

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

MONDAY

MARCH 18, 2024

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The District of Columbia Board of Elections convened a Special Board Meeting via Videoconference, pursuant to notice at 9:30 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

- GARY THOMPSON, Chair
- KARYN GREENFIELD, Member
- J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

- MONICA HOLMAN EVANS, Director
- SYLVIA GOLDSBERRY-ADAMS, Deputy Director
- TERRI STROUD, General Counsel
- CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
- MARISSA CORRENTE, Registrar of Voters

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

2 (9:51 a.m.)

3 MR. THOMPSON: Well, good morning.

4 It's a beautiful spring day.

5 MS. STROUD: Good morning.

6 MR. GRANT: Good morning.

7 MR. THOMPSON: And as I mentioned, my
8 name is Gary Thompson, the chair of the Board of
9 Elections. And we're here for a special board
10 meeting. A specific agenda was distributed to
11 all three board members for this purpose, and
12 some other materials that we've reviewed,
13 including some exhibits that came in yesterday.

14 We have a quorum. All three of us are
15 here. I see Karyn Greenfield, I see J.C. Boggs.
16 Really quickly, we always adopt our agenda
17 formally, so I move the agenda, which only
18 contains this one item regarding Mr. Grant's
19 appeal. So, is there a second?

20 MR. BOGGS: Second.

21 MR. THOMPSON: All in favor?

22 MS. STROUD: Aye.

1 MR. BOGGS: Aye.

2 MR. THOMPSON: Okay. So, our agenda
3 having been adopted. As I mentioned, we're here
4 to talk about just this one matter. And I think
5 I will start by turning it over. Should I turn
6 it over first to General Counsel Stroud to sort
7 of set the table and brief us on BOE and OGC's
8 views on this, and then our board will consider
9 the matter?

10 MS. STROUD: Sure. By way of
11 background, on January 18 Mr. Grant submitted a
12 Declaration of Candidacy form for the Democratic
13 nomination for an at-large counsel seat. On that
14 form he indicated that his name should be on the
15 ballot as Rodney Red Grant. His voter file
16 indicated his given name is Rodney Neal Grant,
17 and that Red was not either one of his names or a
18 modified form of his given name.

19 On or about that same day, January 18,
20 the registrar of voters advised Mr. Grant and his
21 counsel that the use of the name Red on the
22 ballot would be inconsistent with the board's

1 regulations and that a formal determination as to
2 the name that will be allowed on the ballot would
3 be made at a later date, and that that
4 determination could be appealed.

5 Mr. Grant and/or his counsel indicated
6 that such an appeal will be taken. In the
7 meantime, nominating petition forms were issued
8 by the registrar that identified the candidate as
9 Rodney Grant, and that same name was updated to
10 include Rodney Grant.

11 On February 12 Mr. Grant sent an email
12 to the Board of Elections' email address for
13 candidates, and that email stated that his name
14 as shown on the board's website should be changed
15 on the website to Rodney Red Grant. And so, on
16 March 11 the board's executive director issued a
17 preliminary determination through the registrar
18 of voters, finding that Mr. Grant was eligible to
19 apply for the Democratic at-large council
20 nomination.

21 That determination also notified the
22 candidate that consistent with information that

1 had been provided earlier, his name would appear
2 on the ballot as Rodney Grant, thereby alerting
3 him to the fact that the nickname Red would not
4 appear on the ballot.

5 On March 14, Candidate Grant emailed
6 the board's Office of the General Counsel
7 indicating that he was appealing the executive
8 director's preliminary determination with respect
9 to the use of the name Red.

10 And Mr. Grant argued that the board's
11 regulation does not state that the given name of
12 the candidate is the only acceptable form of the
13 name that can be included on the ballot and that
14 it allows a modified form of a candidate's given
15 name if the board finds that that modification
16 does not confuse or mislead the voters, and it's
17 legally acceptable. He also stated that adding
18 Red to the ballot is an action to add detail to
19 his given name to aid the pursuit of identifying
20 Mr. Grant and producing clarity for voters.

21 And he also indicated that his name
22 had appeared on the D.C. ballot in a prior

1 election cycle with the nickname Red, and that
2 that name currently appears on the 2024 primary
3 election list of candidates that's posted on the
4 board's website. He also indicated that
5 enforcement of this regulation with respect to
6 the primary election ballot was arbitrary and we
7 should support a proceeding questioning it.

8 And so, that brings us here today.
9 The board is considering Mr. Grant's appeal of
10 the determination that the use of the name Red on
11 the ballot is inconsistent with the board's rule
12 which indicates that we will only permit a
13 person's given name or a modified use of that
14 given name on the ballot. And so that brings us
15 here today.

16 MR. THOMPSON: Okay. Yeah, thank you
17 for that. And I'll just note for the record we
18 are in receipt of Mr. Grant's March 12, 2024
19 statement and some additional materials that were
20 submitted yesterday I believe, some links to
21 websites that show what you see when you Google
22 Red Grant or what you see when you Google Rodney

1 Grant. There's some I think actor out there that
2 has that name.

3 So we've taken a look at those and
4 we've reviewed the pertinent regulation, 1203.2,
5 which recites that the board may permit a
6 candidate to specify a modified form of his or
7 her given name or names on the ballot if the
8 board finds that the change shall not confuse or
9 mislead the voters, and is legally acceptable.
10 So I think with that we'll hear from Mr. Grant,
11 or I think maybe you have counsel present as
12 well, is that right?

13 MR. GRANT: Yes, sir.

14 MR. THOMPSON: Okay. So, you know,
15 whoever wants to speak, you're both welcome to
16 present --

17 (Simultaneous speaking.)

18 MR. GRANT: We probably both will
19 speak, but I'll let Antoine go first.

20 MR. THOMPSON: Okay. And Antoine,
21 what's your last name?

22 MR. GRANT: Unmute yourself.

1 MR. THOMPSON: Oh, you're muted.

2 PARTICIPANT: You might have to do it
3 on this end.

4 MR. THOMPSON: Oh, you have to permit
5 him to unmute.

6 MR. WILLIAMS: Okay. Can you all hear
7 me now?

8 MR. THOMPSON: Yes, we can.

9 MR. WILLIAMS: Okay, great. Sorry
10 about that. Yes, my last name is Williams. D.C.
11 BAR number is 163 -- okay, you don't need that?

12 (Simultaneous speaking.)

13 MR. THOMPSON: No.

14 MR. WILLIAMS: All right, great.

15 MR. THOMPSON: Got it.

16 MR. WILLIAMS: Okay. Speaking on
17 behalf of Mr. Grant today, you actually outlined
18 everything from the submissions that we had prior
19 to the hearing. Title 3, Section 1203.2 of the
20 D.C. Municipal Regulations is very clear and very
21 specific. It states that the board may permit a
22 candidate to specify a modified form of the name,

1 and that is what we're proposing here because
2 that is what Mr. Grant has done his professional
3 career.

4 The key issue here is that this
5 modification is not going to confuse or mislead
6 the voters and it is legally acceptable. There
7 is no legal rationale why Mr. Grant cannot use
8 Red, and this particular addition of Red will not
9 mislead or confuse the voters. And a
10 modification would be the use of Red.

11 As a statute, it's very clear and
12 straightforward. There's no ambiguity in the
13 statute, and our proposal here is that Red be
14 used and be able to use this name, which he's
15 used throughout his professional career. And as
16 you noted in the letter previously, he used this
17 particular moniker on the D.C. mayoral campaign a
18 year ago.

19 So it's not a name that is not -- is
20 superfluous as far as being made up or anything
21 like that. He's used it his whole professional
22 career. And as you noted earlier, when you

1 Google Red Grant, he appears, and you will see
2 his background and his career from that
3 progression.

4 So that is basically the point. I
5 don't want to belabor the point because you have
6 the information and the facts there. Red --

7 MR. THOMPSON: Let me just ask a quick
8 question, then. It goes to your comment that Mr.
9 Grant has used Red for his whole professional
10 career. That's kind of my main question, is when
11 did the name start being used? Was it prior to
12 running for political office? Does it have, you
13 know, a connection that goes back and some --

14 (Simultaneous speaking.)

15 MR. WILLIAMS: Yeah. Red can speak to
16 that himself.

17 MR. THOMPSON: Okay.

18 MR. GRANT: They've been calling me
19 Red since I was probably seven years old. It's a
20 name that, when you grow up in Washington, D.C.,
21 sometimes you grew up in the neighborhoods, they
22 call you different names, and Red was the name

1 that came out of that. Also since I was 19 and
2 has been on TV, on HBO, Comedy Central, Showtime,
3 and many other places. The name Red also has
4 been used not only in my non-profit
5 organizations, but also my businesses and
6 everything else that, you know, we're trying to
7 achieve, me and my wife.

8 And it's just a name that has a legacy
9 to it and people know me for it, and they don't
10 know Rodney. My mom knows Rodney, and that's the
11 reason why we put it on the ballot, to honor her
12 and my father. And, but everybody knows me as
13 Red.

14 MR. THOMPSON: All right. Well, thank
15 you.

16 MR. GRANT: My wife who's sitting
17 beside me probably has only called me Rodney
18 twice in my life.

19 MR. THOMPSON: Well, we don't want to
20 know about those times. Well, thank you for
21 that. I mean, a modified form of a name, you
22 know, it's not precisely clear. I mean, someone

1 named James, if you see Jimmy, you know,
2 obviously, or Antoine might be Tony, but lots of
3 people --

4 MR. GRANT: But William might be Bill
5 Clinton, or, you know?

6 MR. THOMPSON: Yeah. So I think the
7 concern might have been, you know, sometimes
8 somebody running for office, like, they have a
9 slogan, you know, like Gary No New Taxes
10 Thompson, you know?

11 But, or maybe a color to connect with
12 the campaign theme or aesthetic that's
13 reinforcing a political purpose as opposed to,
14 you know, a name or a modified form of a name,
15 which we'll have to talk about this. But, you
16 know, to what extent does that include nicknames
17 that are not obviously derived from, you know,
18 the given name? But, so I --

19 MR. BOGGS: Gary, let me follow up on
20 that too, and you're really getting to the
21 questions I had, and sort of how far does this go
22 back? And one, it's a professional name but I

1 like that it's gone back pre-professional, right?
2 So when you were seven. And so, I go by J.C.

3 Is that, you know, if I ran for
4 something in D.C., is that allowed? It's my
5 initials, right? And you've got, you mentioned
6 Bill Clinton, you know, Joe Biden, you have
7 Joseph Robinette Biden, and when so many people
8 have different names these days, particularly for
9 -- they immigrate from a certain country, they're
10 different. So thinking about even Bobby Jindal,
11 his name's not Bobby, it's Piyush, I think. I'm
12 not sure I pronounced it right. So he just
13 happened to like when he was a kid the name
14 Bobby. He liked Bobby Brady of the big Brady
15 Bunch and he said that's the name I want to have,
16 you know, Americanize it.

17 And so, I don't know. You know,
18 Rodney, you could go by Rod, one letter
19 different, Red. I mean, if it needs to be a
20 derivative of your given name, there's an
21 argument there, too, but the fact that -- and the
22 purpose here I think if we're not confusing the

1 electorate, the voters.

2 They know you by Red. Your wife calls
3 you Red, she's wearing red and so she's very
4 supportive. So that's kind of the line of
5 questions I had, and actually maybe not including
6 Red would be more confusing or misleading to
7 voters because they know you by Red Grant and
8 have known you by that since you were seven or
9 worked for you on their non-profit or different
10 thing. So, appreciate that.

11 MR. GRANT: Thank you.

12 MS. STROUD: Thank you.

13 MR. THOMPSON: Karyn, anything from
14 you?

15 MS. GREENFIELD: Yeah, I mean, and I
16 actually did do the Google to see what would come
17 up. And just to see the longevity of the name
18 because my initial concern gets to, do you have a
19 name that came in as a nickname for your campaign
20 or is it something you've always had, and it's
21 gone all the way back? And so I did, and you're
22 right, after you Google Rodney Grant, somebody

1 comes up. It's not you. If you Google Red, you
2 come up.

3 And so, and I think the really
4 question here is, because, you know, for me if
5 it's a derivative of your name, Bobby, Rob, Rob,
6 you know, William, Bill, even though, you know,
7 what is the name -- you know, Jackson's a
8 derivative of something that, you know, whatever.
9 That's one thing.

10 If it's a nickname I think we just
11 need to talk about, is that, you know, the same,
12 especially if it's something that's really almost
13 became like your regular name because it's been
14 in use for so long, and before this. So. Yeah.

15 MR. THOMPSON: Well, all in the same
16 vein my --

17 (Simultaneous speaking.)

18 MS. GREENFIELD: I think we need to
19 talk -- thank you.

20 MR. THOMPSON: I just wanted to rule
21 out the possibility that Red wasn't a political
22 kind of, you know, statement that connected to a

1 color like, you know? So, and you know,
2 nothing's more personal than a name. So, you
3 know, I think we all really respect that.

4 I think we'll just briefly go into
5 executive session, which means we just quickly
6 deliberate and then we'll pop back onto the
7 record in maybe ten minutes or so and make a
8 motion and make a determination. So before we do
9 that, anything else that Mr. Williams or Mr.
10 Grant, you would want to add?

11 MR. GRANT: No, sir. Thank you.

12 MR. WILLIAMS: Thank you.

13 MR. THOMPSON: And anything else from
14 OGC or --

15 MS. STROUD: No, not at this time.

16 MR. THOMPSON: All right. So with
17 that, I would move that the board go into
18 executive session specifically for the purpose of
19 deliberating upon this single issue that's before
20 us in today's special meeting.

21 MS. GREENFIELD: I second.

22 MR. THOMPSON: All in favor?

1 MS. STROUD: Aye.

2 MR. BOGGS: Aye.

3 MR. THOMPSON: So it'll just be a few
4 minutes.

5 MS. STROUD: Yes, I just want to go
6 back so that we can take a roll call vote with
7 respect to entering into executive session. So,
8 Chairman Thompson?

9 MR. THOMPSON: Aye.

10 MS. STROUD: Member Greenfield?

11 MS. GREENFIELD: Aye.

12 MS. STROUD: Member Boggs?

13 MR. BOGGS: Aye.

14 MS. STROUD: Okay. And if you could
15 state, Mr. Chair, the reason why you're entering
16 into executive session for the record?

17 MR. THOMPSON: Yes, specifically to
18 deliberate on this issue that's before us in
19 today's special meeting which is for -- I'm
20 almost going to get it -- the regulation -- I
21 don't have it in hand, but I think it's --

22 (Simultaneous speaking.)

1 MS. STROUD: Okay. Yes.

2 MR. THOMPSON: Can you --

3 MS. STROUD: Yes, it is the provision
4 under the Open Meetings Act that allows us to go
5 into executive session, which I believe is 2-
6 575B, I want to say, but we can correct it for
7 the record.

8 MR. THOMPSON: All right, fair enough.
9 Okay, we'll be right back.

10 MS. STROUD: Okay. So what we'll do
11 is we will end this meeting, the board members
12 will log back on, and then everyone else should
13 log back on at let's say -- Mr. Chair, what are
14 your thoughts in terms of the time that they
15 should log back on?

16 MR. THOMPSON: Ten fifteen.

17 MS. STROUD: Ten fifteen? Okay, so
18 seven minutes from now. Okay, so thank you
19 everyone. We will close this meeting, and then
20 everyone will open back up for the public at
21 10:15, on time this time.

22 (Simultaneous speaking.)

1 MR. THOMPSON: Same -- thanks.

2 MS. STROUD: Okay, thank you.

3 (Whereupon, the above-entitled matter
4 went off the record at 10:08 a.m. and resumed at
5 10:17 a.m.)

6 MR. THOMPSON: Welcome back. Start by
7 -- I don't know if I have to move that we --

8 MS. STROUD: Yes, I think we want to
9 take a roll call vote to indicate that you are
10 moving from executive session back into the
11 meeting. So --

12 MR. THOMPSON: So I --

13 MS. STROUD: Mr. Chair?

14 MR. THOMPSON: I so move and I vote
15 aye.

16 MS. STROUD: And Ms. Member
17 Greenfield?

18 MS. GREENFIELD: Aye.

19 MS. STROUD: And Mr. Member Boggs?

20 MR. BOGGS: Aye.

21 MS. STROUD: Okay. With that, the
22 board has re-entered from executive session into

1 the meeting.

2 MR. THOMPSON: Okay. Well, we've had
3 a brief chat about this, and at this time, I
4 would move that we permit the name Rodney Red
5 Grant to appear on the ballot as such. And my
6 reasoning, which you kind of heard before, which
7 is, you know, that Red is your name that you've
8 used for your whole life, including in
9 professional circles, long before you ran for
10 office. So under those facts which I've just
11 learned this morning, I think at least in this
12 particular case it's appropriate to allow Rodney
13 Red Grant to appear on the ballot.

14 You know, other cases will present
15 other facts, and we'll perhaps try to clarify our
16 regulations to address, you know, in the future
17 how this would work for others because there's,
18 you know, lots of different scenarios where
19 people would like to use different names on the
20 ballot that aren't obviously derived from their
21 birth name.

22 So, well, that's for a future date,.

1 You know, I think under the facts of this limited
2 -- you know, this particular case, I'm perfectly
3 comfortable with Rodney Red Grant appearing on
4 the ballot, and I so move.

5 MS. STROUD: I second.

6 MR. GRANT: Thank you.

7 MR. THOMPSON: Any comments from J.C.
8 or Karyn?

9 MS. STROUD: Well, in light of the
10 motion, I just want to do a roll call vote just
11 for clarify for the record. Mr. Chair, you made
12 the motion.

13 MR. THOMPSON: Aye.

14 MS. STROUD: So your vote is aye.
15 Member Greenfield?

16 MS. GREENFIELD: Aye.

17 MS. STROUD: Member Boggs?

18 MR. BOGGS: Aye.

19 MS. STROUD: Thank you.

20 MR. GRANT: Aye.

21 MR. THOMPSON: Noted. Anything, J.C.
22 or Karyn, anything else that you want to comment

1 on at this time?

2 MS. GREENFIELD: No. I mean, I'll
3 kind of reiterate what you said, is that the use
4 of the name goes back many, many years. I even
5 looked up some of the movies. I looked up that,
6 you know, to see. So it is clearly the name that
7 he has used, and initially I was like you, I
8 thought it was a specific name made for the
9 campaign, and it's not. And so I think that's
10 that line we draw because we do need to draw a
11 fine line or we will get many different
12 variations of modified names. So.

13 MR. THOMPSON: And that --
14 (Simultaneous speaking.)

15 MR. BOGGS: We also talked about this
16 in executive session, that this recognize you as
17 Red or on the ballot doesn't lead to confusion,
18 it's not misleading, in fact it's probably the
19 other way around. It specifies what Rodney Grant
20 we're talking about, people know you that way, so
21 that was dispositive to me.

22 MR. GRANT: Thank you.

1 MR. THOMPSON: And thank you for
2 running for office.

3 MR. GRANT: Thanks for having me, and
4 I appreciate you guys. I appreciate the BOE and
5 you guys over there. I appreciate you, Antoine,
6 for showing up this morning. And I appreciate
7 the support.

8 (Simultaneous speaking.)

9 MS. GRANT: Oh, thank you.

10 MR. THOMPSON: All right. With that,
11 I move that we adjourn.

12 MR. GRANT: So, can I ask one
13 question?

14 MR. THOMPSON: Yeah.

15 MR. GRANT: Will you guys send over a
16 new letter from the BOE with that on it?

17 MR. THOMPSON: I think. Terri? What
18 happens then?

19 MS. STROUD: We can, but this stands
20 as the -- there's an orderable issue to this
21 effect.

22 MR. GRANT: Okay, cool.

1 MS. STROUD: So, the order will
2 indicate that you will be placed on the ballots.
3 This was an appeal from that determination. And
4 the order of the board, as indicated today, is
5 that your name will appear on the ballot as
6 Rodney Red Grant. So the order will suffice for,
7 you know, indication of how your name will appear
8 on the ballot.

9 MR. GRANT: Okay, thank you so much.

10 MS. STROUD: You're welcome.

11 MR. GRANT: All right. You guys have
12 a good day.

13 MR. THOMPSON: You too. Thank you,
14 you too.

15 MS. STROUD: You too. I'm sorry again
16 for the delay.

17 MS. GREENFIELD: Move to adjourn.

18 MR. GRANT: No problem.

19 MR. THOMPSON: Move to adjourn. Is
20 there a second?

21 MR. BOGGS: Second.

22 MR. THOMPSON: All in favor?

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MS. GREENFIELD: Aye.

MR. BOGGS: Aye.

MR. GRANT: Aye.

MR. THOMPSON: We are adjourned.

(Whereupon, the above-entitled matter
went off the record at 10:22 a.m.)

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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: DC BOE

Date: 03-18-24

Place: teleconference

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

Neal R Gross

Court Reporter

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