out of
19 orders, in case this goes further up the
20 ladder, I want to make sure that we're
21 preserving that and we have witnesses here
22 that are willing to testify they are the ones

1 who circulated the petitions in questions and
2 can speak to why the dates were out of order.
3 So again I don't want to--

4 CHAIRMAN NICHOLS: Who do you
5 have here for that issue?

6 MS. LINDENBAUM: We have Maria
7 Aragon.

8 CHAIRMAN NICHOLS: All right. Can
9 you come forward and identify yourself for the
10 record. Do you have a copy of her petition?

11 MS. LINDEMBAUM: Yes, I do. There
12 are two sheets in question for her here so
13 here are--

14 CHAIRMAN NICHOLS: What do we do
15 in terms of the date out of order issue? What
16 was the decision?

17 MS. LINDENBAUM: At the pre-
18 hearing it was decided that those were not
19 going to count for Mr. Putta.

20 CHAIRMAN NICHOLS: But it was
21 reversed?

22 MS. LINDENBAUM: Exactly.

1 CHAIRMAN NICHOLS: But you can go
2 on and explain for the record but really that
3 doesn't have any bearing -- the order of the
4 date really has no bearing on the validity of
5 the signatures and when they were collected.
6 I mean a sheet can be-- but you can go on.
7 You've come this far you should be a part of
8 the--

9 MS. LINDENBAUM: Let me grab a
10 couple of these. Here are three more copies,
11 I'm sorry I don't have more. And we're
12 looking at sheet 208, just sheet 208 in
13 general. Do you need to swear her in?

14 MR. NEWSOME: Yes, would you
15 raise your right hand. Do you swear or affirm
16 that the testimony that you will give will be
17 the truth? Please say I do.

18 THE WITNESS: Yes, I do.

19 CHAIRMAN NICHOLS: Go right
20 ahead.

21 MS. LINDENBAUM: Ms. Aragon, can
22 you state your name and address for the

1 record?

2 THE WITNESS: Sure. Maria
3 Fernando Aragon and I live at 1701 16th
4 Street, N.W., Apartment 52, Washington, D.C.
5 2000 (sic).

6 MS. LINDENBAUM: And Ms. Aragon,
7 are you married?

8 THE WITNESS: Yes.

9 MS. LINDENBAUM: And your
10 husband's name?

11 THE WITNESS: He is Horace
12 [inaudible].

13 MS. LINDENBAUM: And is he
14 involved in Mr. Putta's campaign?

15 THE WITNESS: Yes, as a volunteer
16 because we live in the same building.

17 CHAIRMAN NICHOLS: Hold on. Let
18 me just go on and proceed. Ms. Aragon, can
19 you explain why the dates are out of order?
20 That's all we wanted to--

21 THE WITNESS: Yes. I am a
22 teacher and I have to apologize but the day I

1 was organizing the petitions and instead of
2 doing it the correct way I started like this
3 and when I realized it was halfway down so I
4 said okay. I didn't want to ask people when
5 they were signing that I made my mistake so I
6 just finished the day. And the following day
7 I did it like that. But I have like ten
8 petitions and one accidentally was botched.

9 CHAIRMAN NICHOLS: That's the
10 word.

11 THE WITNESS: Yes. That was it.

12 MS. LINDENBAUM: And this was the
13 same on petition 212? I'm sorry, the reason
14 I was asking her if she was married is because
15 her husband circulated a number of petitions
16 but unfortunately he's in the hospital today
17 and has been for the last few days so we were
18 going to try to get there, that's why he
19 couldn't testify.

20 CHAIRMAN NICHOLS: All right.
21 Thank you so much, Ms. Aragon, for coming
22 down. We appreciate your satisfying that

1 issue. Any more?

2 (WITNESS EXCUSED)

3 Well, we don't need any more
4 because date out of order really has no
5 bearing on the legitimacy of the petition. I
6 mean there could be a number of reasons why a
7 date is out of order.

8 Do you have something to say with
9 regard to that?

10 MR. HART: Yes, we would just
11 like to preserve our right to the date out of
12 order issue in case this is elevated to--

13 CHAIRMAN NICHOLS: That's fine.
14 Whatever you want then that's fine.

15 MR. HART: And we also describe
16 in the letter that some of those signatures
17 were challenged on other grounds other than
18 date out of order.

19 CHAIRMAN NICHOLS: Absolutely.
20 Anything else?

21 MS. LINDENBAUM: So in what we've
22 submitted we do have more details on specific

1 signatures that you know we underlined when we
2 first began but we want to be as helpful as
3 possible for you in making these
4 determinations. I meant to point out there's
5 many minor errors.

6 For example, there is someone
7 named Eric Lomax who on the voter registration
8 roll is Erie Lomax, same address. Most
9 definitely the same person. And because there
10 was that discrepancy we initially challenged
11 that to the Board and then the Registrar in
12 her amended filing still found that he isn't
13 registered and it's a wrong name. So we
14 believe those are errors--

15 CHAIRMAN NICHOLS: Are they in
16 the spreadsheet?

17 MS. LINDENBAUM: They are in the
18 spreadsheet. So would you like us to submit
19 another that goes line by line on why we think
20 that these second determinations are wrong?
21 We'd be happy to do so.

22 CHAIRMAN NICHOLS: No, what you

1 need is 66 signatures.

2 MS. LINDENBAUM: Yes, right. And
3 we believe when you add all of these things
4 together that we will come to 66. So to
5 recap--

6 CHAIRMAN NICHOLS: We'll go back
7 to the evidence you've submitted and
8 reevaluate the evidence that we have, the
9 Board records and the law, and come to a
10 determination. But I want to go to Mr. Hart.
11 Yes sir, Mr. Putta?

12 MR. PUTTA: I would say just two
13 things. I wanted to reiterate your colleague
14 had mentioned that the deadline was last
15 Thursday at 4:45. We offered it and then they
16 [inaudible] but secondly I want to just say
17 that we could have scrutinized our petitions
18 better and I wish we had and then I wouldn't
19 be here to burden the Board with this.

20 But we worked very hard and I hope
21 that we'll able to keep these on the ballot.
22 Thank you.

1 CHAIRMAN NICHOLS: Thank you.

2 Mr. Hart. Your representative?

3 MS. HICKS: Thank you. We would
4 just like to raise one more issue of three
5 sheets that are potentially fraudulent by
6 circulator Abu Talil Fayed. It seems that
7 every single circulator on each of those
8 sheets is not registered, not found in the
9 voter roll, and appear to be in the same hand.
10 So regardless those are--

11 CHAIRMAN NICHOLS: Were they
12 determined to be valid?

13 MR. HART: They were already
14 valid challenges because all of the voters on
15 those sheets were not registered.

16 CHAIRMAN NICHOLS: Okay. So what
17 is the point?

18 MR. HART: We're just raising the
19 issue of fraud here. I think it's--

20 CHAIRMAN NICHOLS: But how is
21 that going to--

22 MR. HART: According to the law,

1 the Board has the ability sua sponte to
2 investigate issues of fraud that go to the
3 heart of the election process and we think
4 that this issue goes to the heart of the
5 election process.

6 BOARD MEMBER DANZANSKY: Are
7 you asking us to investigate fraud?

8 MR. HART: Yes, we are.

9 BOARD MEMBER DANZANSKY: On what
10 evidence?

11 CHAIRMAN NICHOLS: Yes, on what
12 evidence do you have?

13 MR. HART: The evidence that we
14 have is basically a prime facie review of the
15 sheets so for one thing the entire sheets were
16 not registered voters, which is a very rare
17 thing.

18 On top of that, all the names and
19 addresses on the sheet were in the same
20 handwriting and all the signatures are in the
21 same writing. And in a previous case--

22 CHAIRMAN NICHOLS: Are you a

1 handwriting expert?

2 MR. HART: No, but in a previous
3 case, I would just say Dorothy Brazill vs.
4 Anthony Williams in which the same issue came
5 up with the Bishop family and they were
6 alleged to have signed sheets in the same
7 handwriting. The Board took that under
8 advisement, investigated it and found in fact
9 that those sheets were fraudulent and invalid.
10 So I'm just raising the issue.

11 CHAIRMAN NICHOLS: We'll take
12 them under advisement and certainly make the
13 appropriate referral if need be.

14 But our point here today is to
15 determine whether or not to grant ballot
16 access to Mr. Putta. And we will look at that
17 issue because it is indeed a very important
18 issue. But do you have anything else that
19 would go to the heart of ballot access for Mr.
20 Putta?

21 MR. HART: No.

22 MS. HICKS: We thank you very

1 much for your time and we do stand by the
2 Board's determination.

3 CHAIRMAN NICHOLS: Thank you so
4 much. Are there any questions? All right.
5 We will take all the evidence that has been
6 submitted to us today and evaluate it in its
7 proper light and issue an order as soon as we
8 can. Thank you so much for coming this
9 morning.

10 MS. HICKS: Thank you.

11 MR. HART: Thank you.

12 (END OF KISHAN PUTTA PETITION)

13 CHAIRMAN NICHOLS: All right.
14 We'll move to -- is Dickens, Maurice Dickens
15 here?

16 MR. NEWSOME: Anthony Muhammad
17 vs. Maurice Dickens. Mrs. Maurice Dickens
18 just called and said that he would not be
19 coming in.

20 CHAIRMAN NICHOLS: He just
21 stepped out.

22 MR. NEWSOME: I guess he's going

1 to be here then.

2 CHAIRMAN NICHOLS: Okay. So he's
3 here. Where is he? Okay. Mr. Dickens, have
4 a seat.

5 MR. DICKENS: Thank you.

6 CHAIRMAN NICHOLS: Are you all
7 right?

8 MR. DICKENS: Oh yes, just
9 checking my sugar levels.

10 CHAIRMAN NICHOLS: Oh okay. I
11 thought you'd cut yourself or something. All
12 right. We're here now to hear the challenge to
13 the nominating petition of Maurice T. Dickens,
14 candidate for Advisory Neighborhood
15 Commissioner single member district 8EO2. The
16 time is 11:44 a.m. and it's September 3, 2014.
17 Will the parties and staff identify themselves
18 for the record.

19 MR. MUHAMMAD: Anthony Muhammad,
20 Commissioner ADO2.

21 MR. DICKENS: Maurice Dickens,
22 candidate for Advisory Neighborhood Commission

1 8EO2.

2 CHAIRMAN NICHOLS: Okay.

3 MR. NEWSOME: Kevin Newsome,
4 Voter Services Assistant representing Ms.
5 Karen Brooks.

6 MS. BROWN: Brittany Brown, legal
7 intern D.C. Board of Elections.

8 CHAIRMAN NICHOLS: Thank you. All
9 right. Mr. Newsome, could you read into the
10 record the Registrar's report.

11 MR. NEWSOME: Yes, ma'am. On
12 July 28, 2014, Maurice T. Dickens submitted a
13 nominating petition to appear on the ballot as
14 a candidate in the November 4, 2014 general
15 election for the Office of Advisory
16 Neighborhood Commissioner single member
17 district 8EO2.

18 That petition was posted for
19 public inspection for ten days as required by
20 law and challenged on August 18, 2014 by
21 Anthony Muhammad, a registered voter in the
22 District of Columbia.

1 Her preliminary review of the
2 petition challenge indicates that Mr. Dickens
3 submitted a total of 56 signatures. The
4 minimum required for this office is 25
5 signatures of District voters who are duly
6 registered in the same SMD as the candidate.

7 Challenger Anthony Muhammad filed
8 challenges to a total of 40 signatures,
9 enumerated by line and page number on
10 individual challenge sheets filed for each
11 petition page. Petition signatures were
12 challenged pursuant to Title III DCMR Section
13 1607.1 of the Board's regulations on the
14 following grounds:

15 The signer's voter registration
16 was designated as inactive on the voter roll
17 at the time the petition was signed. The
18 signer is not a duly registered voter. The
19 signer, according to the Board's records, is
20 not registered to vote at the address listed
21 on the petition at the time the petition was
22 signed, provided an address on the petition

1 which is different than the address which it
2 appears on the Board's record shall be deemed
3 valid if the signer's current address is
4 within the boundaries from which the candidate
5 seeks nomination and the signer files a change
6 of address form with the Board during the
7 first ten days following the date on which the
8 challenge to the nominating petition is filed,
9 the petition does not include the name of the
10 signer where the signature is not sufficiently
11 legible for identification, the signature is
12 not made by the person whose signature it
13 purports to be and the signer is not a
14 registered voter in the ward or single member
15 district from which the candidate seeks
16 nominating petition at the time the petition
17 was signed.

18 Her review of the challenge
19 indicates that 29 of the 40 challenges are
20 valid. This leaves the candidate's nominating
21 petitions with 27 signatures, two signatures
22 over the number required for ballot access.

1 CHAIRMAN NICHOLS: All right.

2 The challenger, Mr. Muhammad, you appealed
3 this process and we'd like to hear your case.

4 MR. MUHAMMAD: Some of the
5 signatures that were validated and the address
6 were incorrect. He was asked to bring in ten
7 change of addresses, which was not done, and
8 also I challenged some of the signatures that
9 also were validated by the Board, by the
10 Registrar.

11 CHAIRMAN NICHOLS: Eight
12 signatures during the pre-hearing were taken
13 issue with and they are Ladonda Tion,
14 Celestine Hardy, Michelle Elliott, Janelle
15 Patterson, Lisa Jones, Ann Corker, Karen
16 Williams, Leon Hamilton. You had issues with-
17 -

18 MR. MUHAMMAD: The signatures
19 didn't match what was on the signature of the
20 voter registration.

21 CHAIRMAN NICHOLS: Okay.

22 BOARD MEMBER DANZANSKY: Did not

1 match?

2 MR. MUHAMMAD: Did not match.

3 CHAIRMAN NICHOLS: All right.

4 Did you have any change of addresses that you
5 submitted?

6 MR. MUHAMMAD: No, I don't.

7 CHAIRMAN NICHOLS: Okay. We will
8 take this case under advisement, render a
9 decision and issue an order. We'll look at
10 these signatures, the signatures of the
11 individuals that you have raised issues with
12 and make a judgment. Thank you, Mr. Muhammad.

13 MR. MUHAMMAD: Thank you.

14 BOARD MEMBER DANZANSKY: So
15 that's it? These eight?

16 CHAIRMAN NICHOLS: Yes, that's
17 the only issue that's preserved for--

18 BOARD MEMBER DANZANSKY: These
19 are the eight signatures that you want us to
20 take a look at?

21 CHAIRMAN NICHOLS: What about the
22 ten signatures with an address that is

1 different?

2 MR. MUHAMMAD: And the ten
3 addresses that were--

4 CHAIRMAN NICHOLS: Okay. And do
5 we know what they are?

6 MR. NEWSOME: They were listed on
7 these sheets. They were valid challenges and
8 Mr. Dickens didn't bring any address changes
9 by the deadline. Those are not included in
10 the 27.

11 CHAIRMAN NICHOLS: All right. So
12 those are pretty much-- But what remains is
13 the signatures?

14 MR. MUHAMMAD: Correct.

15 CHAIRMAN NICHOLS: Okay. We'll
16 take those under review. Anything else that
17 was raised in this pre-hearing?

18 MR. MUHAMMAD: That was it.

19 CHAIRMAN NICHOLS: That was it?
20 Thank you, Mr. Muhammad.

21 MR. MUHAMMAD: Thank you.

22 CHAIRMAN NICHOLS: All right.

1 (END OF MAURICE DICKENS PETITION)

2 CHAIRMAN NICHOLS: Okay. We will
3 now call the parties to the table for the
4 challenge to the nominating petition of Marvin
5 Lee, candidate for Advisory Neighborhood
6 Commission single member district 8EO-1. Mr.
7 Lee is not present nor is the challenger.

8 MR. MCGHIE: Joseph Johnson.
9 Okay. Can anybody for the record indicate
10 what notice they were given?

11 MR. NEWSOME: Kevin Newsome,
12 Voter Services Assistant representing the
13 Registrar of Voters. Both Mr. Lee and Mr.
14 Johnson were notified by email and a phone
15 call was given to Mr. Johnson.

16 MR. MCGHIE: Okay. Then I
17 recommend that the Board will just proceed ex
18 parte with this matter.

19 CHAIRMAN NICHOLS: Do we need a
20 motion to do that?

21 MR. MCGHIE: Yes, a motion that
22 the Board proceed ex parte pursuant to its

1 regulations on the matter of Joseph Johnson
2 vs. Marvin Lee.

3 CHAIRMAN NICHOLS: I'll entertain
4 a motion to that effect.

5 BOARD MEMBER DANZANSKY: One
6 question before we get to that motion.

7 CHAIRMAN NICHOLS: Yes.

8 BOARD MEMBER DANZANSKY: Had that
9 proven to be a valid email address, had we
10 corresponded with him before?

11 CHAIRMAN NICHOLS: Yes.

12 BOARD MEMBER DANZANSKY: We have?
13 Okay. And that was a working email address?

14 CHAIRMAN NICHOLS: Yes, it was.

15 BOARD MEMBER DANZANSKY: Thank
16 you. I so move with a motion that we proceed
17 ex parte.

18 CHAIRMAN NICHOLS: All right.
19 All in favor? All opposed? Motion carries.

20 We will now hear the challenge to
21 the nominating petition of--

22 MR. MCGHIE: Marvin Lee.

1 CHAIRMAN NICHOLS: Okay. For
2 Marvin Lee can you read the Registrar's
3 report?

4 MR. NEWSOME: No problem. On
5 July 28, 2014, Marvin S. Lee submitted a
6 nominating petition to appear on the ballot as
7 a candidate in the November 4, 2014 general
8 election for the Office of Advisory
9 Neighborhood Commissioner single member
10 district 8E01.

11 That petition was posted for
12 public inspection for ten days as required by
13 law and challenged on August 18, 2014 by
14 Joseph Johnson, a registered voter in the
15 District of Columbia.

16 A preliminary review of the
17 petition challenge indicates that Mr. Lee
18 submitted a total of 54 signatures. The
19 minimum required for this office is 25
20 signatures of the District voters who are duly
21 registered in the same SMD as the candidate.

22 Challenger Joseph Johnson filed

1 challenges to a total of 46 signatures
2 enumerated by line and page number of
3 individual challenge sheets filed for each
4 petition page.

5 Petition signatures were
6 challenged pursuant to Title III DCMR Section
7 1607.1 of the Board's regulations on the
8 following grounds:

9 The signature is not made by the
10 person whose signature it purports to be and
11 the signer is not a registered voter in the
12 ward or single member district from which the
13 candidate seeks nomination at the time the
14 petition was signed.

15 A review of the challenges
16 indicate a total of 24 of the 64 challenges
17 are valid. This leaves the candidate's
18 nominating petitions with 30 signatures, five
19 signatures over the number required for ballot
20 access.

21 MR. MCGHIE: I believe at this
22 time we need a motion to accept the Registrar

1 of Voters report granting Mr. Marvin Lee
2 ballot access.

3 CHAIRMAN NICHOLS: Yes. I move
4 that we accept the Registrar's report in this
5 ex parte hearing with a recommendation that we
6 grant Mr. Lee access to the ballot.

7 CHAIRMAN NICHOLS: All in favor
8 say aye, all opposed--

9 [VOTE TAKEN]

10 The motion carries.

11 (END OF MARVIN LEE PETITION)

12 CHAIRMAN NICHOLS: Good morning,
13 how are you this morning? Ms. Carpenter?

14 MS. CARPENTER: Ms. Carpenter.

15 CHAIRMAN NICHOLS: I'm sorry,
16 we've changed your name. Okay. Is the
17 challenger--

18 MS. CARPENTER: He just sent an
19 email saying that he was sick.

20 CHAIRMAN NICHOLS: All right.
21 Well we will proceed. It is 12:01 p.m. It
22 is Wednesday, September 3, 2014, a

1 continuation of the Special Board Meeting to
2 hear nominating petitions challenges. We will
3 now hear the challenge to the nominating
4 petition of Allyson Carpenter, candidate for
5 Advisory Neighborhood Commissioner single
6 member district 1B10.

7 Will the parties at the table
8 please identify themselves for the record and
9 we'll start with you, Ms. Carpenter.

10 MS. CARPENTER: My name is
11 Allyson Carpenter.

12 MR. NEWSOME: Kevin Newsome,
13 Voter Services Assistant representing Ms.
14 Karen Brooks.

15 MS. BROWN: Brittany Brown, legal
16 intern.

17 CHAIRMAN NICHOLS: All right.
18 And Mr. Newsome, would you read the
19 Registrar's report into the record please.

20 MR. NEWSOME: On August 6, 2014,
21 Allyson Ann Carpenter submitted a nominating
22 petition to appear on the ballot as a

1 candidate in the November 4, 2014 general
2 election for the Office of Advisory
3 Neighborhood Commissioner single member
4 district 1B10.

5 That petition was posted for
6 public inspection for ten days as required by
7 law and challenged on August 18 by Paul
8 Glicksman a registered voter in the District
9 of Columbia.

10 A preliminary review of the
11 petition challenge indicates that Ms.
12 Carpenter submitted a total of 25 signatures.
13 The minimum required for this office is 25
14 signatures of District voters who are duly
15 registered in the same SMD as the candidate.

16 Challenger Paul Glicksman filed a
17 challenge to a total of seven signatures,
18 enumerated by line and page number on
19 individual challenge sheets filed for each
20 petition page.

21 Petition signatures were
22 challenged pursuant to Title III DCMR Section

1 1607.1 of the Board's regulations on the
2 following grounds:

3 The signer according to the
4 Board's records, is not registered to vote at
5 the address listed on the petition at the time
6 the petition was signed, provided an address
7 on the petition which is different than the
8 address which appears on the Board's record
9 shall be deemed valid if the signer's current
10 address is within the boundary from which the
11 candidate seeks nomination and the signer
12 files a change of address form with the Board
13 during the first ten days following the date
14 on which the challenge to the nominating
15 petition is filed.

16 The signature is not dated. The
17 petition does not include the name of the
18 signer where the signature is not sufficiently
19 legible for identification, the signer is not
20 a registered voter in the ward or single member
21 district from which the candidate seeks
22 nomination at the time the petition was

1 signed.

2 A review of the challenge
3 indicates that a total of two of the seven
4 challenges are valid. That leaves the
5 candidate's nominating petitions with 23
6 signatures, two signatures below the number
7 required for ballot access.

8 CHAIRMAN NICHOLS: All right.
9 Ms. Carpenter, do you have any change of
10 address or any other evidence that would help
11 you get two of those signatures that you need?

12 MS. CARPENTER: Yes ma'am. When
13 I spoke with Ms. Brooks she assured me that
14 there was only one signature that there was a
15 problem with, and that was Ms. Morgan Owens.
16 I wasn't notified of two.

17 MR. NEWSOME: She has a note here
18 in her records that she stated that page 1,
19 line 15 which was initially determined to be
20 invalid and she gave credit back to the
21 candidate so that--

22 CHAIRMAN NICHOLS: She's short

1 one.

2 MR. NEWSOME: She's short one.

3 CHAIRMAN NICHOLS: Okay.

4 MS. CARPENTER: Well, if that is
5 the case I do have testimony from Ms. Morgan
6 Owens who is the signature that is contested
7 about the date of the signature. I'm not sure
8 if this is--

9 CHAIRMAN NICHOLS: Is it a sworn
10 or notarized statement?

11 MS. CARPENTER: It's not
12 notarized. However, Morgan Owens she signed
13 it. She signed it.

14 CHAIRMAN NICHOLS: Oh, it's not
15 legal.

16 MS. CARPENTER: That was the
17 issue, that's right.

18 CHAIRMAN NICHOLS: Okay. All
19 right. We will take this under continuation.
20 You don't have change of address--

21 MS. CARPENTER: I don't believe
22 that was necessary.

1 MR. NEWSOME: No.

2 CHAIRMAN NICHOLS: Okay. You
3 came in right at the line. Okay.

4 MR. NEWSOME: Yes, next time, I
5 don't even have to tell you. You need 25
6 signatures and you submit 25 signatures so I
7 don't need to say anything else.

8 MS. CARPENTER: I understand.
9 When I learned that the petitions were being
10 released I was actually in China for a three-
11 week trip so when I got back I literally had
12 a very small window and I completely -- I
13 apologize for not recognizing the error.

14 CHAIRMAN NICHOLS: All right. We
15 will take this matter under submission and
16 render an order with a decision as soon as
17 possible. Thank you, Ms. Carpenter for coming
18 down.

19 MS. CARPENTER: Thank you.

20 (END OF ALLYSON CARPENTER
21 PETITION)

22 CHAIRMAN NICHOLS: All right.

1 This hearing is concluded at 12:06 p.m. on
2 Wednesday, September 3, 2014.

3 We will recess now and reconvene
4 at 12:30 p.m.

5 (WHEREUPON, A RECESS WAS TAKEN
6 FROM 12:06 P.M. UNTIL 12:30 P.M.)

7 CHAIRMAN NICHOLS: All right. It
8 is 12:33 p.m., Wednesday, September 3rd.
9 We're calling back to order the Special Board
10 Meeting of the Board of Elections to hear
11 nominating petition challenges.

12 We now will hear the challenge to
13 the nominating petition of Mark Renneberger,
14 candidate for Advisory Neighborhood
15 Commissioner single member district 1A02.

16 MR. NEWSOME: 1A04.

17 CHAIRMAN NICHOLS: I'm reading
18 what's on the agenda. What is the correct
19 number?

20 MR. NEWSOME: 1A04.

21 CHAIRMAN NICHOLS: 1A04. That is
22 a correction. All right. Will the parties

1 please identify themselves for the record that
2 are at the table starting with the challenger.

3 MR. GOLDSMITH: I'm Matthew
4 Goldsmith, I'm a challenger.

5 CHAIRMAN NICHOLS: Okay. Mr.
6 Goldsmith.

7 MR. NEWSOME: Kevin Newsome,
8 Voter Service Assistant representing Ms. Karen
9 Brooks.

10 MS. BROWN: Brittany Brown,
11 legal intern.

12 CHAIRMAN NICHOLS: All right.
13 Mr. Renneberger is not present but we will
14 proceed with the reading of the Registrar's
15 report on this challenge. Mr. Newsome?

16 MR. NEWSOME: On August 4, 2014,
17 Mark Renneberger submitted a nominating
18 petition to appear on the ballot as a
19 candidate in the November 4, 2014 general
20 election for the Office of Advisory
21 Neighborhood Commissioner single member
22 district 1A04.

1 That petition was posted for
2 public inspection for ten days as required by
3 law and challenged on August 18, 2014 by
4 Matthew Goldsmith, a registered voter in the
5 District of Columbia.

6 A preliminary review of the
7 petition's challenge indicates that Mr.
8 Renneberger submitted a total of 27
9 signatures. The minimum required for this
10 office is 25 signatures of District voters who
11 are duly registered in same SMD as the
12 candidate.

13 Challenger Matthew Goldsmith filed
14 challenges to a total of 7 signatures,
15 enumerated by line and page number on
16 individual challenge sheets filed for each
17 petition page.

18 Petition signatures were
19 challenged pursuant to Title III DCMR Section
20 1607.1 of the Board's regulations on the
21 following grounds:

22 The signer, according to the

1 Board's records, is not registered to vote at
2 the address listed on the petition at the time
3 the petition was signed. Provided that an
4 address on the petition which is different
5 than the address which appears on the Board's
6 records shall be deemed valid if the signer's
7 current address is within the boundary from
8 which the candidate seeks nomination and the
9 signer files a change of address form with the
10 Board during the first ten days following the
11 date on which the challenge to the nominating
12 petition is filed, the signature is not made
13 by the person whose signature it purports to
14 be, the signer is not a registered voter in
15 the ward or single member district from which
16 the candidate seeks nomination at the time the
17 petition was signed.

18 A review of the challenge
19 indicates that a total of four of the seven
20 challenges are valid This leaves the
21 candidate's nominating petition with 23
22 signatures, two signatures below the number

1 required for ballot access.

2 MR. MCGHIE: Okay. And I believe
3 at this time we need a motion to accept the
4 Registrar's determination and to deny the
5 candidate ballot access based on that report.

6 CHAIRMAN NICHOLS: I'll entertain
7 a motion to that effect.

8 BOARD MEMBER DANZANSKY: So moved
9 Madam Chair.

10 CHAIRMAN NICHOLS: All in favor.
11 Aye? All opposed?

12 (VOTE TAKEN)

13 Hearing none, the motion passes.
14 Thank you, Mr. Goldsmith.

15 MR. GOLDSMITH: Thank you and
16 have a great afternoon.

17 (END OF GOLDSMITH PETITION)

18 CHAIRMAN NICHOLS: You do the
19 same. All right. We will take a recess. The
20 time is 12:37 p.m., Wednesday, September 3rd.
21 Okay.

22 (WHEREUPON, A RECESS WAS TAKEN)

1 FROM 12:37 P.M. UNTIL 1:31 P.M.)

2 CHAIRMAN NICHOLS: All right.
3 We're going back into session of the Special
4 Board Meeting to hear nominating petition
5 challenges. It is Wednesday, September 3,
6 2014. The time is 1:33 p.m.

7 Next case is the challenge to the
8 nominating petition of Marjorie D. Thomas-
9 Barnes, candidate for Advisory Neighborhood
10 Commissioner Single Member District 5D05.

11 Will the parties come to the table
12 please. And would you all identify yourselves
13 for the record, starting with you Ms.
14 Henderson.

15 MS. HENDERSON: Yes. Good
16 afternoon. Kathy Henderson, do I need to state
17 my address?

18 CHAIRMAN NICHOLS: No.

19 MR. NEWSOME: Kevin Newsome,
20 Voter Service Assistant representing Mrs.
21 Karen Brooks.

22 MS. BROWN: Brittany Brown, legal

1 intern.

2 CHAIRMAN NICHOLS: And for the
3 record, Ms. Henderson is the challenger. The
4 candidate is not present but we will proceed
5 anyway. All right. Mr. Newsome, would you
6 please read into the record the Registrar
7 Voters report.

8 MR. NEWSOME: On August 6, 2014,
9 Marjorie D. Thomas-Barnes submitted a
10 nominating petition to appear on the ballot as
11 a candidate in the November 4, 2014 general
12 election for the Office of Advisory
13 Neighborhood Commissioner single member
14 district 5D05.

15 That petition was posted for
16 public inspection for ten days as required by
17 law and challenged on August 18, 2014 by Kathy
18 Henderson, a registered voter in the District
19 of Columbia.

20 A preliminary review of the
21 petition's challenge indicates that Ms.
22 Thomas-Barnes submitted a total of 95

1 signatures. The minimum required for this
2 office is 25 signatures of District voters who
3 are duly registered in the same SMD as the
4 candidate.

5 Challenger Kathy Henderson filed
6 challenges to a total of 74 signatures,
7 enumerated by line and page number on
8 individual challenge sheets filed for each
9 petition page.

10 Petition signatures were
11 challenged pursuant to Title III DCMR Section
12 1607.1 of the Board's regulations on the
13 following grounds:

14 The signer's voter registration
15 was designated as inactive on the voter roll
16 at the time the petition was signed. The
17 signer, according to the Board's records, is
18 registered to vote at the address listed on
19 the petition at the time the petition was
20 signed provided that an address on the
21 petition which is different than the address
22 which appears on the Board's records shall be

1 deemed valid if the signer's current address
2 is within boundary from which the candidate
3 seeks nomination and the signer files a change
4 of address form with the Board during the
5 first ten days following the date on which the
6 challenge to the nominating petition is filed,
7 the signature is not dated, the petition does
8 not include the address of the signer, the
9 petition does not include the name of the
10 signer where the signature is sufficiently
11 legible for identification, the signature is
12 not made by the person whose signature it
13 purports to be and the signer is not a
14 registered in the ward or single member
15 district from which the candidate seeks
16 nomination at the time the petition was
17 signed.

18 A review of the challenge
19 indicates that 68 of the 74 challenges are
20 valid. This leaves the candidate's nominating
21 petition with 27 signatures, two signatures
22 over the number required for ballot access.

1 CHAIRMAN NICHOLS: Thank you, Mr.
2 Newsome. All right. Ms. Henderson, I think
3 you have challenged one signature, that of
4 Marilyn Teresa Hill. You also raise the
5 question of why didn't the candidate follow
6 the master index and the guidance given to her
7 by the Board. Is that the only issue that you
8 have to raise is with that one signature?

9 MS. HENDERSON: No, and I will
10 raise--

11 CHAIRMAN NICHOLS: But you cannot
12 raise anything that you did not raise in the
13 pre-hearing.

14 MS. HENDERSON: Right. I'm
15 reasserting an issue that I raised.

16 CHAIRMAN NICHOLS: And what is
17 that?

18 MS. HENDERSON: The issue -- well
19 first of all good afternoon to the Board and
20 it is a pleasure to be here even under these
21 adversarial circumstances and I appreciate
22 the administrative process that is in place to

1 allow citizens to civilly address issues
2 because if you keep up with current events
3 certainly you know it's not going on in the
4 rest of the world.

5 So as I get older I certainly
6 appreciate my American citizenship and the
7 processes in place.

8 The issue that I raised at the
9 preliminary hearing is lack of due diligence,
10 carelessness and failure to comport with
11 minimum standards. And I raised the issue
12 about the master index because the Board of
13 Elections provides a master index of certainly
14 not every person that's registered to vote but
15 a minimum of the people that are registered to
16 vote that reside within the same single member
17 district that the candidate is seeking to be
18 elected in.

19 Certainly at a minimum, if you
20 follow that master index, you can rest assured
21 that those persons that are registered to vote
22 won't have any issue. When you go outside of

1 that, there needs to be some level of care and
2 I think integrity in the process.

3 Ms. Barnes did make an attempt to
4 -- she did scrutinize her petitions before she
5 submitted them and that's evidenced by her
6 discounting some of her own signatures before
7 they were even challenged. And I think one
8 could make the argument that the signatures
9 that she chose to to submit, you know, she's
10 submitting as valid when she had no evidence
11 that they were valid. The persons are not the
12 fact that you all sustained 68 of those
13 challenges and I actually missed a challenge
14 because signature No. 10 is clearly on its
15 face -- but I can't raise that here but it's
16 not valid either. So that brings her down to
17 26.

18 She also provided a signature of
19 someone who lives on Channing Street. By no
20 stretch of the imagination, I raised that at
21 the pre-hearing, at the preliminary hearing,
22 let's see, what page is that on?

1 CHAIRMAN NICHOLS: But Ms.
2 Henderson, what I think we want to do--

3 MS. HENDERSON: I'm looking.

4 CHAIRMAN NICHOLS: Okay. Go
5 ahead.

6 MS. HENDERSON: I just wanted to
7 point that out and I'll look for that one. But
8 there's a signature on Channing Street,
9 certainly by no stretch of the imagination can
10 that signature be construed as a mistake.
11 Channing Street is nowhere near 5D in any
12 shape or form.

13 Further, this Board, not
14 necessarily these members, but the Board when
15 Mayor Anthony A. Williams sought reelection as
16 mayor for the District of Columbia, he turned
17 in nominating petitions that did not contain
18 signatures that were legitimate. And the
19 Board ruled that because of the flagrant
20 disregard for, and I don't have the exact
21 wording of that ruling but you all can look up
22 the old ruling, that you threw out the entire

1 petition because it was fraudulent and part of
2 that is because the candidate failed to
3 exercise due diligence and to provide that
4 there was integrity of the process.

5 And the reason I wanted to go
6 forward with this challenge is because I think
7 there's a basis here to make a similar claim.
8 I mean we're not talking about a few
9 signatures, we're talking about 68 and 68 of
10 those signatures. Ms. Barnes the candidate or
11 the proposed candidate, she submitted those on
12 their face expecting this Board to accept
13 those without any verification, using your
14 master index, using the registration of
15 voters. You all provide a CD, you can come in
16 and use the computers, so there was no reason
17 for her to believe that those signatures were
18 in fact of persons that are registered to
19 vote.

20 So I think that based on the
21 precedent that's already there with the
22 Williams case and in this matter, that she

1 should not be allowed access on the ballot.

2 And I don't undertake this process
3 recklessly, carelessly. I think that there
4 should be a process in place that actually
5 maintains standards on the ballot. And I
6 think in this case there's a flagrant
7 disregard for minimum standards and that you
8 all should rule against her. And that's
9 essentially it. And certainly I'm open to any
10 questions that you may have. And again thank
11 you for the opportunity to be heard.

12 CHAIRMAN NICHOLS: Do you have
13 any questions, Mr. Danzansky?

14 BOARD MEMBER DANZANSKY: No.
15 Certainly we sympathize with that. We've
16 recently submitted some regulation changes to
17 help clean this up.

18 MR. MCGHIE: Yes, I was thinking
19 about the same thing. We have regulations in
20 place now where no one can submit more than
21 double the required signatures so that's going
22 to do away with people just throwing 95

1 signatures at us and saying you find 25 good
2 signatures.

3 CHAIRMAN NICHOLS: Really if it
4 weren't for challengers like you because you
5 know the Board does some work with nominating
6 petition challenges, the bulk of our scrutiny
7 is devoted to initiative. So it has to be
8 citizens who come forward and scrutinize these
9 nominating petitions for any kind of issues.

10 But once they're brought to the
11 Board's attention then we will focus on them.
12 We have certainly sought to -- and I know I've
13 given this speech at least a couple of times
14 about how candidates need to really do their
15 due diligence and make sure that they review
16 their petition signatures and that they are
17 qualified candidates long before the date to
18 turn them in.

19 Now whether that's being done,
20 probably in some case I would say it is. And
21 in many it's not. But go ahead.

22 MS. HENDERSON: And certainly

1 again I reiterate my appreciation to have an
2 opportunity to address this matter in a very
3 civil proceeding and again it's a pleasure.

4 And again just one final thing, I
5 think since this particular candidate worked
6 for a previous council member who was found
7 wanting on some many levels, I think that you
8 know and in a preliminary hearing she asserted
9 that he's an honorable man.

10 CHAIRMAN NICHOLS: Oh really?

11 MS. HENDERSON: Yes. That's what
12 we all say. And I think that maintaining
13 integrity in our electoral process at every
14 level allows citizens not to have to go
15 through any down the road issues. Certainly
16 our system provides for layers of discovery,
17 layers of recourse, but why put citizens
18 through that process?

19 And as an ANC Commissioner, I know
20 not only have I fought to protect my community
21 from a public safety standpoint, I've also
22 fought to make sure that my community is

1 educated and engaged. Too often people stay
2 home and they're like why should I bother?
3 They're going to do what they want to do.
4 It's fraud. They're stealing. You know, you
5 hear it all the time and it's like we don't
6 get paid for doing this.

7 And then you have to tell citizens
8 no, we need you to go vote. We need you to
9 stand up for people who want to maintain
10 integrity in the process. And that's why I
11 think it's not simply, and for the record I
12 don't have a problem with standing up against
13 any challenger. I'm proud of my record and I
14 don't have any problems with going door to
15 door, sharing that record with the voters.

16 And I can assure you that if I was
17 the only person on the ballot, I'm going to
18 share my record with every voter.

19 But the issue here is maintaining
20 integrity in the process, and I don't think
21 that the minimum standards or any type of
22 integrity was maintained.

1 This is just something that was
2 thrown together, put forth and had it not been
3 for my challenge you would not have even been
4 able to ascertain that 68 signatures, and
5 technically 69 because No. 10, I missed that
6 one, but it should have been challenged. That
7 69 signatures are not, they're not good
8 signatures. So with that I rest.

9 CHAIRMAN NICHOLS: But let me ask
10 you this.

11 MS. HENDERSON: Yes ma'am.

12 CHAIRMAN NICHOLS: So 69 but she
13 still has 25, 26 valid signatures. So the law
14 does not you know -- anyway, thank you so
15 much.

16 MS. HENDERSON: One final
17 rebuttal point. Mr. Williams had signatures--

18 CHAIRMAN NICHOLS: Yes, we got
19 that.

20 MS. HENDERSON: --that were
21 valid. I am a registered voter. I have voted
22 in every election since I've been able to

1 vote. Mine was one of those signatures and
2 I'm a legitimate voter and so are thousands of
3 people in this city. And the Board dismissed
4 all of our signatures because you found that
5 the process was so compromised that you
6 forced him to take his -- and I think it
7 probably helped him in some regards, but you
8 found that that process was so flawed that you
9 discounted those registered voters.

10 CHAIRMAN NICHOLS: All right. I'm
11 hearing you loud and clear on that.

12 We'll take the matter under
13 consideration and we will issue an order.

14 MS. HENDERSON: Thank you. I
15 appreciate that.

16 CHAIRMAN NICHOLS: Thank you so
17 much for coming down.

18 MS. HENDERSON: The pleasure was
19 mine.

20 CHAIRMAN NICHOLS: And thank you
21 for your service.

22 BOARD MEMBER DANZANSKY: Yes.

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CHAIRMAN NICHOLS: We do appreciate your service also.

MS. HENDERSON: Thank you.

CHAIRMAN NICHOLS: There being no further matters before us, this meeting is adjourned. The time is 1:46 p.m., September 3rd. It is Wednesday.

(Whereupon, the hearing of the Board of Elections Special Board Meeting having been concluded, went off the record at 1:46 p.m.)

75:6 76:9,22 77:14,18 79:17,22 80:5,8,12,15 84:1 86:12 90:9,10 93:10 94:8 95:4 98:4 99:7,19 100:12 102:13,14 102:19 103:12 104:14 105:5 109:3,22 110:9,9 Board's 6:14,18,22 19:22 20:4,8 36:11 60:16 71:2 74:13,19 75:2 82:7 86:1,4,8 92:20 93:1,5 97:12,17,22 105:11 botched 64:8 bother 107:2 boundaries 75:4 boundary 7:2 20:10 86:10 93:7 98:2 box 33:19 38:13 Brazill 8:5 70:3 Brenda 58:3,4 Brian 17:4 18:3,5 19:5 briefly 10:20 bring 23:19 29:22 76:6 78:8 brings 101:16 Brittany 2:14 73:6 84:15 91:10 95:22 Brooks 5:11 18:11 73:5 84:14 87:13 91:9 95:21 brought 58:8 105:10 Brown 2:14 73:6,6 84:15,15 91:10,10 95:22,22 building 42:10 63:16 bulk 105:6 burden 67:19	business 38:16 45:10 56:6 <hr/> C <hr/> C 5:16 C-O-N-T-E-N-T-S 3:1 calculations 21:12 call 16:17 79:3,15 called 71:18 calling 90:9 campaign 2:19 18:3 35:11 37:9 37:13 42:10 63:14 candidate 4:16 5:17 7:3 17:3,9 18:21 20:11 21:9 50:3 72:14,22 73:14 74:6 75:4 75:15 79:5 81:7 81:21 82:13 84:4 85:1,15 86:11,21 87:21 90:14 91:19 92:12 93:8,16 94:5 95:9 96:4,11 97:4 98:2,15 99:5 100:17 103:2,10 103:11 106:5 candidate's 8:13 22:20 75:20 82:17 87:5 93:21 98:20 candidates 105:14 105:17 card 14:5,16 25:7 44:11 45:4 cards 13:22 26:20 care 101:1 carelessly 104:3 carelessness 100:10 Carpenter 3:11 83:13,14,14,18 84:4,9,10,11,21 85:12 87:9,12 88:4,11,16,21 89:8,17,19,20 carries 80:19 83:10 case 16:17 17:2	60:19 65:12 69:21 70:3 76:3 77:8 88:5 95:7 103:22 104:6 105:20 cases 50:1 catch 48:6 Catch-22 32:6 CD 103:15 Celestine 76:14 certainly 35:6 38:9 70:12 100:3,5,13 100:19 102:9 104:9,15 105:12 105:22 106:15 chair 3:3 9:20 17:5 17:6 23:2 42:6 44:16 94:9 Chairman 1:13,18 4:3,10,16 5:6,12 5:19 8:16,19 9:5,9 9:14,17 10:9,14 11:4,8,11,14 12:17 13:1,6,10 13:13,15 14:2,7 14:10,13,18,21 15:2,6,15,22 16:3 16:7,11,15,18,22 17:17,20 18:7,15 23:16 24:7,13,18 25:8,14 26:10,14 27:4,12,15 29:3 30:9,16 31:7 34:7 34:15 35:3 36:14 38:9 39:14,17 40:5,9,13,21 41:5 41:9,13,15,19 42:4,7,17 43:1,8 43:13 44:2,14,18 44:22 46:1,9,14 46:19 47:3,7,12 47:18 48:3,14,21 49:15,20 50:15,17 50:21 51:3,12,17 51:20 52:6,20 53:1,12,16 54:17 54:22 55:6 56:10 56:14 57:3,8,12	57:16,22 58:4,11 58:15,18 59:7,13 59:17,20 60:6 61:4,8,14,20 62:1 62:19 63:17 64:9 64:20 65:13,19 66:15,22 67:6 68:1,11,16,20 69:11,22 70:11 71:3,13,20 72:2,6 72:10 73:2,8 76:1 76:11,21 77:3,7 77:16,21 78:4,11 78:15,19,22 79:2 79:19 80:3,7,11 80:14,18 81:1 83:3,7,12,15,20 84:17 87:8,22 88:3,9,14,18 89:2 89:14,22 90:7,17 90:21 91:5,12 94:6,10,18 95:2 95:18 96:2 99:1 99:11,16 102:1,4 104:12 105:3 106:10 108:9,12 108:18 109:10,16 109:20 110:1,4 challenge 3:4,6,7,9 3:10,12,13 4:15 6:4,10 7:6 8:7,8 8:10,20 12:3 14:8 17:8 19:10,19 20:14 21:8 24:6 25:1 34:11 38:3 42:16 48:9 50:5 51:6,15,16,21 53:22 54:4,5 55:9 58:19 59:9 72:12 74:2,10 75:8,18 79:4 80:20 81:17 82:3 84:3 85:11 85:17,19 86:14 87:2 90:12 91:15 92:7,16 93:11,18 95:7 96:21 97:8 98:6,18 101:13	103:6 108:3 challenged 5:22 6:13 19:4,21 42:13 50:4 52:9 53:19 55:18 56:18 59:16 65:17 66:10 73:20 74:12 76:8 81:13 82:6 85:7 85:22 92:3,19 96:17 97:11 99:3 101:7 108:6 challenger 4:19 6:7 17:4 18:6 29:14 50:10 51:9 74:7 76:2 79:7 81:22 83:17 85:16 91:2 91:4 92:13 96:3 97:5 107:13 challengers 105:4 challenges 4:6 6:8 8:12 9:10 19:17 21:9,10 22:8,16 22:19 24:11 33:6 36:13,16 40:16 43:3 45:4,5 49:19 50:12 53:4 54:9 54:16 55:11 59:11 60:10 68:14 74:8 75:19 78:7 82:1 82:15,16 84:2 87:4 90:11 92:14 93:20 95:5 97:6 98:19 101:13 105:6 challenging 58:7,12 60:17,18 chance 29:8 55:21 change 7:4 20:12 58:16 59:3 75:5 76:7 77:4 86:12 87:9 88:20 93:9 98:3 changed 83:16 changes 21:20 38:20 54:9,10 78:8 104:16 changing 31:17
--	---	--	---	---

39:5	claiming 37:6	106:22	correct 27:22 51:7	41:18 63:4 73:7
Channing 101:19	clarify 57:20	compare 13:21	54:13 56:11 64:2	dais 4:13
102:8,11	clarifying 44:17	compared 14:3	78:14 90:18	Danzansky 1:20
Charles 7:20	clean 104:17	complete 21:3 33:2	correction 90:22	4:12 11:17,22
Charlton 5:3,4	clear 33:9 34:18	33:4	correctly 22:15	12:4,10,15 13:18
8:22 9:6,8,12,16	52:2 54:6 109:11	completed 35:19	corresponded	15:8,13 16:9 23:1
10:12 14:21,22	clearly 27:1 32:3	completely 89:12	80:10	23:10,14 45:11
15:4,11,17,20	38:5 101:14	comport 100:10	correspondence	50:14,19 51:1,5
16:1,4	CLIFFORD 2:8	compromised	49:1	51:10,14 55:3,22
check 23:6 25:8	close 25:21 45:10	109:5	corresponding	59:2 69:6,9 76:22
37:13 49:3,11	56:5	computers 103:16	22:10	77:14,18 80:5,8
54:11 58:9	Coats 30:20,20,21	concerning 8:7	council 4:17 5:19	80:12,15 94:8
checked 25:11 54:2	35:9,15 36:6	concluded 90:1	17:4,10 19:1	104:13,14 109:22
54:7	38:21	110:10	106:6	Dara 17:18,22
checking 72:9	code 53:19	conducting 9:6	counsel 2:9,18 4:13	23:21
Cheeks 3:5 4:16	coffee 43:15	conference 19:14	17:5 35:4,14	data 28:6 29:1
5:4,5,5,16 6:4	colleague 67:13	21:16 22:18 52:4	48:15 59:1	date 7:5 20:13 32:9
7:22 10:11 12:9	collected 7:17 42:9	52:15	counsel's 35:8	32:10 37:17 42:3
12:21 16:6	62:5	conjunction 55:2	count 36:12,15	42:14 46:8,21
China 89:10	Columbia 1:1,11	consider 8:1 34:4	53:21 58:16 59:3	60:3,8,18 61:15
choice 39:11	4:17,21 5:6 6:2	59:17	61:19	62:4 65:4,7,11,18
chose 101:9	17:10 19:1,6	consideration	counted 32:20	75:7 86:13 88:7
circulate 32:8	31:11 73:22 81:15	56:15 109:13	48:12	93:11 98:5 105:17
circulated 10:2	85:9 92:5 96:19	considered 45:16	couple 36:19 40:16	dated 20:17 86:16
12:7,9 30:22 61:1	102:16	56:9	62:10 105:13	98:7
64:15	column 29:11	constitute 7:19	COURT 43:11	dates 61:2 63:19
circulation 35:22	34:21	construed 102:10	courts 32:10,13	Davis 28:9
circulator 7:10,11	come 4:18 17:2	contain 102:17	Crawley 7:20	day 31:18,20 37:19
9:20 12:18 20:21	41:10 45:1 52:1,3	contested 23:11	credit 87:20	37:20,22 39:7,8
20:22 21:2 32:11	52:7 57:9,19	88:6	credited 22:6,9,13	45:12 63:22 64:6
32:22 35:15 36:1	60:10 61:9 62:7	continually 32:11	22:15 23:7 52:12	64:6
36:2,6 37:1 38:4,4	67:4,9 95:11	continuation 84:1	60:13	days 5:21 7:5 19:3
68:6,7	103:15 105:8	88:19	crediting 50:3	20:13 35:18 64:17
circulator's 21:4	comes 49:2	CONTINUES	crime 33:1	73:19 75:7 81:12
32:4 36:5	coming 59:8 64:21	16:21	crimes 37:5	85:6 86:13 92:2
circulators 7:18 8:2	71:8,19 89:17	continuing 51:4	cure 48:13	93:10 96:16 98:5
10:16 12:3,5	109:17	53:2,3	current 7:2 20:9	DCMR 6:13 19:22
circumstances	Commission 41:14	convened 1:11	75:3 86:9 93:7	74:12 82:6 85:22
33:12 39:6 99:21	72:22 79:6	Coordinator 5:8	98:1 100:2	92:19 97:11
citizens 100:1	commissioner	Coordinators	currently 46:6	deadline 57:2,13
105:8 106:14,17	42:11,11,13 43:5	18:13	cut 72:11	67:14 78:9
107:7	72:15,20 73:16	copies 11:20 31:6	<hr/>	deal 60:17
citizenship 100:6	81:9 84:5 85:3	44:11 62:10	D	Deborah 1:13,18
city 109:3	90:15 91:21 95:10	copy 12:1 44:10	D 2:8 3:14 95:8	4:10
civil 106:3	96:13 106:19	53:7,9,13,14	96:9	decided 54:3 61:18
civilly 100:1	committing 33:1	61:10	D.C 1:12 18:14	decision 33:1,13
claim 103:7	community 106:20	Corker 76:15	32:13 37:9,13	36:12 42:21 47:20

49:8 54:1 55:12 61:16 77:9 89:16 decisions 48:9 50:1 deemed 7:1 20:9 30:14 47:17 48:19 75:2 86:9 93:6 98:1 defeated 32:13 definitely 55:20 66:9 deliberate 56:16 deny 94:4 depending 43:20 describe 65:15 designated 74:16 97:15 detailed 50:10 details 65:22 determination 8:6 35:1 52:10 67:10 71:2 94:4 determinations 66:4,20 determine 70:15 determined 19:11 22:8,14,18 68:12 87:19 Devon 27:18 devoted 105:7 Dickens 3:8 16:19 71:14,14,17,17 72:3,5,8,13,21,21 73:12 74:2 78:8 79:1 differences 28:3 different 6:21 20:7 22:1 24:10 58:9 75:1 78:1 86:7 93:4 97:21 diligence 100:9 103:3 105:15 Director 2:8 disagree 25:3 disappointed 48:1 discounted 109:9 discounting 101:6 discovery 106:16	discrepancies 29:13 discrepancy 66:10 discussing 34:11 discussion 48:4 disenfranchise 32:21 dismissed 109:3 disparity 23:2 disqualified 10:8 disqualify 7:16 disregard 102:20 104:7 district 1:1,11 4:17 4:20 5:6 6:2 17:10 19:1,5 31:11 72:15 73:17 73:22 74:5 75:15 79:6 81:10,15,20 82:12 84:6 85:4,8 85:14 86:21 90:15 91:22 92:5,10 93:15 95:10 96:14 96:18 97:2 98:15 100:17 102:16 doing 64:2 107:6 dollar 32:5 35:18 door 107:14,15 Dorothy 70:3 double 54:11 104:21 driver's 44:10 due 31:17 100:9 103:3 105:15 duly 6:16 20:2 74:5 74:18 81:20 85:14 92:11 97:3 duplicate 7:8 20:16 22:3	either 36:8 101:16 elected 100:18 election 5:18 18:22 69:3,5 73:15 81:8 85:2 91:20 96:12 108:22 Elections 1:3,11,16 2:6 4:5 8:4 18:14 48:19 54:7 73:7 90:10 100:13 110:9 electoral 106:13 elevated 65:12 Elliott 76:14 email 79:14 80:9,13 83:19 engaged 107:1 entering 25:5,22 entertain 80:3 94:6 entire 12:22 13:2 69:15 102:22 entry 28:6 29:1 enumerated 6:9 11:12 19:18 74:9 82:2 85:18 92:15 97:7 Eric 66:7 Erie 66:8 err 32:14,15 erroneous 21:12 erroneously 22:13 48:12 error 25:5,5,22 28:6 89:13 errors 28:5 66:5,14 ESQ 2:9,18 essentially 104:9 evaluate 71:6 event 42:10 events 100:2 evidence 23:18 67:7,8 69:10,12 69:13 71:5 87:10 101:10 evidenced 101:5 ex 79:17,22 80:17 83:5	exact 46:8 102:20 exactly 38:12,17 55:13 61:22 example 25:12 66:6 excuse 45:17 52:11 EXCUSED 65:2 Executive 2:8 exercise 103:3 expand 32:16 expecting 103:12 expert 70:1 explain 43:22 44:3 62:2 63:19	findings 24:2,6 25:1 55:16,19 60:3 fine 32:2,5 35:18 65:13,14 finished 64:6 first 4:14 7:5 9:20 10:17,20 20:13 24:1,11 33:7 46:2 66:2 75:7 86:13 93:10 98:5 99:19 five 44:11 82:18 flagrant 102:19 104:6 flawed 109:8 focus 105:11 follow 99:5 100:20 followed 49:3 following 6:15 7:5 7:17 20:1,13 64:6 74:14 75:7 82:8 86:2,13 92:21 93:10 97:13 98:5 forced 109:6 forged 10:5,6 13:4 14:15 forgeries 7:19 10:1 forgery 10:3 form 7:4 20:12 35:19 41:6 75:6 86:12 93:9 98:4 102:12 formal 58:19 forms 21:18,19 31:15 34:8 forth 17:2 108:2 forward 34:13,17 34:17 41:10 61:9 103:6 105:8 fought 106:20,22 found 24:16 32:14 33:5 34:18 40:2 52:11,18 54:14 66:12 68:8 70:8 106:6 109:4,8 four 93:19 franchise 32:16,17
	E		F	
	E 28:13 earlier 45:12 educated 107:1 effect 80:4 94:7 eight 21:20 76:11 77:15,19		face 101:15 103:12 facie 69:14 fact 9:2 28:4 48:18 49:6 54:15 70:8 101:12 103:18 failed 21:3 103:2 failure 100:10 false 32:3 35:17 36:7 39:12 family 38:14 70:5 far 62:7 Farragut 39:4 favor 80:19 83:7 94:10 Fayeed 68:6 fellow 43:5 Fernando 63:3 filed 6:8,10 7:7 19:17,20 20:15 55:12 74:7,10 75:8 81:22 82:3 85:16,19 86:15 92:13,16 93:12 97:5,8 98:6 files 7:4 20:12 75:5 86:12 93:9 98:3 filing 66:12 filled 32:19 36:22 37:17 final 106:4 108:16 Finance 2:19 find 60:3 105:1	

fraud 68:19 69:2,7 107:4	GOVERNMENT 1:1	Hawfield 25:15	husband's 63:10	individual 6:10 19:19 74:10 82:3 85:19 92:16 97:8
fraudulent 14:15 68:5 70:9 103:1	grab 62:9	he'll 34:2	<hr/> I <hr/>	information 21:3 24:5,16 25:6 27:22 28:17 37:2 55:15 58:9,14
friend 47:22	grant 70:15 83:6	hear 4:5 9:7 48:2 72:12 76:3 80:20 84:2,3 90:10,12 95:4 107:5	ID 24:21 25:16 33:8 34:18 39:22	initial 21:12 36:12 55:11
front 24:5	granting 83:1	heard 104:11	identification 20:21 75:11 86:19 98:11	initially 66:10 87:19
fully 56:19	great 94:16	hearing 4:14 9:6 19:14 23:4 52:15 55:10 56:7 60:2 61:18 83:5 90:1 94:13 100:9 101:21 106:8 109:11 110:8	III 6:13 19:22 74:12 82:6 85:22 92:19 97:11	initiative 105:7
further 27:17 28:19 51:21 60:19 102:13 110:5	Gregory 40:8,13 41:13	heart 69:3,4 70:19	imagination 101:20 102:9	inspection 5:21 19:3 73:19 81:12 85:6 92:2 96:16
<hr/> G <hr/>	grounds 6:15 7:18 20:1 65:17 74:14 82:8 86:2 92:21 97:13	help 87:10 104:17	important 37:7,15 70:17	instance 37:2
general 2:9,18 4:13 5:18 18:21 58:22 62:13 73:14 81:7 85:1 91:19 96:11	groups 37:16	helped 109:7	inactive 22:3 44:6 46:6,7,11,18 47:1 48:8,10,12,20,22 49:9,14 50:2 54:10 74:16 97:15	instances 9:22 31:16,16
Geraldine 26:18	guess 50:8 60:11 71:22	helpful 66:2	illegal 26:21 40:2 40:17	instructed 31:14 35:10 37:9
getting 16:16	guidance 33:14 99:6	Henderson 95:14 95:15,16 96:3,18 97:5 99:2,9,14,18 102:2,3,6 105:22 106:11 108:11,16 108:20 109:14,18 110:3	imagined 101:20 102:9	integrity 101:2 103:4 106:13 107:10,20,22
give 10:18 29:13 62:16	guidelines 35:22	Hicks 18:2,3 27:10 27:14 35:7 36:16 36:20 44:15,19 45:9 48:17 49:12 49:18 55:8 56:2 56:17 57:5 68:3 70:22 71:10	imagination 101:20 102:9	intern 2:14 73:7 84:16 91:11 96:1
given 79:10,15 99:6 105:13	guys 49:18	highlighted 9:21	included 30:2,3 56:9 78:9	invalid 22:9 60:5 70:9 87:20
Glicksman 85:8,16	<hr/> H <hr/>	Hill 99:4	include 7:9 20:17 20:19 75:9 86:17 98:8,9	invalidate 60:6,7,8
go 10:17 11:9 25:2 44:13 48:4 49:12 49:16,21 62:1,6 62:19 63:18 67:6 67:10 69:2 70:19 100:22 102:4 103:5 105:21 106:14 107:8	H 28:21 34:21	Hold 10:14 50:15 50:21 52:2 63:17	incorporated 30:2,3 56:9 78:9	investigate 69:2,7
goes 26:2 46:17 60:19 66:19 69:4	halfway 64:3	home 107:2	including 34:5	investigated 70:8
going 12:17 29:4,13 48:5 54:3 58:20 60:16 61:19 64:18 68:21 71:22 95:3 100:3 104:21 107:3,14,17	Hamilton 76:16	homeless 30:22 32:22 37:10	incomplete 22:2	invited 42:11
Goldsmith 91:3,4,6 92:4,13 94:14,15 94:17	hand 62:15 68:9	honorable 106:9	incorrect 35:21 76:6	involved 63:14
good 4:3 15:18,20 16:5 17:15 83:12 95:15 99:19 105:1 108:7	handwriting 10:7 13:9,21 28:5 42:2 69:20 70:1,7	hope 67:20	incurred 32:2	issue 30:12,19 38:11,17 39:18 46:3 56:18 57:21 60:4 61:5,15 65:1 65:12 68:4,19 69:4 70:4,10,17 70:18 71:7 76:13 77:9,17 88:17 99:7,15,18 100:8 100:11,22 107:19 109:13
	happened 50:3	Horace 63:11	index 99:6 100:12 100:13,20 103:14	issued 52:10
	happens 46:17	hospital 64:16	indicate 79:9 82:16	issues 33:9 52:3 69:2 76:16 77:11
	happy 49:12 66:21	hourly 38:20	indicated 19:14 21:8	
	hard 33:10 67:20	house 27:20 28:14	indicates 6:4 8:11 74:2 75:19 81:17 85:11 87:3 92:7 93:19 96:21 98:19	
	Hardy 76:14	human 25:5		
	Hart 17:4 18:4,5,5 19:5,17 22:11 29:7,15,21 30:4 35:4,5 36:18 42:20 44:16 45:17 45:21 48:15 51:3 52:5,8,21 53:3,11 54:6,20 57:18 58:2,5,13 59:10 59:15,19 65:10,15 67:10 68:2,13,18 68:22 69:8,13 70:2,21 71:11	husband 64:15		

100:1 105:9 106:15	106:8,19 107:4 108:14	17:19,22 18:1 23:13,20,21 24:9 24:15,20 25:10,15 26:12,17 27:8,17 29:6 30:7,13,18 31:9 34:9,16 38:7 38:10 39:16,19 40:7,11,15 41:1,7 43:19 44:4 45:2 45:13,20 48:7 50:7 51:8,18 57:10,14 59:22 60:9 61:6,17,22 62:9,21 63:6,9,13 64:12 65:21 66:17 67:2	looks 28:15 lot 49:18 loud 109:11 luckily 43:4 lucky 43:6	match 25:21 76:19 77:1,2 matches 28:10 matter 9:1 15:16 32:12 47:20 56:16 79:18 80:1 89:15 103:22 106:2 109:12 matters 110:5 Matthew 91:3 92:4 92:13 Maurice 3:8 71:14 71:17,17 72:13,21 73:12 79:1 mayor 102:15,16 McGhie 2:9 4:13 16:16 79:8,16,21 80:22 82:21 94:2 104:18 mean 32:18 42:20 62:6 65:6 103:8 meant 66:4 meeting 1:5,10 3:3 4:4 84:1 90:10 95:4 110:5,9 member 1:20 4:12 11:17,22 12:4,10 12:15 13:18 15:8 15:13 16:9 17:3,9 18:22 23:1,10,14 35:10 39:22 45:11 50:14,19 51:1,5 51:10,14 55:3,22 59:2 69:6,9 72:15 73:16 75:14 76:22 77:14,18 79:6 80:5,8,12,15 81:9 82:12 84:6 85:3 86:20 90:15 91:21 93:15 94:8 95:10 96:13 98:14 100:16 104:14 106:6 109:22 member's 38:14 members 1:16 102:14 memo 57:6 60:12
J	L		M	
jail 32:5 35:19 James 7:20,21 11:16 12:9,18,18 25:15 Janelle 76:14 John 3:5 4:16 5:4,5 5:16 7:22 28:13 Johnson 79:8,14,15 80:1 81:14,22 Jonathan 7:20 9:21 10:16,19 12:8 Jones 76:15 Joseph 79:8 80:1 81:14,22 judgment 77:12 Judiciary 1:11 4:8 July 8:5 73:12 81:5	knowing 26:11 known 43:4 lack 100:9 ladder 60:20 Ladonda 76:13 laid 32:4 late 44:20 law 5:22 19:4 67:9 68:22 73:20 81:13 85:7 92:3 96:17 108:13 layers 106:16,17 learned 89:9 leaves 8:12 22:20 75:20 82:17 87:4 93:20 98:20 led 28:7 Lee 3:9 79:5,7,13 80:2,22 81:2,5,17 83:1,6,11 left 21:9 26:13 legal 2:14 73:6 84:15 88:15 91:11 95:22 legible 20:20 27:1 75:11 86:19 98:11 legitimacy 65:5 legitimate 102:18 109:2 Leon 76:16 let's 10:17,19 13:10 14:8 30:11 46:2 48:4 50:6 101:22 letter 35:8 46:22 54:21 55:2 65:16 level 101:1 106:14 levels 72:9 106:7 license 44:10 lies 8:3 light 71:7 LINDEMBAUM 61:11 Lindenbaum 17:18	41:1,7 43:19 44:4 45:2 45:13,20 48:7 50:7 51:8,18 57:10,14 59:22 60:9 61:6,17,22 62:9,21 63:6,9,13 64:12 65:21 66:17 67:2 line 6:9 12:20 19:18 21:22 25:13 26:3 26:18 27:18 28:8 40:12 66:19,19 74:9 82:2 85:18 87:19 89:3 92:15 97:7 line-to-line 8:8 lines 11:1,2 13:16 23:7 Lisa 76:15 list 25:13 27:18 49:13 56:9 listed 6:19 8:2 20:5 74:20 78:6 86:5 93:2 97:18 literally 89:11 little 15:10,12 live 63:3,16 lived 31:2 lives 41:2 101:19 Lomax 66:7,8 long 16:2 105:17 look 10:22 13:8 26:18,22 29:5,9 29:11 30:5 33:3 41:2 49:21 55:1,1 70:16 77:9,20 102:7,21 looking 11:6,18 16:5 62:12 102:3	ma'am 8:18 9:12 9:16 13:5 14:17 23:21 27:9,12 73:11 87:12 108:11 Madam 9:19 23:1 42:6 94:9 mail 46:11 47:1 48:18 mailing 47:15,15 48:11 49:6 maintain 107:9 maintained 107:22 maintaining 106:12 107:19 maintains 104:5 making 35:16 36:7 39:12 66:3 man 33:10 106:9 manager 18:3 manner 45:8 Margarita 2:12 5:7 18:12 Maria 61:6 63:2 Marilyn 99:4 Marjorie 3:14 95:8 96:9 mark 3:12 27:2 90:13 91:17 marked 26:21 34:21 40:17 44:6 49:13 50:11 married 63:7 64:14 Marvin 3:9 79:4 80:2,22 81:2,5 83:1,11 Mary 7:21 Maryland 28:10 master 99:6 100:12 100:13,20 103:14	
K				
K 1:13,18 4:10 Karen 5:11 18:11 73:5 76:15 84:14 91:8 95:21 Kathy 95:16 96:17 97:5 keep 67:21 100:2 Ken 4:13 KENNETH 2:9 Kevin 2:10 5:9 18:9 30:20 35:15 73:3 79:11 84:12 91:7 95:19 kind 25:4 32:12 43:14 105:9 Kishan 3:6 17:3,8 17:16 18:19 35:7 35:11 37:9,12 71:12 know 23:15 24:4 31:5 33:18 34:1 36:20 45:7 49:16 66:1 78:5 100:3 101:9 105:5,12				

mention 57:18	<hr/> N <hr/>	79:11,11 81:4	76:11,21 77:3,7	87:16
mentioned 67:14	N.E 25:18 28:10	84:12,12,18,20	77:16,21 78:4,11	November 5:18
mess 43:17	41:18	87:17 88:2 89:1,4	78:15,19,22 79:2	18:21 44:8 73:14
methodology 26:15	N.W 1:12 63:4	90:16,20 91:7,7	79:19 80:3,7,11	81:7 85:1 91:19
Michelle 76:14	name 17:16 18:2	91:15,16 95:19,19	80:14,18 81:1	96:11
microphone 43:12	20:19 23:21 25:14	96:5,8 99:2	83:3,7,12,15,20	number 6:9 12:19
43:14	40:6,7 41:12	nicety 9:2	84:17 87:8,22	12:19,20 19:7,19
MIKHALYOVA	62:22 63:10 66:13	Nichols 1:13,18 3:3	88:3,9,14,18 89:2	21:10,11,15 22:22
18:12	75:9 83:16 84:10	4:3,10 5:12 8:16	89:14,22 90:7,17	25:2,16 27:20
Mikhaylova 2:12	86:17 98:9	8:19 9:5,9,14,17	90:21 91:5,12	28:2,7,11 32:7
5:7,8 18:13	named 66:7	10:9,14 11:4,8,11	94:6,10,18 95:2	34:18 40:1 64:15
mine 48:1 109:1,19	names 24:21 69:18	11:14 12:17 13:1	95:18 96:2 99:1	65:6 74:9 75:22
minimum 6:5 19:7	naming 12:5	13:6,10,13,15	99:11,16 102:1,4	82:2,19 85:18
74:4 81:19 85:13	nature 31:18 39:5	14:2,7,10,13,18	104:12 105:3	87:6 90:19 92:15
92:9 97:1 100:11	42:15 43:9	14:21 15:2,6,15	106:10 108:9,12	93:22 97:7 98:22
100:15,19 104:7	near 102:11	15:22 16:3,7,11	108:18 109:10,16	numbered 26:11
107:21	necessarily 102:14	16:15,18,22 17:17	109:20 110:1,4	numbers 24:22
minor 28:2 66:5	necessary 88:22	17:20 18:7,15	night 45:6	30:5 33:8
minute 16:10	need 11:9 16:8 17:5	23:16 24:7,13,18	Nikea 7:21 11:16	<hr/> O <hr/>
minutes 17:1	30:15 43:14 48:20	25:8,14 26:10,14	12:9,18,18	oath 43:21
miscount 23:4,5	62:13 65:3 67:1	27:4,12,15 29:3	nine 21:19	objected 9:3
missed 101:13	70:13 79:19 82:22	30:9,16 31:7 34:7	nominating 3:4,6,7	objection 15:1 55:5
108:5	87:11 89:5,7 94:3	34:15 35:3 36:14	3:9,10,12,13 4:6	55:6
mistake 64:5	95:16 105:14	38:9 39:14,17	4:15 5:16 7:6	obtain 6:6 19:8
102:10	107:8,8	40:5,9,13,21 41:5	8:13 17:8 18:19	occur 49:1
mixed 29:1	needed 54:4	41:9,15,19 42:4,7	20:14 22:20 72:13	offered 67:15
Morgan 87:15 88:5	needs 101:1	42:17 43:1,8,13	73:13 75:8,16,20	office 2:19 5:19 6:7
88:12	neglected 37:12	44:2,14,16,18,22	79:4 80:21 81:6	18:22 19:9,11
morning 4:3,5,11	Neighborhood	46:1,9,14,19 47:3	82:18 84:2,3,21	21:18 47:16,17
4:14 17:15 24:3	41:14 72:14,22	47:7,12,18 48:3	86:14 87:5 90:11	73:15 74:4 81:8
33:21 71:9 83:12	73:16 79:5 81:9	48:14,21 49:15,20	90:13 91:17 93:11	81:19 85:2,13
83:13	84:5 85:3 90:14	50:15,17,21 51:3	93:21 95:4,8	91:20 92:10 96:12
motion 79:20,21	91:21 95:9 96:13	51:12,17,20 52:6	96:10 98:6,20	97:2
80:4,6,16,19	Neither 35:22	52:20 53:1,12,16	102:17 105:5,9	official 38:16
82:22 83:10 94:3	never 55:20	54:17,22 55:6	nomination 7:3	Oh 12:4,10 72:8,10
94:7,13	new 51:17,22 59:13	56:10,14 57:3,8	20:11 75:5 82:13	88:14 106:10
move 11:15 14:8	59:14	57:12,16,22 58:4	86:11,22 93:8,16	okay 10:19 11:8,10
50:6 71:14 80:16	Newsome 2:10 5:9	58:11,15,18 59:7	98:3,16	12:11 13:10,15
83:3	5:9,13,15 8:17	59:13,17,20 60:6	North 1:11 4:9 39:4	14:2,7,18 15:14
moved 94:8	18:9,9,16,18 23:5	61:4,8,14,20 62:1	notarized 31:5	16:8 17:2,17
Muhammad 71:16	29:10,16 30:1,11	62:19 63:17 64:9	88:10,12	23:10,14 24:18
72:19,19 73:21	46:3,5,10,16,21	64:20 65:13,19	notary 31:5	26:14,16 27:6
74:7 76:2,4,18	47:6,9,14 53:8,9	66:15,22 67:6	note 25:3 45:4 48:8	29:6,15,19,21
77:2,6,12,13 78:2	53:14,18 56:12	68:1,11,16,20	54:18 87:17	30:9,16 35:3
78:14,18,20,21	58:2,6,17,20 59:4	69:11,22 70:11	noted 27:5 29:5,19	40:21 43:17 44:14
multiple 34:12,12	62:14 71:16,22	71:3,13,20 72:2,6	notice 1:12 79:10	47:19 48:14 50:5
	73:3,3,9,11 78:6	72:10 73:2,8 76:1	notified 79:14	

50:11 51:10,12 52:12,20 53:11 54:22 56:4,14 57:12,17 58:5 64:4 68:16 72:2,3 72:10 73:2 76:21 77:7 78:4,15 79:2 79:9,16 80:13 81:1 83:16 88:3 88:18 89:2,3 91:5 94:2,21 102:4 old 44:12 102:22 older 100:5 once 24:10 105:10 ones 12:7,8 14:3 25:3 27:4,6 29:5 34:9 60:22 open 104:9 Opening 3:3 opinion 9:22 opportunity 27:11 56:3 104:11 106:2 opposed 80:19 83:8 94:11 order 42:14 60:8 61:2,15 62:3 63:19 65:4,7,12 65:18 71:7 77:9 89:16 90:9 109:13 orders 60:3,19 organizing 64:1 original 51:16 53:20 55:5,9 originally 35:8 52:8 53:4 59:15 60:4,9 outside 100:22 over-zealous 42:15 overturn 54:5 Owens 87:15 88:6 88:12	110:6,11 P.O 33:19 38:13 page 3:2 6:9,11 10:10,20 11:1 12:19 19:19,20 21:22 28:20 29:2 40:11 41:3 42:13 74:9,11 82:2,4 85:18,20 87:18 92:15,17 97:7,9 101:22 pages 33:4,5 34:12 paid 39:15 107:6 Pardon 8:22 park 39:3 part 44:20 62:7 103:1 parte 79:18,22 80:17 83:5 particular 30:12 48:16 106:5 parties 4:18 17:13 23:11 72:17 79:3 84:7 90:22 95:11 passes 94:13 pattern 10:2 Patterson 76:15 Paul 85:7,16 Paulette 28:20 penalties 35:17 37:6 people 13:22 43:6 64:4 100:15 104:22 107:1,9 109:3 period 45:1 60:1 permanent 31:12 35:9,13,16 36:3 37:4 38:11,13,15 38:19 person 7:13 21:5 25:12 26:2,8 57:19 66:9 75:12 82:10 93:13 98:12 100:14 107:17 personal 47:22 personally 41:21	persons 100:21 101:11 103:18 petition 3:4,6,7,9 3:10,12,13 4:6,15 5:16,20 6:11,12 6:19,20,21 7:7,8 7:10,11,12 8:13 16:6,14,21 17:8 18:20 19:2,10,20 19:20 20:5,6,7,15 20:17,18,21,22 21:1,2,14,22 22:2 22:21 25:20 26:4 26:7,22 27:21 28:11,16,21 31:1 32:8,19 33:4 35:22 39:21 41:22 44:5 61:10 64:13 65:5 71:12 72:13 73:13,18 74:2,11 74:11,17,21,21,22 75:8,9,16,16 79:1 79:4 80:21 81:6 81:11,17 82:4,5 82:14 83:11 84:4 84:22 85:5,11,20 85:21 86:5,6,7,15 86:17,22 89:21 90:11,13 91:18 92:1,17,18 93:2,3 93:4,12,17,21 94:17 95:4,8 96:10,15 97:9,10 97:16,19,19,21 98:6,7,9,16,21 103:1 105:6,16 petition's 92:7 96:21 petitioner 13:12 petitioners 13:4 petitions 11:21 30:19 61:1 64:1,8 64:15 67:17 75:21 82:18 84:2 87:5 89:9 101:4 102:17 105:9 phone 79:14	physical 36:9 place 36:9 99:22 100:7 104:4,20 placed 22:1 please 5:14 9:14 10:18 15:9 18:17 56:4 62:17 84:8 84:19 91:1 95:12 96:6 pleasure 99:20 106:3 109:18 point 32:12 37:7,16 38:12 66:4 68:17 70:14 102:7 108:17 points 36:19,20 polls 47:10 positive 54:12 possible 66:3 89:17 possibly 38:13,14 38:15 post 22:17 47:17 posted 5:20 19:2 73:18 81:11 85:5 92:1 96:15 posture 58:10 potentially 68:5 pre 19:13 23:3 52:14 55:9 61:17 pre-hearing 21:16 22:17 51:22 52:4 59:8 60:1 76:12 78:17 99:13 101:21 precedent 103:21 preliminary 6:3 9:1 19:10 21:7 23:3 52:10 53:20 74:1 81:16 85:10 92:6 96:20 100:9 101:21 106:8 premature 15:5,12 present 1:16 2:6,16 4:12 8:20 79:7 91:13 96:4 preserve 65:11 preserved 77:17	preserving 60:21 presiding 1:13 pretty 12:22 78:12 previous 69:21 70:2 106:6 previously 21:21 prime 69:14 prior 48:7 56:7 probably 49:10 105:20 109:7 problem 12:14 81:4 87:15 107:12 problematic 39:6 problems 27:7 107:14 procedure 49:2 proceed 9:18 10:9 13:11 16:22 46:3 63:18 79:17,22 80:16 83:21 91:14 96:4 proceeding 106:3 process 27:16 43:9 48:22 69:3,5 76:3 99:22 101:2 103:4 104:2,4 106:13,18 107:10,20 109:5,8 processes 100:7 procure 33:10 produced 44:9 proffering 9:10 Programs 5:8 18:13 Projects 2:12 proper 21:19 49:22 71:7 properly 21:21 proposed 103:11 protect 106:20 proud 107:13 proven 80:9 provide 36:3 56:20 56:21 103:3,15 provided 6:20 20:6 54:21 55:2 74:22 86:6 93:3 97:20 101:18
P				
P-R-O-C-E-E-D-... 4:1 p.m 39:3 57:10 83:21 90:1,4,6,6,8 94:20 95:1,1,6				

provides 100:13 106:16	questions 61:1 71:4 104:10,13	86:8 91:1 95:13 96:3,6 107:11,13 107:15,18 110:10	22:3 25:7,9,17 26:1 38:16 41:6 44:11 45:3 66:7 74:15 76:20 97:14 103:14	94:1 96:16 97:1 98:22 104:21
providing 36:7 58:14	quite 27:1	records 6:18,22 20:4,8 43:17 67:9 74:19 86:4 87:18 93:1,6 97:17,22	registrations 25:11 27:19	requirement 6:6 reserve 51:18,21 reserved 52:14
province 8:4	R	recourse 106:17	regulation 104:16	reside 100:16 resided 36:10
public 5:21 19:3 73:19 81:12 85:6 92:2 96:16 106:21	raise 62:15 68:4 99:4,8,10,12,12 101:15	Reed 7:20 9:21 10:19 12:8	regulations 6:14 20:1 36:21 74:13 80:1 82:7 86:1 92:20 97:12 104:19	residence 28:5 31:19,20 33:20 38:19,20 47:16
pull 17:5 45:17	raised 77:11 78:17 99:15 100:8,11 101:20	Reed's 10:17	reinstating 55:4,8	resident 25:17 31:11 33:22 37:10
purports 7:14 21:6 75:13 82:10 93:13 98:13	raising 68:18 70:10	reelection 102:15	reiterate 67:13 106:1	residential 26:4 27:20 28:9,14 33:16,17 38:22
purpose 57:1	rare 69:16	reevaluate 67:8	reject 7:16	residing 32:1 36:5 36:8 37:3,21 38:5 39:1,2,3
purposes 9:1	re-register 48:20	referral 70:13	released 89:10	respect 9:14
pursuant 1:12 6:13 19:21 74:12 79:22 82:6 85:22 92:19 97:11	read 5:13 16:14 18:16 25:14 48:5 73:9 81:2 84:18 96:6	refute 27:11	remains 78:12	respond 35:6 52:16
push 43:14	reading 16:21 90:17 91:14	regard 65:9	remember 15:18	responding 28:7
put 24:4,10 28:4 31:2,22 33:16 34:10,13,17,17 37:18,20 38:4 39:1,10,13 40:1 41:10 43:21 47:19 106:17 108:2	ready 16:17,20	regardless 49:5 68:10	removed 43:16	rest 27:21 28:17 100:4,20 108:8
Putta 3:6 16:19 17:3,9,15,16 18:1 18:19 19:11,14 21:17 22:4,9,13 22:15 23:17,22 29:17,20 31:1 35:11 42:6,8 43:2 43:21 47:22 52:13 53:21 54:4 59:5,6 60:11 61:19 67:11 67:12 70:16,20 71:12	really 32:12 34:3 43:15 47:19 62:2 62:4 65:4 105:3 105:14 106:10	regards 109:7	render 47:20 49:8 77:8 89:16	restrict 32:16
Putta's 21:14 35:7 63:14	reason 48:11 64:13 103:5,16	registered 4:20 6:1 6:17,18 19:5 20:3 20:4 21:21 28:4 33:6 40:20 66:13 68:8,15 69:16 73:21 74:6,18,20 75:14 81:14,21 82:11 85:8,15 86:4,20 92:4,11 93:1,14 96:18 97:3,18 98:14 100:14,15,21 103:18 108:21 109:9	Renneberger 3:12 90:13 91:13,17 92:8	result 27:5 49:8 58:16
Q	reasons 53:22 65:6	Registrar 26:21 28:7 30:13 34:22 40:2 50:11 52:11 56:1,11 60:2 66:11 76:10 79:13 82:22 96:6	repeat 30:15	results 29:12
qualified 7:11 20:22 105:17	reasserting 99:15	registrant's 5:13 18:16 24:2 25:1 29:8 33:7 45:22 55:11,16,19 73:10 81:2 83:4 84:19 91:14 94:4	report 5:14 18:16 73:10 81:3 83:1,4 84:19 91:15 94:5 96:7	returned 46:12 47:16 48:18 49:7
question 13:19 15:1 44:17 52:2 61:12 80:6 99:5	rebut 38:7 57:1	registration 13:22 14:4,5,16 21:18	REPORTER 43:11	reversed 61:21
	rebuttal 108:17		reporting 10:4	review 6:3 8:7,10 19:10,13 21:7 22:7,14 23:3,9 33:7 52:15 54:1 55:21 56:3,6 58:21 69:14 74:1 75:18 78:16 81:16 82:15 85:10 87:2 92:6 93:18 96:20 98:18 105:15
	recap 67:5		representative 68:2	reviewed 14:14 29:17,18 30:2
	received 24:2 50:8		representing 5:10 18:10 23:22 73:4 79:12 84:13 91:8 95:20	reviewing 53:22 59:11
	recess 16:8,12 90:3 90:5 94:19,22		request 45:22	Revised 53:6
	recklessly 104:3		requested 7:15	right 4:22 5:12 11:14 15:15,22
	recognizing 89:13		required 5:21 8:15 19:3,8 21:3,11,15 22:22 36:21 73:19 74:4 75:22 81:12 81:19 82:19 85:6 85:13 87:7 92:2,9	
	recommend 79:17			
	recommendation 83:5			
	reconvene 90:3			
	record 5:1,14 9:2 17:13 18:17 41:10 41:11 61:10 62:2 63:1 72:18 73:10 75:2 79:9 84:8,19			

16:3,15 17:7 18:7 18:15 23:16,20 39:17 41:19 42:4 43:1 45:2 48:3 51:19,21 52:14 54:12 55:7,7 57:17 59:20 61:8 62:15,19 64:20 65:11 67:2 71:4 71:13 72:7,12 73:9 76:1 77:3 78:11,22 80:18 83:20 84:17 87:8 88:17,19 89:3,14 89:22 90:7,22 91:12 94:19 95:2 96:5 99:2,14 109:10 risk 34:5 35:16 36:6 39:12 risks 32:2,5 road 28:1 106:15 Robert 4:19 5:2 6:1 6:7 43:20 44:4 roll 28:20 46:6,11 66:8 68:9 74:16 97:15 rolls 25:18,19 26:1 26:5,6 27:19 28:12,15 40:17 Room 1:11 4:9 row 26:9 rule 104:8 ruled 102:19 rules 33:15 ruling 102:21,22	46:22 Screen 28:14 scrutinize 101:4 105:8 scrutinized 67:17 scrutiny 105:6 seat 72:4 second 10:15,18 29:17,18 50:16,22 66:20 secondly 67:16 Section 6:13 19:22 74:12 82:6 85:22 92:19 97:11 see 8:4 11:9 13:1 14:3 15:18,20 31:7,9 34:4,22 41:4 49:11 101:22 seeking 100:17 seeks 7:3 20:11 75:5,15 82:13 86:11,21 93:8,16 98:3,15 selected 10:8 send 49:1 sense 42:22 50:5 sent 47:15 56:19 83:18 separate 53:5 separated 10:15 separately 47:21 September 1:7 4:7 17:12 72:16 83:22 90:2,8 94:20 95:5 110:6 seriously 34:4 service 91:8 95:20 109:21 110:2 Services 2:10 5:10 18:10 73:4 79:12 84:13 session 95:3 set 52:3 seven 7:17 85:17 87:3 93:19 shape 102:12 share 107:18	sharing 107:15 sheet 7:11 12:22 13:2 20:22 25:13 26:3,8,17 27:18 28:8 37:2 40:1,22 62:6,12,12 69:19 sheets 6:10 10:1 19:19 31:1 32:8 32:19 35:12 36:1 37:11,13,16,18,19 38:1 39:20 61:12 68:5,8,15 69:15 69:15 70:6,9 74:10 78:7 82:3 85:19 92:16 97:8 shelter 31:2,13,15 31:19,21,22 32:2 33:21,22 34:2 36:9 37:11 39:2 39:10 shelter's 31:2 shocked 48:1 short 23:17 87:22 88:2 show 28:3 41:3 43:22 shows 42:15 Shriver 43:20 44:5 44:6 46:4,5 48:16 49:5 sic 28:17 40:18 63:5 sick 83:19 side 32:15 signature 7:7,8,13 7:14 13:3 14:4,5 20:15,16,16,20 21:4,5 39:8 41:21 42:3,19 75:10,11 75:12 76:19 82:9 82:10 86:16,18 87:14 88:6,7 93:12,13 98:7,10 98:11,12 99:3,8 101:14,18 102:8 102:10 signatures 6:5,7,9	6:12 7:17,19 8:8 8:14,14,15 10:5,5 10:8,11 11:5,7 13:3 14:14,15 19:7,9,12,16,18 19:21 21:13,14 22:5,10,12,21,21 23:6,8,17 32:20 33:5,8,11 34:12 42:9 45:12 50:4 50:10,18 51:2 52:12,16,19 55:18 59:5,9 60:14 62:5 65:16 66:1 67:1 69:20 74:3,5,8,11 75:21,21 76:5,8 76:12,18 77:10,10 77:19,22 78:13 81:18,20 82:1,5 82:18,19 85:12,14 85:17,21 87:6,6 87:11 89:6,6 92:9 92:10,14,18 93:22 93:22 97:1,2,6,10 98:21,21 101:6,8 102:18 103:9,10 103:17 104:21 105:1,2,16 108:4 108:7,8,13,17 109:1,4 signed 6:20 7:12 20:6 21:1 39:21 70:6 74:17,22 75:17 82:14 86:6 87:1 88:12,13 93:3,17 97:16,20 98:17 signer 6:16,17 7:3,9 20:2,3,11,18,19 74:18,19 75:5,10 75:13 82:11 86:3 86:11,18,19 92:22 93:9,14 97:17 98:3,8,10,13 signer's 7:1 20:9 74:15 75:3 86:9 93:6 97:14 98:1	signing 64:5 SILENTLY 16:14 similar 103:7 simply 32:21 36:4 37:3 107:11 single 68:7 72:15 73:16 75:14 79:6 81:9 82:12 84:5 85:3 86:20 90:15 91:21 93:15 95:10 96:13 98:14 100:16 sir 14:1 15:3,7,9 17:14 23:13 67:11 situation 31:18 32:6 33:15 six 22:16 52:18,19 52:21 54:15,17 59:4,5 sleeps 31:12 small 89:12 SMD 74:6 81:21 85:15 92:11 97:3 Smith 7:20 26:3 28:20 sole 8:3 solely 8:7 soon 71:7 89:16 sorry 11:18,22 12:11 26:13 36:17 41:1 62:11 64:13 83:15 sought 102:15 105:12 speak 15:9,9 17:21 30:12 43:7,12 56:12 61:2 Special 1:5,10 2:12 4:4 5:8 18:13 84:1 90:9 95:3 110:9 specific 65:22 specified 12:19 speech 105:13 spoke 58:5,22 87:13 sponte 69:1
S				
S 81:5 S.E 26:5 28:1,21 safety 106:21 Samantha 18:2 SANFORD 2:18 satisfying 64:22 saying 11:4 13:19 83:19 105:1 says 29:11,15 31:10				

spreadsheet 22:5 22:11 24:3,14,19 24:21 29:9 30:5,6 30:8 34:10,20 44:5 50:9 53:5,7 54:19 55:17 56:5 56:19,22 57:5 66:16,18 Square 1:12 4:8 staff 2:6 54:7 57:20 72:17 stamp 45:18 stand 43:7 71:1 107:9 standards 100:11 104:5,7 107:21 standing 107:12 standpoint 106:21 start 84:9 started 64:2 starting 17:14 91:2 95:13 state 36:2 62:22 95:16 stated 35:8 53:5 87:18 statement 32:3 35:17 36:7 39:12 88:10 states 44:7 status 46:4,18 stay 12:12 34:2 107:1 stealing 107:4 Stephen 1:20 4:12 stepped 71:21 Stewart 40:8,14 41:9,12,13,17 42:1,11 43:5 Stewart's 42:18 Street 1:12 25:18 26:5 27:2 28:21 41:8,17 63:4 101:19 102:8,11 stretch 101:20 102:9 sua 69:1	subject 35:17 37:5 submission 89:15 submissions 22:18 submit 23:18 56:4 57:13 58:21 66:18 89:6 101:9 104:20 submitted 5:16 6:4 18:19 19:11,15 21:13,17,19 22:4 22:11 24:22 31:4 37:14 44:7,20 45:6,7,9,12,14,16 45:18 53:6,15,19 55:17 59:12 60:12 65:22 67:7 71:6 73:12 74:3 77:5 81:5,18 84:21 85:12 91:17 92:8 96:9,22 101:5 103:11 104:16 submitting 101:10 subsequent 19:13 51:6,15 sufficiently 20:20 75:10 86:18 98:10 sugar 72:9 Summers 7:21 supported 36:11 42:21 sure 10:22 16:11 17:22 41:12 44:14 46:7 49:22 50:7 51:11 54:8 60:20 63:2 88:7 105:15 106:22 sustained 101:12 swear 62:13,15 sworn 44:7 88:9 symbol 31:6 sympathize 104:15 system 106:16 <hr/> T <hr/> T 72:13 73:12 table 4:19 5:1 43:16 79:3 84:7 91:2 95:11	take 15:16 27:2 29:4,9 47:19 56:15 70:11 71:5 77:8,20 78:16 88:19 89:15 94:19 109:6,12 taken 16:12 23:9 76:12 83:9 90:5 94:12,22 Talil 68:6 talk 57:19 58:1 talking 52:19 103:8 103:9 Tasha 28:8 task 8:3 TATUM 2:8 teacher 63:22 technically 108:5 tell 89:5 107:7 ten 5:21 7:5 19:3 20:13 33:21 64:7 73:19 75:7 76:6 77:22 78:2 81:12 85:6 86:13 92:2 93:10 96:16 98:5 Teresa 99:4 terms 50:1 61:15 testified 42:22 testify 40:3,18 43:4 60:22 64:19 testimony 62:16 88:5 thank 8:16 9:12,16 9:19 11:8 12:11 14:18 15:2,6,13 15:17 16:7 23:15 27:14 30:16 42:5 43:16 51:11 59:18 59:19 64:21 67:22 68:1,3 70:22 71:3 71:8,10,11 72:5 73:8 77:12,13 78:20,21 80:15 89:17,19 94:14,15 99:1 104:10 108:14 109:14,16 109:20 110:3	Thanks 18:8 theirs 57:1 thing 41:8 69:15,17 104:19 106:4 things 67:3,13 think 14:14 15:19 25:4 26:22 28:3 37:15 38:2,11 40:16 42:14 47:9 58:6 66:19 68:19 69:3 99:2 101:2,7 102:2 103:6,20 104:3,6 106:5,7 106:12 107:11,20 109:6 thinking 104:18 third 25:12 34:21 Thomas 7:21 95:8 Thomas-Barnes 3:14 96:9,22 thought 26:16 72:11 thousands 109:2 three 21:22 34:1 62:10 68:4 89:10 threw 102:22 throwing 104:22 thrown 108:2 Thursday 24:22 45:7,15,20 55:13 57:2 67:15 time 4:7 6:19 7:12 15:1,19 17:11 20:5 21:1 23:3 29:17,18 30:15 32:5 33:19,20 45:18 48:13 50:13 56:20,21,22 59:1 59:9 60:16 71:1 72:16 74:17,21 75:16 82:13,22 86:5,22 89:4 93:2 93:16 94:3,20 95:6 97:16,19 98:16 107:5 110:6 timeliness 9:3 56:18	timely 45:8 times 31:1,3 38:12 105:13 Tina 7:21 Tion 76:13 Title 6:13 19:21 74:12 82:6 85:22 92:19 97:11 titled 53:6 today 9:10 23:12 24:17 30:21 64:16 70:14 71:6 told 55:10 56:4 top 53:20 69:18 total 6:5,8 8:11 19:12,15,18 21:17 22:5,7,12 30:3 74:3,8 81:18 82:1 82:16 85:12,17 87:3 92:8,14 93:19 96:22 97:6 trip 89:11 truth 62:17 try 64:18 trying 48:5 Tuesday 45:8 turn 9:20 29:7 105:18 turned 30:19 102:16 Turner 4:20 5:2,2 6:1,8 7:15 8:17,18 8:21 9:18,19 10:10,13,22 11:6 11:10,13,15,20 12:2,6,11,13,21 13:5,8,12,14,16 14:1,6,9,12,17,20 Turner's 9:4 two 22:2 37:16 61:12 67:12 75:21 87:3,6,11,16 93:22 98:21 type 107:21 <hr/> U <hr/> Um-hmm 27:8 44:2
--	--	---	---	--

undeliverable 46:12 47:17	86:4 93:1 94:12 97:18 100:14,16	107:9	willing 40:3 60:22	10/31 46:9
underlined 66:1	100:21 103:19	wanted 23:15 51:11	window 89:12	10/31/13 46:10
understand 9:8 89:8	107:8 109:1	63:20 67:13 102:6	wish 67:18	10:00 1:12
understanding 56:20	voted 44:8 47:7,9 47:10 49:5,5 108:21	103:5	withdraw 14:22	10:25 4:2,8
undertake 104:2	voter 4:20 5:10 6:1 6:17 14:16 18:10	wanting 106:7	WITNESS 62:18 63:2,8,11,15,21 64:11 65:2	10:30 45:6 57:7
undertaken 19:13	19:5 20:3 21:17	war 86:20	witnesses 60:21	10:45 16:13
unfortunate 43:9	24:21 25:6,9,11	ward 75:14 82:12 93:15 98:14	wonderful 42:2	10:48 16:13 17:11
unfortunately 26:19 30:20 33:11 64:16	25:16,17 26:1	Washington 1:12 41:18 63:4	word 64:10	104 28:12
unqualified 38:3	27:19 32:15 33:8	wasn't 32:1 44:20 56:13 87:16	wording 102:21	105 28:12
untimely 55:20	34:18 38:15 39:21	waste 60:15	work 105:5	11:44 72:16
updated 27:5 29:12 29:19 54:1	39:22 41:6 44:10	way 26:11,12,15 35:1 64:2	worked 33:10 67:20 106:5	110 3:15
updates 46:18	46:6,11 48:10	we'll 9:11 11:15 14:22 16:22 29:4	working 80:13	12:01 83:21
upheld 32:11	50:2 66:7 68:9	47:19 49:11,16,21	world 100:4	12:06 90:1,6
use 103:16	73:4,21 74:15,16	51:12 55:1,1	wouldn't 67:18	12:30 45:19 90:4,6
uses 33:19 38:15	74:18 75:14 76:20	56:14 59:17 67:6	write 31:14 35:12 37:10,22	12:33 90:8
	79:12 81:14 82:11	67:21 70:11 71:14	writing 69:21	12:37 94:20 95:1
	84:13 85:8 86:20	77:9 78:15 84:9	written 25:20 28:16 46:8	13 23:2 24:12,13
	91:8 92:4 93:14	109:12	wrong 30:14 66:13 66:20	14 26:3 28:8
	95:20 96:18 97:14	we're 4:8 12:17 16:4 34:11 48:8	wrote 28:22	145 21:10
	97:15 107:18	49:12 52:18 53:3		15 11:2 22:15 87:19
	108:21 109:2	60:20 62:11 68:18		152 10:10,12,13 11:1 12:16
V	voter's 25:6	72:12 90:9 95:3	X	158 21:14
v 8:5	voters 21:20 28:4 32:18 33:6 48:13	103:8,9		16 3:6 11:2
valid 7:1 8:12 20:9 20:16 21:9 22:16	48:17 49:1 54:10	we've 23:13 24:1 34:10 49:22 65:21		1607.1 6:14 19:22 74:13 82:7 86:1
22:19 33:6 36:12	68:14 69:16 74:5	83:16 104:15		92:20 97:12
36:15,16 38:2	79:13 81:20 83:1	Wednesday 1:7 4:7 17:12 45:21 83:22	Y	1607.1(h) 36:21
50:4,12 52:18,22	85:14 92:10 96:7	90:2,8 94:20 95:5		162 22:5,7 30:2 55:18
53:4 54:3,5,9,15	97:2 103:15	110:7	years 16:2	16th 63:3
55:4 60:10 68:12	107:15 109:9	week 89:11	yesterday 45:10 50:8 57:11	17 11:3 13:17
68:14 75:3,20	Voting 2:10	went 23:8 47:1 48:11 49:6 52:9		1701 63:3
78:7 80:9 82:17	vs 70:3 71:17 80:2	52:17 54:2,14	Z	18 5:22 11:2 19:4 73:20 81:13 85:7
86:9 87:4 93:6,20		110:10		92:3 96:17
98:1,20 101:10,11		weren't 54:8,12 58:11 105:4	0	180 35:18
101:16 108:13,21		WILLIAM 2:18		19 11:2 26:9,9,16 26:17,18 27:18
validate 60:4		Williams 8:5 70:4 76:16 102:15	2016 8:5	1A02 90:15
validated 76:5,9	W	103:22 108:17		1A04 90:16,20,21 91:22
validation 51:6	wait 26:16 46:1,1 52:1,1,1		1	1B10 84:6 85:4
validity 62:4	Walter 5:3			
veracity 8:1	want 9:2,7,20 12:12 30:10 32:22 49:19			2
verification 103:13	52:2 60:15,20			2 11:1 28:22 39:2
view 32:14	61:3 64:4 65:14			2,278 8:11
volunteer 63:15	66:2 67:10,16			
vote 6:18 20:4 40:20 44:8 46:20 47:4 74:20 83:9	77:19 102:2 107:3			

2,623 22:19	29 75:19	52 63:4	
2,715 21:8		53 28:8	
2,842 21:14	<hr/> 3 <hr/>	5314 40:18	
2,855 21:10	3 1:7 4:7 11:1 17:12	5364 40:22 41:1,8	
2,934 22:21	25:13 72:16 83:22	41:17	
20 11:2	90:2 95:5	54 81:18	
2000 63:5	3,000 6:7 8:14 19:9	5419 28:13	
20001 1:12	3,045 19:18 22:19	56 74:3	
20019 41:18	3,595 6:8 8:11	5743 28:15,16	
2002 8:6	3,938 8:13	5D 102:11	
2008 44:9 46:22	3:59 57:10	5D05 96:14	
47:10 49:6	30 8:5 82:18	5D05 95:10	
2012 15:22 44:8	301 26:7	<hr/> 6 <hr/>	
46:22 47:5,11	302 26:6	6 5:15 18:18 26:3	
49:6	31 25:19	84:20 96:8	
2013 46:7 47:2,14	32 25:20	6,216 6:5	
2014 1:7 4:7 5:15	350 27:1	64 82:16	
5:18,22 17:12	3rd 90:8 94:20	66 22:21 23:17 24:7	
18:19,21 19:4	110:7	29:22 30:6 67:1,4	
72:16 73:12,14,20	<hr/> 4 <hr/>	68 98:19 101:12	
81:5,7,13 83:22	4 3:3 5:18 18:21	103:9,9 108:4	
84:20 85:1 90:2	21:21 73:14 81:7	69 108:5,7,12	
91:16,19 92:3	85:1 91:16,19	<hr/> 7 <hr/>	
95:6 96:8,11,17	96:11	7 92:14	
2018 28:9	4:30 50:9 57:6	71 3:8	
208 62:12,12	4:45 45:14 55:12	74 97:6 98:19	
21 22:12,14 45:5,11	56:5 57:2,14,16	79 3:9	
45:15 50:10 52:9	67:15	<hr/> 8 <hr/>	
52:15,21 54:11	40 74:8 75:19	83 3:11	
56:8	403 25:18	87 28:19	
212 12:21 64:13	4224 26:5	89 22:8 30:2	
213 13:14	4230 28:21	8EO-1 79:6	
23 87:5 93:21	4232 28:22	8EO1 81:10	
24 82:16	43 27:18	8EO2 72:15 73:1	
245 40:12 41:3	441 1:12	73:17	
25 74:4 81:19 85:12	46 82:1	<hr/> 9 <hr/>	
85:13 89:5,6	4644 27:21	9 28:19	
92:10 97:2 105:1	4645 27:20	90 3:12	
108:13	49 33:5 34:10,15	938 8:14	
26 101:17 108:13	4th 1:12 26:5	95 3:14 96:22	
27 75:21 78:10 92:8	<hr/> 5 <hr/>	104:22	
98:21	5 3:5 11:1		
28 21:17,18 73:12	5,557 19:15		
81:5	5,570 19:12 21:13		
280 1:11 4:9	50th 25:18 27:2		
28th 55:13 56:6			
57:2,15,17 59:12			

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: Board of Elections

Date: 09-03-2014

Place: Washington, D.C.

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my direction; further, that said transcript is a
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Court Reporter

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