

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

MONDAY

MAY 12, 2014

+ + + + +

The Special Board Meeting of the District of Columbia Board of Elections convened in Room 280 North, 441 Fourth Street, N.W., Washington, D.C. 20001, pursuant to notice at 3:00 p.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman

BOARD OF ELECTIONS STAFF PRESENT:

BRITNEY BROWN, Law Clerk

RUDOLPH MCGANN, Staff Attorney

KENNETH MCGHIE, General Counsel

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

(3:01 p.m.)

CHAIR NICHOLS: Good afternoon.

Calling to order the Special Board Meeting --
Special Meeting of the Board of Elections.

Today is Monday, May 12th, 2014.

The time is 3:02 p.m. We are meeting in Room
280 North of One Judiciary Square.

I am Deborah K. Nichols, Chairman
of the Board of Elections. On the dais with
me this afternoon is Mr. Kenneth McGhie, our
General Counsel.

We are here this afternoon to
conduct a hearing to determine challenges to
the Nominating Petition for the Office of Ward
8 Member of the Board of Education.

In this case it is Seegars v.
Jolly, and Seegars, et al. v. Simpson. I
thought that was not going forward.

MR. MCGANN: That case is going to
proceed ex parte.

CHAIR NICHOLS: Okay. All right.

1 So, we will proceed first with the
2 Seegars v. Jolly hearing, petition --
3 Nominating Petition Hearing.

4 So, we have the parties before us.

5 Would you identify yourself for
6 the record first, and then I will go to your
7 report, Ms. Brooks.

8 We will start with Mr. McGann.

9 MR. MCGANN: Rudolph McGann, Staff
10 Attorney for the Board of Elections.

11 MS. BROWN: BRITNEY Brown, Law
12 Clerk for the Board of Elections.

13 MS. JOLLY: Tierra Jolly,
14 candidate for State Board of Education, Ward
15 8.

16 MS. LINDENBAUM: Dara Lindenbaum
17 of Sandler Reiff Young & Lamb on behalf of Ms.
18 Jolly.

19 MS. WILLIAMS: Sandra Seegars,
20 1107 Savannah Street, S.E., challenger.

21 MS. WILLIAMS: Sandra Williams,
22 847 Barnaby Street, assistant challenger -- to

1 the challenger -- with the challenger.

2 MS. BROOKS: Karen Brooks,
3 Registrar of Voters.

4 CHAIR NICHOLS: Thank you.

5 Ms. Brooks, we will hear your
6 report. Read your report for the record,
7 please.

8 MS. BROOKS: Okay. On April 17th,
9 2014, Tierra Jolly submitted a nominating
10 petition to appear on the ballot as a
11 candidate in the July 15th, 2014 special
12 election for the Office of Ward 8 Member of
13 the State Board of Education.

14 That petition was posted for
15 public inspection for ten days as required by
16 law and challenged on April 28th, 2014 by
17 Sandra Seegars, a registered voter in the
18 District of Columbia.

19 My preliminary review of the
20 petition challenge indicates that Ms. Jolly
21 submitted a total of 347 signatures. The
22 minimum requirement for this office is 200

1 signatures of District voters who are duly
2 registered in the same ward as the candidate.

3 Challenger Sandra Seegars filed a
4 challenge to a total of 201 signatures
5 enumerated by line and page number on the
6 individual challenges filed for each petition
7 page.

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

12 The signer is not a duly-
13 registered voter, he signer, according to the
14 Board's records is not a registered voter at
15 the address listed on the Petition at the time
16 the petition was signed, provided an address
17 on the petition which is different than the
18 address which appears on the Board's records
19 shall be deemed valid if the signer's
20 candidate's address is within the boundary
21 from which the candidate seeks nomination, and
22 a signed and filed a change of address with

1 the Board during the first ten days following
2 the date on which the challenge for the
3 nominee petition was filed.

4 The petition does not include the
5 address of the signer. The petition does not
6 include the name of the signer where the
7 signature is not sufficiently legible for
8 identification.

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 same member district in which the
13 candidate seeks nomination at the time the
14 petition was signed.

15 My review indicates a total --
16 indicates that a total of 139 of the 201
17 challenges are valid. This leaves the
18 candidate's nominated petition with 208
19 signatures, eight signatures over the number
20 required for ballot access.

21 At the prehearing conference, the
22 registrar of voters received two changes of

1 address from Ms. Jolly, bringing her total to
2 210 valid signatures.

3 Additionally, as a result of
4 another review by the registrar of voters, the
5 nine signators raised by Ms. Jolly during the
6 prehearing conference that have been initially
7 determined to be invalid candidate Tierra
8 Jolly was credited with the signature of
9 Angela Cherry, page 5, line 18 because the
10 address of the signer matched the address in
11 the voter registration record.

12 This leaves candidate Tierra Jolly
13 with 211 signatures, a total of 11 signatures
14 over the number required for ballot access.

15 CHAIR NICHOLS: Thank you, Ms.
16 Brooks.

17 MR. MCGHIE: Okay. Beginning with
18 the addressee, the candidate, do you accept
19 the report of the Registrar of Voters?

20 MS. LINDENBAUM: Just with one
21 note. I believe, in addition to Ms. Cherry,
22 Andres Holman, we gave the voter his ID

1 number.

2 MS. BROOKS: Mr. Holman is an
3 address change. He changed his apartment
4 number.

5 MS. LINDENBAUM: Oh, okay. Okay.
6 Okay. Yes. We do.

7 MR. MCGHIE: And, Ms. Seegars, you
8 are taking exception to the report?

9 MS. SEEGARS: I don't know. I
10 don't know. I don't know at this point what
11 she read is what she sent to us. Let's put it
12 that way. I don't agree with it, though, but
13 I heard -- I heard it.

14 MR. MCGHIE: Okay. All right.
15 Well, in any case, the challenger has the
16 burden of proof and Ms. Brooks is indicating
17 that the candidate has 11 signatures over the
18 required amount.

19 So, do you have any evidence that
20 you would like to present at this time that
21 would reduce that number below the 200
22 required signatures?

1 MS. SEEGARS: Well, we went to
2 find some of the ones that were -- that we
3 thought were forged and the Board said -- not
4 them, the Board said there wasn't a John Lewis
5 on page -- or John James, Robert -- Robert
6 Lewis.

7 We went to find him. We couldn't
8 find him, so I don't know where he was. We
9 went to another one, and the family said that
10 that person had not lived -- hadn't lived
11 there for years, since she was a child.

12 That was Seegars. Arnethia
13 Seegars, number one on -- page 10, number one.

14 MR. MCGHIE: What is that page?

15 MS. SEEGARS: Page 10.

16 MR. MCGHIE: Oh, page 10, number
17 one?

18 MS. SEEGARS: Line one.

19 MR. MCGHIE: Line one.

20 MS. SEEGARS: Yes. And the family
21 member said that she did not live there in a
22 long time, and at least for the signature, it

1 wasn't a signature, or we did not actually
2 talk to Ms. Seegars personally.

3 And the other one, same page,
4 number 19.

5 MS. WILLIAMS: Line 19.

6 MS. SEEGARS: I mean, excuse me.
7 Page 10, line 19. Robert Lewis. That person
8 we could not find at all. And there is
9 another one that was not the same as -- it was
10 forged.

11 And this particular page has
12 several forgeries.

13 MR. MCGHIE: When you say you
14 couldn't find them, you couldn't find their
15 registration card or --

16 MS. SEEGARS: We couldn't find the
17 actual person.

18 MR. MCGHIE: Oh, the actual
19 person.

20 MS. SEEGARS: We went to the
21 address, could not find the person.

22 MR. MCGHIE: Okay.

1 MS. SEEGARS: The person is no
2 longer there.

3 At that point, I concluded that if
4 -- if nobody found them the first time, to put
5 a forged signature on the sheet, how can we
6 find them a second time. So, we didn't look
7 anymore.

8 And what I would like for you to
9 do, and, you know, we have the burden of
10 proof, I would like for you all to look at
11 them again and give us your opinion on a
12 couple of them. But I think we have some
13 objections to the findings and they have some
14 objections as well.

15 And what I think happened is,
16 several people probably pulled the cards to
17 compare and I think each one, maybe not paying
18 attention or just trying to rush through it
19 and came up with just anything to get it
20 finished.

21 So that is what I would like for
22 you to do. The ones that we said were -- were

1 forged.

2 MR. MCGHIE: Okay. Well, I know
3 you have been here before, so you know what
4 usually happens. So, if you have any other
5 signatures that you wanted the Board to take
6 a look at, you can just give me the page and
7 the number, and then, when the Board
8 deliberates they will look at the -- they will
9 compare the registration card with the
10 signature on the petition.

11 MS. SEEGARS: On the -- what is
12 this? What are you asking, the order, I guess
13 it is?

14 MR. MCGHIE: Right here.

15 MS. SEEGARS: On the order that
16 was sent out they -- they listed the issues.
17 Page four. I think it is page four, the
18 issues that we had were the Board's finding.
19 All of those.

20 MR. MCGHIE: Page four?

21 MS. SEEGARS: Page four. Yes. I
22 think it is four, that kind of narrows it down

1 so maybe three. But we are starting -- Ms.
2 Seegars' other issues are as follows:

3 Then, a number where a woman
4 signed it, Monekia General, Renee McFadden.
5 Is that right?

6 MR. MCGHIE: What number is, page
7 four, line --

8 MS. SEEGARS: Page four, line 10.

9 MR. MCGHIE: Line 10.

10 MS. SEEGARS: Page four, line 10.

11 MR. MCGHIE: Okay.

12 MS. SEEGARS: There was another
13 one that had two different names. I think the
14 last name was Hall. All the forgeries I need
15 you to look at again.

16 Yes. I can't say how because, I
17 think it was something else and when the Board
18 found it, it was a different name than they
19 signed, and it is listed on here somewhere.
20 I am not looking at it now.

21 But I have another issue, too.
22 When Anthony Williams came before you all, you

1 were here, I don't know if they were here, and
2 he had over 2000 signatures.

3 The Board did not let him run, get
4 on the ballot, let's put it that way. And I
5 think the same thing should happen now. Page
6 10 and 14 are full of forgeries, and at the
7 prehearing I found others that I didn't agree
8 with as far as what the Board found.

9 This group was wanted through --
10 oh, the E is the I is the same, and you don't
11 dispute that something is forged, they need to
12 be prosecuted, and I think they should not be
13 on the ballot because of a -- integrity, just
14 like Anthony Williams was.

15 And I have this case here, too,
16 and he was not allowed to be on it. And on a
17 page like page 10 and page 14, where there are
18 a lot of forgeries, and one of those done by
19 the -- by the candidate, I don't think she
20 should be allowed to be on the ballot because
21 of that, and she should be prosecuted.

22 If you get one wrong, and then

1 there are a couple of more here with the
2 initials and by the forgeries. At this point,
3 I am thinking if somebody forged that many and
4 there are going to be three or four people in
5 the same house with the letter D in their
6 first name, and that D could be anybody, and
7 by people forging it is hard to say who it is
8 or what it is, and I have an issue with that,
9 as well.

10 MS. JOLLY: I apologize if this is
11 out of order, and I know that I should allow
12 my counsel to speak for me, but I would like
13 to state for the record that I take great
14 umbrage at being accused of forgery. And I
15 take great umbrage to having my integrity and
16 my character questioned.

17 CHAIR NICHOLS: Do you have any
18 evidence that those are forgeries, Ms.
19 Seegars?

20 MS. SEEGARS: Well, they don't
21 match the card --

22 CHAIR NICHOLS: But not -- do you

1 -- other than that --

2 MS. SEEGARS: No.

3 CHAIR NICHOLS: -- do you have any
4 evidence, any --

5 MS. SEEGARS: No. The ones that
6 they agree to there was, I have that, and I
7 have the card that matches --

8 CHAIR NICHOLS: Agreed to what?
9 That they are what, that they are --

10 MS. SEEGARS: The ones that the
11 board agreed with the valid challenge, because
12 we challenged the signatures not matching,
13 making this --

14 CHAIR NICHOLS: But we -- we
15 resolved those, right?

16 MS. SEEGARS: No.

17 CHAIR NICHOLS: The ones that you
18 have agreed to were valid challenges, you
19 haven't -- okay. Well, what we would need, at
20 least in part --

21 MR. MCGHIE: You need to identify
22 them with signatures you would like the Board

1 to take a look at.

2 So far she says page 10, page 14
3 and page four, number 10.

4 MS. SEEGARS: She would like to
5 say something from --

6 MS. WILLIAMS: It was the -- we
7 were questioned the total number of signatures
8 she obtained on one day. That was -- that was
9 the proof that we wanted to resubmit based on
10 Anthony Williams case.

11 It was impossible that she could
12 obtain that many signatures on that particular
13 day.

14 CHAIR NICHOLS: Was that raised
15 during prehearing?

16 MR. MCGHIE: Yes, ma'am.

17 CHAIR NICHOLS: That was -- that
18 issue is not before us.

19 MS. SEEGARS: It wasn't raised.

20 CHAIR NICHOLS: Well, you cannot
21 raise it --

22 MS. SEEGARS: It was not raised,

1 but as far as the --

2 CHAIR NICHOLS: Ms. Williams, you
3 cannot raise that issue at this point. That
4 is not the issue before us today.

5 MS. LINDENBAUM: But that was not
6 proof --

7 MS. SEEGARS: I don't know -- wait
8 a minute. I don't know if he wrote it down --

9 MS. LINDENBAUM: No, that was not
10 raised --

11 MS. SEEGARS: I did -- I say it
12 was --

13 CHAIR NICHOLS: Well, it is not in
14 the --

15 MS. SEEGARS: I did say -- I did
16 say nobody can get that many on one day.

17 MS. LINDENBAUM: You did not say
18 that and neither did --

19 MS. SEEGARS: It wasn't -- it
20 wasn't taken --

21 CHAIR NICHOLS: Well, that is not
22 a basis for

1 MS. SEEGARS: It doesn't matter.
2 It doesn't matter.

3 CHAIR NICHOLS: But that is not a
4 basis in the law for disallowing a petition.
5 How would you -- I am just asking if you --

6 MS. SEEGARS: Oh. Well, there are
7 other cases, too, that same thing, the Anthony
8 Williams case. One person couldn't get so
9 many on one day. So, --

10 CHAIR NICHOLS: Okay.

11 MS. SEEGARS: -- it has been
12 proven in the Court of Appeals, even --

13 CHAIR NICHOLS: Okay. So we are
14 at page 10, page 14, and --

15 MR. MCGHIE: Page four --

16 CHAIR NICHOLS: -- page four.

17 MS. SEEGARS: And that is the
18 forgery part. And the two names that signed
19 with another name. I don't know -- it is not
20 -- I say it is not the person. I say they are
21 not registered.

22 I don't think that the Board

1 should go and try to find someone who is not
2 listed on the petition. Let me see. Let me
3 start up here. Let me start from number one.

4 MS. LINDENBAUM: Can I just --
5 would you like me to refute what she says now
6 or should I wait until after --

7 CHAIR NICHOLS: Just wait. I
8 think she is done. Just hold it for a second.
9 We are --

10 MS. LINDENBAUM: Okay.

11 CHAIR NICHOLS: -- going to give
12 her plenty of opportunity to --

13 MS. SEEGARS: Page one.

14 CHAIR NICHOLS: -- keep track.

15 MS. LINDENBAUM: Yes. I certainly
16 will.

17 MS. SEEGARS: Page one. Page one,
18 line three, four, five. Page three, four and
19 five there are --

20 MR. MCGHIE: Page one, lines
21 three, four, five?

22 MS. SEEGARS: Yes.

1 MR. MCGHIE: Okay.

2 MS. SEEGARS: Page three, four
3 and five where the -- some kind of way it is
4 not matching. The printed name and address
5 line does not match with the signature line.
6 Some kind of way it went criss-cross, and, to
7 me, if a person is circulating -- let me see
8 who is circulating this.

9 Tierra Jolly circulated this one,
10 and that is the purpose, I think, of standing
11 there or watching them sign and make sure they
12 do it correctly.

13 So, out of those three, if you
14 look at number -- let's see. I think it is
15 three, four -- three is -- who is that, Black?
16 Minnie Black. Number three.

17 MR. MCGHIE: Yes. I think I
18 already --

19 MS. SEEGARS: Minnie Black.

20 MR. MCGHIE: The printed names
21 don't correlate with the signatures.

22 MS. LINDENBAUM: Yes. However,

1 the signature lines are very much -- very
2 clear that you can see number three --

3 MR. MCGHIE: All right. That was
4 one-by-one --

5 MS. LINDENBAUM: -- when we
6 connect that.

7 MR. MCGHIE: Okay. All right.
8 Next?

9 MS. SEEGARS: Yes. So, one of
10 those -- one of those are not -- and somebody
11 --

12 MS. WILLIAMS: Number three.

13 MS. SEEGARS: It is not the person
14 is Ashley.

15 MS. WILLIAMS: Ashley's name is --
16 no, it is not printed.

17 MS. SEEGARS: Ashley -- well, her
18 last name is --

19 MS. WILLIAMS: Right. And our
20 question is concerning -- your petition is an
21 official ballot, right, of an official
22 document. Right? Correct?

1 MR. MCGHIE: Yes, ma'am.

2 MS. WILLIAMS: Okay. So, based on
3 your definition of this ballot, when we are
4 asking for a printed name and address and
5 signature of the petitioner, and then take an
6 oath of the person who claimed they oversaw
7 the petition, that is why we are challenging
8 that area is not, because Ashley's name should
9 have been printed or it should have been
10 redone or scratched over and started over and
11 just lost -- somebody could have lost a block.

12 It is just not professional to
13 turn in anything like that. They have got,
14 what, three out of the four because Eric
15 squeezed his name on the line that he put his
16 address, even though he started with five.

17 So, really, he is number five.
18 Really, they should only have just probably
19 two. But, as an official document, this --
20 this should be a standby, by the definition of
21 -- of what we expect to see on this, and
22 turned in, in some kind of format.

1 MS. LINDENBAUM: Madam Chair, it
2 may be helpful if I refute this point at --

3 CHAIR NICHOLS: Just hold on a
4 second.

5 MS. LINDENBAUM: Excuse me?

6 CHAIR NICHOLS: Just hold on a
7 second.

8 MS. LINDENBAUM: Okay.

9 CHAIR NICHOLS: Just hold on. We
10 have got -- no. Just hold on a second. You
11 are going to have plenty of time.

12 MS. LINDENBAUM: Okay.

13 MS. SEEGARS: Okay. Then you have
14 some with the -- either the apartment number
15 or the quadrant of the city missing. And, to
16 me, that is not an address.

17 And, again, I am going to say
18 because of things not being right on certain
19 of these petitions, things not matching,
20 forgery, I would call it so -- you know, for
21 lack of another word.

22 I don't trust that maybe -- it is

1 not even a person. So, Southeast, or the
2 apartment number, I think there are two or
3 three of them that he gave to them.

4 Of course, they found a name and I
5 don't think there should be so. This petition
6 is for a certain reason and it is to get
7 people on here so they can come to ballot.

8 If it is half-done, I don't think
9 they should have --

10 CHAIR NICHOLS: What else do you
11 have, Ms. Seegars?

12 MS. SEEGARS: You got that. Okay.
13 And we have got the forgeries. You have got
14 the address issues, and you have got the --

15 MS. WILLIAMS: And not the same
16 name.

17 MS. SEEGARS: Not the same name.
18 What else do we have? Prosecution. And --
19 and the ones that we tried to find we couldn't
20 find at all, so I think that is it.

21 So, I am going to stop for now. I
22 might have something else in a minute.

1 CHAIR NICHOLS: Thank you, ma'am.

2 Proceed, ma'am.

3 MS. LINDENBAUM: First, on behalf
4 of my client, I do want to say that she really
5 takes offense to what was just said here, and
6 I think, as any registered voter, anyone
7 active in the civic process to -- these
8 allegations of forgeries, it really goes
9 against what we are here to do, what you are
10 here to do, and voter intent and the
11 franchise.

12 D.C. has always been welcoming to
13 voters and welcoming to the signatures, and
14 inviting people to take part in the process.

15 And when they are -- when it is
16 alleged that they are forging these
17 signatures, it truly is incredible.

18 My client is a teacher. She was
19 circulating these petitions during her very,
20 very short breaks. That is why she tried to
21 get as many signatures as possible in that
22 short amount of time and she worked really

1 hard to do so.

2 And she is really committed to
3 running for the Board of Education. And a
4 teacher should be an incredible board member
5 and this is really an offensive and insulting
6 process for Ms. Seegars to make these
7 allegations.

8 That said, we have a -- I just
9 want to say that Ms. Seegars has not met her
10 burden as a challenger on disputing any of the
11 findings of the registrar.

12 These signatures the registrar did
13 go look and verify that these are correct
14 signatures.

15 What we also have is a number of
16 sworn statements from all of Ms. Jolly's
17 petition circulators, saying that only if they
18 circulated the petitions and witnessed
19 everything. But they also, one-by-one, for
20 those who Ms. Seegars alleges were forgeries
21 and put the line number and say that they
22 swear that they -- they witnessed that person

1 signing it.

2 We also -- again, my client is a
3 teacher. She didn't have time to run out
4 immediately and try to locate all of these --
5 these voters who Ms. Seegars alleged were
6 forgeries.

7 She went out and was able to have
8 two of these challenged signatures, have them
9 sign affidavits, and there was one other who,
10 when she went there, the family -- the person
11 wasn't home and the family was just very
12 insulted by the fact that somebody would claim
13 that this wasn't their signature.

14 You know, signatures change all
15 the time. Mine is a scrawl. You make --
16 maybe came without a D, and it changes day-to-
17 day, and that -- that happens here, too.

18 So, you know, the Board has always
19 erred on the side of the voter, always sought
20 to expand the franchise, rather than restrict
21 that, and I think that certainly applies in
22 this case.

1 And I will tell you the specific
2 people who we have the affidavits from. So,
3 we have affidavits from Hazel Mosby. She is
4 on line 10. She is on sheet 10, line two.

5 The registrar found that there
6 wasn't a match on that signature, but she
7 signed this sworn statement. And we also have
8 the -- the signed affidavit for -- help me
9 pronounce her name, Jonetta.

10 MS. JOLLY: Jonetta Mabin.

11 MS. LINDENBAUM: Jonetta Mabin,
12 who is sheet 10, line 14. And she signed this
13 sworn statement.

14 As to what Ms. Seegars brought up
15 on sheet one, first of all, my client is a
16 first-time candidate. She is a novice at
17 this. She is doing the best she can with
18 little money and trying again to focus her
19 attention on running here and teaching
20 students.

21 But, the voter intent on this
22 sheet one is quite clear. The signatures of

1 the petitioner all line up quite well, and you
2 can actually make out their names, which is
3 shocking.

4 The one that was officially on the
5 record as a challenge by Ms. Seegars was sheet
6 one, line three, and that you can clearly see
7 this signature here.

8 Just because the addresses don't
9 line up, that -- that is a formal error. All
10 of Ms. Seegars' challenges are either formal
11 errors or they are incredibly offensive
12 attempts at saying that there is forgery here.

13 Okay. And that -- that is --
14 unless she wants to go line-by-line --

15 MR. MCGHIE: No. We are not going
16 line-by-line. Did she -- are you sure those
17 affidavits were from Ms. Seegars were --

18 MS. LINDENBAUM: No, we -- we just
19 have them here so we -- these ones we don't
20 have triplicate copies of. Those are just the
21 originals. Then we also have all of these.

22 MR. MCGHIE: We have copies of

1 those?

2 MS. LINDENBAUM: Yes.

3 MR. McGHIE: I got you.

4 MS. LINDENBAUM: Okay. I can't --
5 thank you.

6 MS. SEEGARS: Well, page 10,
7 number two are -- there was an issue. When we
8 look at -- when we look at this copied sheet
9 --

10 MS. LINDENBAUM: These are the --

11 MS. SEEGARS: -- these are a few
12 of them that we saw the original petition, the
13 original petition and a card. They did that.
14 So, number 10, line two there is no issue,
15 once we saw the original document.

16 MR. McGHIE: Number --

17 MS. SEEGARS: Number --

18 MR. McGHIE: Number 10, line two?

19 MS. SEEGARS: Yes. Page 10. It
20 is page 10, number two.

21 MR. McGHIE: The one that she has
22 an affidavit for?

1 MS. LINDENBAUM: Yes.

2 MS. SEEGARS: We didn't need that
3 because the applicant saw the original here
4 and it didn't match.

5 MS. LINDENBAUM: No. This is one
6 that the registrar had objected -- had found
7 to be invalid, so --

8 MS. SEEGARS: Okay. Once we saw
9 it and saw the original card and the original
10 petition, it was a closer match. So, that was
11 no issue when we left out of here.

12 MR. McGHIE: Okay. So, for the
13 record, that signature is not in issue today?

14 MS. SEEGARS: Right.

15 MS. LINDENBAUM: It was in issue.

16 MR. McGHIE: Well, no. It has --

17 MS. SEEGARS: Correct.

18 MS. LINDENBAUM: We challenged the
19 registrar's finding for that one, so that
20 would give us 212 instead of 211.

21 MS. SEEGARS: They had that before
22 we left here.

1 MR. MCGHIE: Okay. Well, --

2 MS. SEEGARS: We saw the original
3 and we said it matched. So, they had that
4 before you left. Have to. Should have had --

5 MS. LINDENBAUM: No, that was our
6 -- that was our challenge, number challenge.

7 MR. MCGHIE: Either way, it is not
8 an issue --

9 MS. SEEGARS: Okay. We gave it to
10 you because we saw the original. We agreed
11 with you.

12 MS. LINDENBAUM: Okay.

13 MS. SEEGARS: Lord. Okay. And on
14 page 14 --

15 MS. WILLIAMS: Same thing on page
16 10.

17 MS. SEEGARS: Line 10. Page 10,
18 line 14. I don't think we -- I don't think we
19 challenged that one. Because I wasn't sure
20 what the name was and I saw the original and
21 I believe I saw -- oh. Okay. That was
22 something else, because the T or J, whatever

1 it is --

2 MS. WILLIAMS: The J, right.

3 MS. SEEGARS: -- was written to
4 the word "Print name." And I couldn't make
5 that out of the original.

6 MR. MCGHIE: Well, if you did
7 challenge it, you are now withdrawing the
8 challenge?

9 MS. WILLIAMS: It was given to me
10 among the challenge desk, so --

11 MS. LINDENBAUM: And that was line
12 -- it was miswritten in the prehearing and,
13 you know. It is page 10, line two, but it --

14 MS. SEEGARS: Line 14.

15 MR. MCGHIE: Line 14. Page 10,
16 line 14.

17 MS. LINDENBAUM: Are you talking
18 about Hazel Mosby?

19 MS. WILLIAMS: No.

20 MS. SEEGARS: No. Line 14. And
21 that Jonetta Mabin. Jeannette something.
22 3421. Line 14.

1 MS. LINDENBAUM: Right.

2 MS. SEEGARS: And as far as people
3 being offended by what they -- what we are
4 saying, the Board has it as an option to
5 challenge and, on the code that they gave us,
6 which is separate from the codes here, on the
7 forged was on here, and sometimes when we say
8 doesn't match, what doesn't match.

9 The signatures, the printed names,
10 so you have to say "forged" so it could be
11 clear what it is.

12 And even -- and even as we sit
13 here now, she is saying, "Oh, they gave us
14 that." Why did they give it to you? They
15 gave it to you because it was forged and,
16 okay, it is close enough, a close-enough
17 match.

18 So, they gave it to you. You
19 didn't actually get this signature properly.
20 It was given to you because, oh, it matches
21 close enough. So, that is what that was. And
22 I still say if a sheet with so many forgeries

1 on it, 20 percent, 30 percent, the whole
2 petition should be thrown out.

3 MS. LINDENBAUM: Alleged
4 forgeries. These weren't give to us. These
5 were signed, valid signatures.

6 MR. McGHIE: All right. It
7 doesn't seem like this -- it doesn't seem like
8 anybody else has any other evidence to
9 present, so --

10 MS. SEEGARS: Excuse me. What is
11 this? For me, explain to me what is this.

12 MR. McGHIE: So, --

13 MS. LINDENBAUM: This is her
14 circulator. That is her circulator.

15 MS. SEEGARS: It said that he
16 wouldn't -- I mean, I didn't get a chance to
17 look -- I need to look this over to see what
18 you have got here.

19 This is right, Jolly, right.
20 Well, she said he was a circulator. How many
21 sheets being circulated? One?

22 MS. LINDENBAUM: On the next page

1 it will tell you, here. It will tell you.

2 MS. SEEGARS: Oh. Is it
3 notarized?

4 MS. LINDENBAUM: It is not
5 notarized. It is a sworn statement.

6 MS. SEEGARS: It is not notarized.

7 MS. LINDENBAUM: Under penalty of
8 perjury.

9 MS. SEEGARS: Well, yes, this is,
10 too.

11 MS. LINDENBAUM: Yes.

12 MS. SEEGARS: And you still get
13 forgeries. Come on. Look at this. You can
14 just look at that and tell it is forged. All
15 of the --

16 CHAIR NICHOLS: Do you have
17 anything else, Ms. Seegars?

18 MS. SEEGARS: Oh. No. Wait a
19 minute.

20 CHAIR NICHOLS: Because we have
21 got to move -- we have got to move this on,
22 you know, we need to move it on.

1 MS. SEEGARS: I just got this.

2 CHAIR NICHOLS: Go right ahead.

3 MS. WILLIAMS: And this is her
4 signature.

5 MS. SEEGARS: Where is her
6 signature? The signature on this. This is --
7 this is this person saying he circulated and
8 she signed it. I don't believe that. Okay.

9 So, no --

10 MS. WILLIAMS: Where is her
11 signature, again?

12 MS. SEEGARS: This is just the
13 circulator saying that he -- this is the same
14 -- excuse me.

15 What leads -- what they are
16 presenting to us -- whose signature is this
17 one?

18 MS. LINDENBAUM: That is Ms.
19 Mosby's.

20 MS. SEEGARS: And she was a
21 circulator?

22 MS. LINDENBAUM: No, no. She

1 signed. She is the one that was --

2 CHAIR NICHOLS: Well, they are
3 presenting that to us.

4 MS. SEEGARS: I know.

5 CHAIR NICHOLS: Yes.

6 MS. SEEGARS: Don't I have a
7 chance to look at it?

8 CHAIR NICHOLS: Yes. Yes. But I
9 am just -- you said you -- that they presented
10 it to you.

11 MS. SEEGARS: I mean present it to
12 --

13 CHAIR NICHOLS: Yes. I just
14 wanted to clarify.

15 MS. SEEGARS: Oh.

16 CHAIR NICHOLS: I just wanted to
17 clarify.

18 MS. SEEGARS: I wanted, too,
19 because if she is disputing what we are saying
20 -- so, what I am going to say about this, as
21 far as the circulator, the same thing they
22 just signed here is the same thing that he

1 signed here, which is the same thing, which is
2 nothing.

3 If he have -- which is the same
4 thing. I thought they were going to get the
5 signatures of the ones -- we couldn't find
6 them. The ones we looked for, we could not
7 find to bring in anything from them. It
8 wasn't there.

9 And so, them bringing in another
10 signature from the same person accused of
11 forgery is not dancing. Here is one that says
12 Hazel, page -- have you seen that one?

13 MS. LINDENBAUM: I would just
14 submit you haven't met your burden. These are
15 clearly valid people because they are on the
16 voter registration list. We didn't make these
17 people up. These are all people that --

18 MS. SEEGARS: No. Some of them
19 are not registered and look forged.

20 MS. LINDENBAUM: Only these -- no,
21 those are valid.

22 MS. SEEGARS: Okay. Hazel Mosby.

1 Which number is Hazel Mosby?

2 MS. LINDENBAUM: Hazel Mosby is
3 sheet 10, line two.

4 MS. SEEGARS: Ten, line two.

5 MR. MCGHIE: All right. Let me --
6 let's get back on track. So, let me just tell
7 you what happened procedurally.

8 She just -- she submitted these
9 affidavits and these affidavits are
10 purportedly from the circulators of the
11 petition, so the Board will examine these
12 affidavits and the signatures on the -- on the
13 affidavits to ascertain -- to make a
14 determination on whether they believe it is
15 the -- it is the signature of the circulators,
16 and the Board will give whatever weight it
17 decides to give to these affidavits.

18 And Ms. Seegars has stated for the
19 record that she believes that these affidavits
20 are not relevant.

21 So you are objecting to the
22 affidavits and the relevancy of the -- of the

1 affidavits.

2 MS. SEEGARS: For the two -- this
3 here that she did get from the signer, or the
4 two we gave her. Anyway, everything else is
5 the same.

6 MR. MCGHIE: And the Board will
7 make a -- the Board will make a decision on --
8 on your objection.

9 MS. SEEGARS: Well, she is
10 supposed to have them notarized. They are not
11 notarized.

12 MR. MCGHIE: Well, she is saying
13 that is sworn under penalty of perjury.

14 MS. SEEGARS: Just like this whole
15 --

16 MR. MCGHIE: What does the law
17 require?

18 MS. WILLIAMS: But that was not
19 what the instructions said.

20 MR. MCGHIE: The instructions --

21 MS. SEEGARS: That is why we
22 didn't bring anything back, because we

1 couldn't get anything notarized.

2 MR. MCGHIE: The instructions do
3 not say --

4 CHAIR NICHOLS: Oh, oh, oh, oh.
5 Everybody. He is -- let him speak, please.
6 Go ahead.

7 MR. MCGHIE: Yes. She could have
8 submitted an affidavit, notarized. She could
9 have submitted an affidavit under penalty of
10 perjury.

11 In either case, the Board will
12 weigh the -- give weight to these affidavits,
13 to accept it, to reject, or to give it little
14 weight or to give it no weight at all.

15 So, does anybody have any other
16 evidence they would like to submit?

17 MS. SEEGARS: No. No. Not any
18 more evidence. That is what you are looking
19 at, what is already here, and I trust that you
20 all will do the right thing.

21 And as far as evidence -- no more
22 evidence, but --

1 MR. MCGHIE: You directed the
2 Board to the signatures that you want them to
3 look at.

4 MS. SEEGARS: All of them this
5 morning.

6 MR. MCGHIE: And we have made a
7 note that we will -- we have made a notation
8 of what signatures you want them to look at.

9 MS. SEEGARS: Okay.

10 MR. MCGHIE: The Board is going to
11 look at those signatures. The Board is going
12 to look at the registration. The Board is
13 going to look at the affidavits and the
14 signatures on the affidavits and the Board
15 will make a decision -- and the Board will
16 make a decision.

17 MS. WILLIAMS: We did get one
18 proof at the house that we went to and had it
19 notarized and dated. Can we mail that to you,
20 because it is dated the day we did it.

21 MR. MCGHIE: No. This is the --
22 this is date you should have, for your

1 evidence.

2 MS. LINDENBAUM: MS. SEEGARS:
3 Well, we didn't challenge the address. We
4 challenged the signature, the person --

5 MS. WILLIAMS: The person who
6 lived there.

7 MS. LINDENBAUM: -- wasn't there
8 and hadn't been there for years. So, we
9 didn't challenge the address.

10 So, I just want to say one more
11 thing for the record.

12 Today I got a call from the
13 attorney general regarding another case of
14 forgery. I asked them if the person -- well,
15 for the first time in circulating a petition,
16 and they don't match, and the attorney general
17 will investigate to see for themselves if this
18 is the person's signature.

19 They have more people to do it
20 than I can do it. They said if the person
21 does it for the first time even, that they are
22 going to be prosecuted.

1 So, when you get -- when you give
2 your finding to us, if one doesn't match, I am
3 asking for prosecution.

4 MR. MCGHIE: And that is noted for
5 the record.

6 MS. LINDENBAUM: For the record,
7 these comments are really starting to bother
8 -- to border on defamation, and I certainly
9 want to get that on the record.

10 She has fully slandering my
11 client, who is a teacher, who is trying to get
12 on the Board of Education to help the students
13 of the District.

14 I just don't understand how you as
15 a community activist could do this to a young
16 energetic teacher who is really willing to
17 serve on the Board.

18 That said, I believe we don't need
19 to get into the signature --

20 MR. MCGHIE: Well, okay. Well, if
21 there is no more evidence being submitted by
22 either party, everybody is entitled to a

1 closing argument, which should be brief,
2 beginning with the --

3 MS. SEEGARS: Okay. Again, you
4 have all -- everything I am asking you to do
5 or look at for us because we couldn't find the
6 people so I am asking you to look at our --
7 you know, trust that you will do what you are
8 supposed to do.

9 However it comes out, it is fine
10 with me. Let's hope you all do what is
11 appropriate. I is -- the signature is not
12 made by the person whose signature it purports
13 to be, this Board of Elections has it as a
14 reason to challenge.

15 So, we use the word "forged." We
16 paraphrased what this is, instead of each time
17 reading all this whole paragraph. So,
18 defamation is not the issue.

19 Also, if we -- if we said it is
20 forgery, accuse them, anything, we are in the
21 proper place to have it handled. So, it is
22 not like we are in the street saying they

1 forged signatures, putting it on Facebook.

2 We hare here in front of you all,
3 asking for something to be done because we
4 believe that there is forgery. It is not
5 about defamation. It is about what we
6 actually see.

7 So, whichever way it goes, it is
8 fine with me, but if one is wrong, I will ask
9 for prosecution.

10 MR. MCGHIE: Would you like to
11 make a closing?

12 MS. LINDENBAUM: Again, for the
13 record, this is definitely defaming my client,
14 and we will handle that if we need to handle
15 that.

16 That said, I am just trying to do
17 the addition here to see if we need to go into
18 the phase of looking at these signatures. The
19 challenger -- the challenges that came to play
20 after -- or during the prehearing meeting,
21 there are a number of those that were
22 formalistic errors that she doesn't appear to

1 be disputing here.

2 But, I believe what pushed us over
3 the threshold --

4 MR. MCGHIE: Well, I think she
5 did. So, the Board is -- the Board is going
6 to make a decision on her -- her statement
7 that some of them don't have apartment numbers
8 and some of them don't have quadrants and some
9 of them have missing -- something missing on
10 them.

11 And the Board will make a decision
12 on whether or not that should be waived as
13 formal error or not.

14 MS. LINDENBAUM: Okay. Well, in
15 terms of the -- those formal errors, this
16 Board and the courts have consistently held
17 that the -- the favor goes to the candidate
18 and to the signer.

19 It is always opening a franchise
20 rather than narrowing it and you can look at
21 Ms. Seegars' own challenges in Seegars v.
22 Fuller and, of course, Lawrence v. Board of

1 Election and Gollin v. D.C. Board of
2 Elections.

3 These are people that the
4 registrar was able to find on the voting rolls
5 and these are valid signatures. They are --
6 the intent of these signers and the intent of
7 these voters is clear. And Ms. Jolly should
8 certainly be on the ballot.

9 MS. SEEGARS: One more quick
10 thing. Some -- some -- she is right on the
11 part of what she just said, because when we
12 looked on the disk and on what was emailed to
13 us, as far as the voting roll, it wasn't on
14 that, but Ms. Brooks did find them in that
15 system. I think it was two or three of them.

16 And so, we ask them that when they
17 -- when the challenge comes up, they try to be
18 as updated as possible so you will see we are
19 facing, so there was an issue.

20 And I don't know if you need this,
21 but -- I don't know what you all consider an
22 address, but the post office and the census

1 considered everything, the street number, the
2 house number, the quadrant, everything.

3 So, can I submit this, or do you
4 need this for address?

5 CHAIR NICHOLS: You could submit
6 it for the record. I don't see why not.

7 MS. SEEGARS: I want to submit
8 this. Exhibit A.

9 CHAIR NICHOLS: They will probably
10 label that as an exhibit.

11 MS. SEEGARS: This -- you can --
12 this is what -- the U.S. Post Office says
13 everything. The Census Bureau says it is
14 everything, not just 22nd. 22nd what? Hours?

15 MS. LINDENBAUM: And, to dispute
16 that, again, the D.C. Municipal regulations,
17 Title 3, Section 1606.4, the Board can waive
18 any formal error and the -- the regulations
19 don't say anything about full address. It is
20 just "address."

21 And an address that you are able
22 to verify them on. This is a formal error and

1 you are clearly able to find them in the voter
2 registration rolls.

3 CHAIR NICHOLS: All right. Thank
4 you, ladies. We appreciate it. We will take
5 this under advisement and issue a decision as
6 soon as possible. Thank you so much for
7 coming.

8 MS. LINDENBAUM: Do you have a
9 time line on --

10 CHAIR NICHOLS: I cannot give you
11 a time line.

12 MS. SEEGARS: Ms. Nichols work at
13 her own speed. When she comes back she is
14 going to have a decent answer for us. I think
15 we all will be satisfied with what she says,
16 and with Mr. McGhie's help.

17 MR. MCGHIE: What is the date?

18 PARTICIPANT: May 19th.

19 MR. MCGHIE: May 19.

20 CHAIR NICHOLS: And I think that
21 we -- by May 19. But, hopefully, well before
22 that.

1 Okay.

2 MS. LINDENBAUM: Thank you.

3 CHAIR NICHOLS: Thank you so much,
4 ladies.

5 MS. SEEGARS: Thank you for your
6 time coming in here.

7 CHAIR NICHOLS: It is my job. All
8 right. The next is Seegars v -- oh, you are
9 not moving on the Seegars exception.

10 Ms. Simpson, please come forward.

11 MR. MCGANN: I would like to know
12 at this time if Deputy Simpson expressed an
13 intent not to attend this meeting.

14 CHAIR NICHOLS: Okay.

15 MR. MCGANN: He was the subject of
16 two challenges, one by Mr. Darrell Gaston, as
17 well as Ms. Seegars.

18 We, for the sake of efficiency,
19 being that Mr. Simpson is not going to refute
20 any of the -- the issues raised in those
21 challenges, and we are consolidating the two.

22 CHAIR NICHOLS: All right. All

1 right.

2 MR. MCGHIE: All right. Then, Ms.
3 Brooks, do you have a preliminary report on
4 whether or not Mr. Simpson should qualify for
5 ballot action?

6 MS. BROOKS: Yes, we do.

7 MR. MCGHIE: Could you please just
8 read it into the record.

9 MS. BROOKS: Okay. On April 17th,
10 2014, Derrell Simpson submitted a nominative
11 petition to appear on the ballot as a
12 candidate in the July 15, 2014 special
13 election for the office of Ward 8, member of
14 the State Board of Education.

15 That petition was posted for
16 public inspection for ten days as required by
17 law and challenged on April 28th, 2014 by
18 Sandra Seegars, a registered voter in the
19 District of Columbia.

20 My preliminary review of the
21 petition challenge indicates that Mr. Simpson
22 submitted a total of 289 signatures. The

1 minimum for this office is 200 signatures of
2 District voters who are duly registered in the
3 same ward as the candidate.

4 Challenger Sandra Seegars filed
5 challenges to a total of 171 signatures
6 enumerated by line and page number on an
7 individual challenge sheet filed for each
8 petition page.

9 Petition sheets were challenged
10 pursuant to Title III, DCMR, Section 1607.1 of
11 Board's regulations on the following grounds.

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

1 change of address form with the Board during
2 the first ten days following the date on which
3 the challenge to deny the petition is filed.

4 The signature duplicate of a valid
5 signature, the petition does not include the
6 address of signer. The petition does not
7 include the name of the signer, but the
8 signature is sufficiently legible for
9 identification, the signature is not made by
10 the person whose signature it purports to be
11 and the signer is not registered -- a
12 registered voter in the ward or same district
13 for which the candidate seeks nomination at
14 the time the petition was signed.

15 Additionally, Ms. Seegars alleges
16 that the individual does not meet the
17 qualification for the office he is seeking
18 such in the D.C. Official Code, Section
19 3826451.

20 My review of the challenge
21 indicates that a total of 132 of the 171
22 challenges are valid. This leaves the

1 candidate with 157 signatures, 43 signatures
2 below the number required for ballot access.

3 MR. MCGHIE: Okay. Ms. Seegars,
4 the registrar of voters is recommending that
5 Mr. Simpson denied ballot access for having
6 submitted not a sufficient number of
7 signatures.

8 Do you take exception or do you
9 accept the registrar's --

10 MS. SEEGARS: I accept this one
11 hundred percent.

12 MR. MCGHIE: Okay. Madam Chair, I
13 think it would be appropriate at this time if
14 the Board consider a motion and whether to --
15 denying Mr. Simpson ballot access.

16 CHAIR NICHOLS: A motion.

17

18 PARTICIPANT: Who seconded?

19 CHAIR NICHOLS: Well, we --
20 because Mr. -- yes, there is no -- a decision.

21 (Simultaneous speaking.)

22 CHAIR NICHOLS: Since Mr. Simpson

1 has failed to reach the required number of
2 signatures on his nominating petition, that
3 number being 200, he will be denied access to
4 the ballot.

5 All right. Is that it?

6 MR. MCGHIE: Yes.

7 CHAIR NICHOLS: Is that it?

8 MS. SEEGARS: Yes.

9 CHAIR NICHOLS: There being no
10 further business before us, this meeting is
11 adjourned. The time is 3:47 p.m. It is
12 Monday, May 12th, 2014.

13 (Whereupon, the meeting was
14 concluded at 3:47 p.m.)

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A		B		
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This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DC BOE

Date: 05-12-14

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

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