

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL EMERGENCY BOARD MEETING

+ + + + +

MONDAY

AUGUST 19, 2024

+ + + + +

The District of Columbia Board of Elections convened a Special Emergency Board Meeting via Video/Teleconference, pursuant to notice at 10:00 a.m. EDT, Karyn Greenfield, Member, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

TERRI D. STROUD, General Counsel

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

2 (10:00 a.m.)

3 MS. GREENFIELD: Okay, it's 10:00  
4 o'clock, so I'll go ahead and call this special  
5 meeting to order.

6 The first thing we'll do is ascertain  
7 that we have a quorum. I am the board member  
8 that is at this meeting and heading this meeting,  
9 I'm the only one. But the regs do allow that we  
10 have one board member, so we do have a quorum.

11 I would move that we adopt the agenda  
12 that we've seen and that we've posted, so I'm  
13 going to make the motion that we go ahead and  
14 adopt it, second it, and say aye that we've  
15 adopted the agenda.

16 MS. STROUD: Okay.

17 MS. GREENFIELD: So, now we'll go  
18 ahead for the purpose of the meeting, which are  
19 the hearings on the appeals from some preliminary  
20 determinations. These deal with names, how the  
21 names will go on, appear on the ballot. We will  
22 start with Gottlieb Simon. Do you want to go

1 ahead and do your recommendation, and

2 MS. STROUD: Yes. And if, you know,  
3 if it pleases you, Member Greenfield, I'll go  
4 ahead and provide some preliminary background  
5 first with

6 (Simultaneous speaking.)

7 MS. GREENFIELD: Yes.

8 MS. STROUD: Okay. So, August 7, 2024  
9 was the filing deadline for the submission of  
10 nominating petitions and supporting affidavits  
11 for the 2024 general election. 3 DCMR 1605.3  
12 provides that, within three business days  
13 following the petition filing deadline, the  
14 executive director or their designee shall issue  
15 a preliminary determination of petition  
16 sufficiency.

17 Accordingly, on August 12, 2024 the  
18 executive director, through the registrar of  
19 voters, issued preliminary determination of  
20 petition sufficiency letters to candidates who  
21 submitted nominating petitions.

22 Candidates whose petitions were

1 preliminarily determined to be sufficient were  
2 informed as to how their names would appear on  
3 the ballot, pursuant to the provisions of Section  
4 1203 in Title 3 of the DCMR.

5 The pertinent regulation, 1203.2,  
6 provides that the Board may permit a candidate to  
7 specify a modified form of their given name, or  
8 names, on the ballot, if the Board finds that the  
9 change shall not confuse or mislead the voters  
10 and is legally acceptable.

11 Candidates who provided names that did  
12 not comport with these regulations were advised  
13 that their names would not be placed on the  
14 ballot in the manner that they preferred. And  
15 they were informed that they could appeal the  
16 registrar's designation of how their name would  
17 appear on the ballot, provided that they  
18 submitted such appeals by August 15, the third  
19 day after the issuance of the notice of  
20 designation.

21 We are here today because both of the  
22 individuals who are the subject of today's

1 hearings timely filed appeals to the registrar's  
2 designations.

3 And I also wanted to reiterate what  
4 you said about the Board's authority to use a  
5 single-member panel with respect to this matter.  
6 The regulation that -- or the statutory provision  
7 that allows that is DC Official Code Section  
8 1-1001.05(g), which is also supported by our  
9 regulations, 3 DCMR 1605.9. So, those provisions  
10 outline the Board's authority to have a one-  
11 member panel with respect to this matter.

12 And so, the first item on the agenda  
13 is the matter of Gottlieb Simon. Mr. Simon is  
14 here and he'll have the opportunity to state his  
15 name and address for the record, and give his  
16 perspective. But he did timely file an appeal.  
17 It was submitted after hours on August 14, but it  
18 was timely filed by the last day which is August  
19 15.

20 And his appeal read as follows. I am  
21 requesting a board hearing regarding the  
22 placement of my name on the November ballot for

1 six -- for single member district 6D02. I'm  
2 requesting that my name appear on the ballot as,  
3 open quotations -- open double quotations,  
4 Gottlieb, single quotation, GoSimon, one word  
5 with G and S capitalized, closed single quote,  
6 and Simon double quote. Instead of simply,  
7 quote, Gottlieb Simon, unquote.

8 I have found that my first name, which  
9 is often confused with my last name, is  
10 unfamiliar and difficult for some people to  
11 pronounce, spell correctly, or even remember.  
12 Accordingly, I have followed the practice of  
13 using a contraction of my first name, Go, and my  
14 last name, Simon, i.e. GoSimon, one word, as a  
15 nickname. I use it as my username for many  
16 internet applications and for email services,  
17 including this one, gosimon@gmx and  
18 gosimon@att.net, which I have used for more than  
19 three decades.

20 So, Mr. Simon did file that appeal and  
21 he is here. And Mr. Simon, if you could state  
22 your name and address for the record.

1 (No audible response.)

2 MS. STROUD: You're on mute.

3 MR. SIMON: Just trying to be  
4 responsive. My name is Gottlieb Simon, I live at  
5 201 I Street, Washington, D.C., 20024.

6 MS. STROUD: Okay, thank you. And Mr.  
7 Simon, you have the floor.

8 MR. SIMON: Thank you very much. I  
9 have little to add to the statement that was so  
10 ably read by counsel. Let me just perhaps  
11 indicate more clearly the look that I'm trying to  
12 achieve for my name. I got a little bit involved  
13 with inner and outer quotation marks, so to make  
14 things simpler let me just turn off my face. And  
15 I think you can see the way in which I'm  
16 intending to appear on the ballot, if that  
17 worked.

18 MS. STROUD: Well, it did not  
19 actually. (Audio interference), there was an  
20 ellipsis.

21 MR. SIMON: Okay. All right, well, I  
22 think at the bottom you'll, of the screen, you'll

1 see my name Gottlieb, and then quotation marks  
2 around GoSimon, and then Simon.

3 (Simultaneous speaking.)

4 MR. SIMON: It's a contraction just  
5 to reiterate, it's contraction of the first two  
6 letters of my first name and the five letters of  
7 my last name. I will add that, when I was going  
8 around collecting signatures, I would explain to  
9 people, my name is Gottlieb Simon, but GoSimon  
10 for short. And when I gave that little extra  
11 explanation, I got a very positive response from  
12 people that they could understand what I was  
13 talking about.

14 And that said, I hope I can get a  
15 positive response from the Board this morning, as  
16 well. Thank you.

17 MS. STROUD: Yes, and I would also  
18 just state for the record that, on the  
19 declaration of candidacy that you submitted, you  
20 requested that your name appear as Gottlieb,  
21 parens -- open parens, double quote, GoSimon,  
22 close double quote -- close parens, Simon. And

1 not the way that it's indicated on the screen.

2 So, there's --

3 (Simultaneous speaking.)

4 MR. SIMON: Yes.

5 MS. STROUD: Variation between how you  
6 requested your name appear on the declaration of  
7 candidacy and what you are requesting today.

8 (Simultaneous speaking.)

9 MR. SIMON: I -- I may have missed  
10 remembered how this issue is handled by the Board  
11 in the past. I thought that nicknames were put  
12 in parentheses and therefore I put parentheses  
13 in, but I'm happy to go without parentheses as it  
14 were.

15 MS. GREENFIELD: Okay --

16 MR. SIMON: But I would accept them if  
17 that's a necessary part of the appeal.

18 MS. STROUD: Well, the issue is that  
19 the current request was not timely submitted to  
20 the Board. Because what you indicated on your  
21 declaration of candidacy, which was timely filed,  
22 this variation that you're now requesting was not

1 submitted with your declaration of candidacy.  
2 So, to the extent that you are asking for a  
3 different expression of your name of what you,  
4 you know, indicated, that would not have been  
5 timely filed.

6 But Ms. Greenfield, do you have any  
7 questions for Mr. Simon?

8 MS. GREENFIELD: Yeah, just for  
9 clarification. So, what is the version that is  
10 timely filed, that he's requesting?

11 MS. STROUD: It is the version with  
12 the parentheses around GoSimon in double quotes.

13 MS. GREENFIELD: Okay. And Mr. Simon,  
14 do you use this anywhere else?

15 MR. SIMON: Yes, I've used it on, when  
16 you go to meetings and you greet people and you  
17 wear a little card on your chest. I have used  
18 GoSimon that way, as well. So, this is not  
19 something that I used for the first time with  
20 regard to this election.

21 MS. GREENFIELD: Okay, I don't have  
22 any further questions. Counsel, do you have any

1 recommendations, or?

2 MS. STROUD: I do think that this is  
3 -- the Board has ruled with respect to the  
4 appearance of nicknames on the ballot. And I  
5 think that this matter is distinguishable from  
6 other instances in where we have allowed  
7 individuals to use nicknames as opposed to  
8 modifications of their given names.

9 Other individuals have submitted  
10 sufficient proof that individuals know them in  
11 their communities, or know them in their  
12 professional and personal life, as the nicknames  
13 that they have requested. For example, on this  
14 past Friday the Board ruled that the name May  
15 could be used as opposed to Yi Yang -- May Yang  
16 could be used as opposed to Yi Yang because the  
17 candidate submitted her LinkedIn profile, her --  
18 an affidavit from a person who had known her  
19 since they were in the second grade.

20 And just everywhere -- they submitted  
21 sufficient proof that the nickname that they  
22 sought to use was a name that they have been

1 known by consistently and throughout their lives.  
2 Such that, when they appear in the community,  
3 they are referred to by, in Ms. Yang's case, May.

4 And we had another individual, James  
5 Otis --

6 MS. GREENFIELD: Yes.

7 MS. STROUD: Who submitted sufficient  
8 evidence that he was known throughout his life  
9 since he was in, I think, 13 years old, if I  
10 remember correctly, he had been consistently  
11 known as Scott as opposed to James Otis.

12 I think that the evidence that has  
13 been submitted in this case is not quite -- does  
14 not ride to that, rise to that level of  
15 sufficiency or demonstration of long-standing use  
16 of individuals referring to Mr. Simon as GoSimon,  
17 such that he is known in the community as that.

18 And it also appears to be because of  
19 the word go, I think that that could be sort of  
20 indicative of campaigning

21 (Simultaneous speaking.)

22 MS. GREENFIELD: -- my concern when I

1 saw it. Because I know, you know, when we've  
2 looked and had names in the past, you know, you  
3 can't have, you know, I can't have Karyn, vote  
4 for me, Greenfield. That won't go. You know.  
5 Or Karyn, I'm the one, or -- you know.

6 And some of that is to make sure it  
7 doesn't look like, you know, it's not campaigning  
8 in the sense of putting that on the ballot. And  
9 so, that's why we look at, is it a name or a name  
10 they've used for a long time. And we can see  
11 evidence in terms of Ms. Yang and Mr. Thatch, we  
12 did find that out, that that was the names that  
13 people used them by. So, that is my -- that is  
14 definitely my concern here, and what I thought.

15 MS. STROUD: And my -- so, my  
16 recommendation would be to not allow the use of  
17 GoSimon on a ballot but rather Gottlieb Simon, as  
18 I think that that is -- the case has not been  
19 made that this has been a consistently used  
20 nickname by which Mr. Simon is known in the  
21 community. So therefore, I would recommend that  
22 Gottlieb Simon be used on the ballot.

1 MS. GREENFIELD: So I would agree, so  
2 I would uphold the decision of the Board, and  
3 only allow Gottlieb Simon to be used on the  
4 ballot but not the GoSimon.

5 And I would make a motion, second it,  
6 and then all in favor, me.

7 MR. SIMON: Could I make one  
8 observation?

9 MS. GREENFIELD: Yes.

10 MR. SIMON: I appreciate the  
11 additional criteria that has been proposed for  
12 evaluating the use of a nickname on the ballot,  
13 but I was only I was following what the  
14 regulation says. And the regulation says that  
15 the Board needs to find that the change shall not  
16 confuse or mislead the voters and is legally  
17 acceptable.

18 My change doesn't confuse, it does the  
19 opposite. It enhances the ability of voters to  
20 identify me as a candidate. And it is, as I  
21 indicated, not something that I devised just for  
22 this particular event. But I just wanted to make

1 sure that that was part of the understanding.

2 Thank you.

3 MS. STROUD: Okay. And Mr. Simon,  
4 just so you are clear with respect to your rights  
5 under this, you can appeal this to the full  
6 board. And I can, you know, give you information  
7 regarding that.

8 But, for now, the Chair I mean, the  
9 -- member Greenfield, who is the one-member panel  
10 for the Board with respect to this matter, has  
11 indicated that her ruling is that the name  
12 Gottlieb Simon would appear on the ballot. But  
13 we can outline what your options are in light of  
14 this ruling.

15 MR. SIMON: I thought she had made a  
16 motion. I didn't hear her vote.

17 MS. GREENFIELD: Yes, I -- oh, I'm  
18 sorry, I did make a motion, I did second it, and  
19 I did vote aye.

20 MS. GREENFIELD: Okay.

21 MS. STROUD: And therefore, the one-  
22 member panel ruling is that Gottlieb Simon will

1 appear on the ballot as opposed to Gottlieb, in  
2 quotations GoSimon, close quotations, Simon.

3 And so, there's the Board's ruling in  
4 that respect, and the -- this matter is  
5 adjourned. But Mr. Simon, I will be in touch  
6 regarding your rights to appeal this ruling prior  
7 to the finalization of the ballot.

8 MR. SIMON: Thank you.

9 MS. STROUD: Thank you. The next item  
10 on the agenda is Girish Bose. Mr. Bose filed his  
11 appeal by August 15, 2024, it actually came in  
12 after hours on August 14, 2024. That appeal  
13 reads as follows.

14 Hello, I am a candidate for ANC in SMD  
15 3C06. I received the attached preliminary  
16 determination -- and he attached the  
17 determination that had been transmitted by the  
18 registrar of voters on behalf of the executive  
19 director -- stating that I am qualified to be on  
20 the ballot this election cycle. Per the  
21 instructions in the determination message, I am  
22 seeking a board hearing on the placement of my

1 name on the ballot.

2           The determination letter indicates  
3 that the ballot will show my legal name Girish  
4 Bose, however I prefer to be called Jay and have  
5 gone by this preferred name for nearly ten years.  
6 I am known in my community, my personal life and  
7 my professional life by the name Jay. Having my  
8 legal name listed on the ballot would confuse  
9 voters as I do not go by Girish in any public  
10 setting.

11           I would like my preferred name to be  
12 reflected on the ballot or to at least have it  
13 listed in parentheses, quotes -- i.e. Girish,  
14 open quote, Jay, close quote, Bose, or something  
15 similar. I would appreciate the opportunity to  
16 discuss with the Board. Thank you in advance.

17           Mr. Bose also submitted documentation  
18 regarding his use of the nickname Jay, including  
19 an email from Tammy Gordon, who is the current  
20 commissioner in the single member district, where  
21 she indicates that she is endorsing Jay Bose.

22           I have an email from a Bob Ward who

1 wishes to introduce members of the SMD to Jay  
2 Bose. Jay decided to run for ANC so this is  
3 just an indication that he is referred to as Jay.  
4 There's another email from Ward 3 Bicycle  
5 Advocacy giving a shout out to Jay Bose who's  
6 running for ANC, ANC 3C06. And another email  
7 from Tammy Gordon referring to Mr. Bose as Jay  
8 Bose.

9 And so, there are these several  
10 documents that were submitted by individuals  
11 indicating that Mr. Girish Bose is known as Jay  
12 Bose. Mr. Bose was not available today but he  
13 has asked two witnesses to appear on his behalf.  
14 One is Cole McEldowney. And there is another  
15 individual named Bo Finley, who I do not see  
16 present, that Mr. Bose requested to have appear  
17 on his behalf. Excuse me. And Mister -- so, we  
18 have Mr. McEldowney here presenting on behalf of  
19 Mr. Bose.

20 MS. GREENFIELD: Okay.

21 McELDOWNEY: Thank you so much. I  
22 really appreciate the Board of Elections

1 organizing this hearing. My name is Cole  
2 McEldowney and I am both a resident of SMD 3C06  
3 and a personal friend of Jay Bose, my candidate  
4 for ANC district who has entrusted me to  
5 represent him here today.

6 And I refer to him as Jay because, in  
7 the years I've known him since going to our  
8 graduate program together, I have never known him  
9 by going -- going by any other name. So, it is  
10 the name that he uses in nearly all aspects of  
11 life, personally, professionally and in his  
12 community when discussing his candidacy for the  
13 ANC. And to my knowledge nobody other than his  
14 doctor or his parents call's him Girish. I still  
15 oftentimes forget that that's what his actual  
16 legal name is.

17 And as shown by the evidence submitted  
18 to the Board of Elections already, that kindly  
19 wrote out, the endorsements Jay has received so  
20 far, and the name people in our district are  
21 beginning to recognize him by, is Jay, and is not  
22 Girish. It's a fundamental part of how my friend

1 is recognized in our district, and this has led  
2 to a genuine worry that voters could be confused  
3 seeing a different name on the ballot when  
4 casting their votes for ANC.

5 And, you know, therefore, it's with  
6 this context that I'm here representing Jay's  
7 appeal to change his name on the ballot to Jay,  
8 the name that he most commonly uses, so that  
9 voters aren't confused in November. And I'm  
10 absolutely available for any other questions or  
11 helping add more context to the situation.

12 MS. GREENFIELD: Okay.

13 MS. STROUD: Thank you. Ms. Greenfield,  
14 do you have any questions for Mr. McEldowney?

15 MS. GREENFIELD: No, I don't have any  
16 questions.

17 MS. STROUD: Okay. Well, in light of  
18 the evidence that was submitted by Mr. Bose, both  
19 by him via email, which I've indicated for the  
20 record, and the testimony provided by Mr.  
21 McEldowney, it appearing that Mr. Bose has been  
22 referred to in the community not by Girish but by

1 Jay. I think that the use of the nickname, Jay,  
2 on the ballot which, admittedly, is not a  
3 modification of his given name, should be allowed  
4 to be used on the ballot.

5 In light of the evidence that has been  
6 presented, including the statement provided by  
7 Mr. Bose which indicated that he's gone by this  
8 name for nearly a decade, and that he's not  
9 referred to as Girish in his community, personal  
10 or professional life. I think that the use of  
11 Jay on the ballot would not confuse or mislead  
12 the voters and is legally acceptable, and, in  
13 fact, would -- it would lead the electorate to  
14 probably be confused if he were referred to  
15 otherwise, by his given name on the ballot. So  
16 in light of that, that would be my  
17 recommendation.

18 MS. GREENFIELD: Okay. Yeah, and I  
19 would agree that, in this instance, that it's  
20 kind of clear that Jay Bose is the name that he  
21 goes by and is referred to and recognized by, and  
22 that would make it clearer on the ballot.

1                   So therefore, I am going to go ahead  
2 and move that we approve the use of Jay Bose on  
3 the ballot in lieu of Girish. I will make that  
4 motion, I will second that motion, and then I  
5 will vote in favor, aye, of having his name be  
6 Jay Bose on the ballot.

7                   MS. STROUD: Okay, thank you. And  
8 with that, the recommendation of the General  
9 Counsel has carried and the designation of Girish  
10 Jay Bose will appear on the ballot for the 2024  
11 general election with respect to Mr. Girish Bose.

12                   MS. GREENFIELD: Okay.

13                   MS. STROUD: Okay, and that being the  
14 final matter -- that is the final matter on the  
15 agenda for today's meeting, hearings and meeting.

16                   MS. GREENFIELD: Okay. Well then, I  
17 will move to adjourn this special meeting. I will  
18 second that motion to adjourn, and I will vote  
19 aye that we now adjourn the meeting. Thank you.

20                   MS. STROUD: Thank you.

21                   (Whereupon, the above-entitled matter  
22 went off the record at 10:24 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 Emergency Board Meeting

Before: DC BOE

Date: 08-19-24

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.



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Court Reporter

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