

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

+ + + + +

REGULAR BOARD MEETING

+ + + + +

TUESDAY

SEPTEMBER 6, 2022

+ + + + +

The District of Columbia Board of Elections convened via Video/Teleconference, pursuant to notice at 11:04 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

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

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Office of
Campaign Finance

WILLIAM SANFORD, Office of General Counsel

MARISSA CORRENTE, Registrar

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

2 (11:04 a.m.)

3 CHAIR THOMPSON: Thank you for being
4 here, it's Tuesday, September 6th. I see that
5 there's a court reporter present by Zoom, and
6 this meeting is also being recorded. Hello, my
7 name is Gary Thompson, I'm the chair of the Board
8 of Elections, and with us today are Mike Gill,
9 and Karen Greenfield. We have a quorum of all
10 three board members, so we are proceeding with
11 the meeting.

12 And the first order of business is to
13 adopt our agenda, which has been distributed, and
14 posted online for the public to review. I
15 believe there's just a couple of changes to the
16 agenda, and I'll let general counsel Terri Stroud
17 speak to those.

18 MS. STROUD: Hi, good morning
19 everyone. My name is Terri Stroud, I'm the
20 general counsel for the Board of Elections as the
21 chair indicated. We posted an agenda, but there
22 have been some amendments to the agenda since it

1 was posted. Specifically we have two matters
2 that will no longer appear on the agenda, and
3 they are Kathy Henderson v. Luc Saint-Genies
4 candidate board advisory neighborhood
5 commissioner for single member district 5D01.

6 The candidate has submitted a
7 withdrawal of candidacy form, and so is no longer
8 a candidate in that contest. We also received
9 this morning, a challenge withdrawal form from
10 James Harnett with respect to the matter of James
11 Harnett versus Sylvia M. Pinkney candidate board
12 advisory neighborhood commissioner for single
13 member district 5F07.

14 Additionally, I'm asking the board to
15 withdraw from the agenda the final rule making
16 with respect to a proposed rule making that the
17 board had considered at a previous meeting, and
18 so we will remove that from the agenda while we
19 explore some matters that are related to that
20 rule making, specifically the method by which
21 voters who utilize the accessible remote ballot
22 may return their voting accessible remote ballots

1 to the board.

2 And so we were going to make those
3 amendments to the agenda. That would be our
4 request.

5 CHAIR THOMPSON: All right, and
6 clarification on the challenge by James Harnett
7 against Sylvia Pickney, the challenger withdrew
8 the challenge, correct?

9 MS. STROUD: The challenger, I'm
10 sorry. The challenger withdrew the challenge to
11 Ms. Pickney's nominated petition. And then the
12 first matter, Kathy Henderson versus Luke Saint
13 Genice, the candidate withdrew.

14 CHAIR THOMPSON: All right, with those
15 three changes to the agenda, I would move that we
16 adopt it. Is there a second?

17 MEMBER GILL: Second.

18 CHAIR THOMPSON: All right, all in
19 favor?

20 MS. STROUD: Aye.

21 MEMBER GILL: Aye.

22 CHAIR THOMPSON: The agenda passes as

1 amended. Also quick housekeeping, our minutes
2 from our last meeting, August 3rd, have been
3 distributed, and we've all had a chance to review
4 those, and I would move that we adopt those
5 minutes.

6 MEMBER GILL: Second.

7 CHAIR THOMPSON: All in favor?

8 MS. STROUD: Aye.

9 MEMBER GILL: Aye.

10 CHAIR THOMPSON: All right, thank you.
11 So, that brings us to what are now six nominating
12 petition challenge hearings, all with respect to
13 advisory neighborhood commissioner candidates. I
14 myself have mentioned this many times, I was an
15 ANC commissioner for eight years, so I very much
16 know what it's like to walk around, and get those
17 signatures.

18 And I always remind people that being
19 an ANC commissioner is a volunteer position, and
20 we appreciate those who step forward to hold that
21 office, or run for that office. That being said,
22 there are certain requirements to get on the

1 ballot as an ANC commissioner, among those, the
2 collection of 25 valid signatures, and there are
3 regulations that speak to the details of that,
4 and that's what we'll go through today with
5 respect to these six challenges.

6 The first one on our agenda having
7 been removed, we'll turn to the second one listed
8 on the agenda, number two. Kathy Henderson
9 versus Nick Salvador Saucedo-Guzman, candidate
10 for ANC commissioner for single member district
11 5D05. And what we'll do today is give each, the
12 challenger, and then the candidate five minutes
13 each to speak.

14 But I think before we do that, do we
15 hear from registrar first?

16 MS. STROUD: Yes. So, what we're
17 going to do, is we're going to just ascertain
18 whether the parties are present. And then just
19 some housekeeping in terms of how we're going to
20 proceed today. We're going to have the parties
21 introduce themselves by stating their name, and
22 address for the record. The board will swear the

1 parties in, as they will be providing testimony
2 with respect to these matters.

3 We'll have a representative from the
4 Voter Services Division provide their report with
5 respect to the findings. If necessary we'll hear
6 from representatives of the Office of General
7 Counsel, because with respect to each of these
8 matters, pre-hearing conferences were conducted,
9 and we might have some conversation around issues
10 that were raised, or resolved during the pre-
11 hearing conferences with this matter.

12 And we'll have the hearings, we'll
13 hear from the parties with respect to each
14 matter. The board will not issue a ruling with
15 respect to each matter after each matter is
16 heard, rather, and you can correct me if I'm
17 wrong Mr. Chair, the board will have the entire
18 hearing, then they will vote to enter into
19 executive session to deliberate on each matter.

20 And then they will adjourn, and then
21 come back after the board has deliberated, and is
22 ready to issue a ruling on the record with

1 respect to each of the matters. I think that's
2 all. So, I see that with respect to the first
3 matter, which is again, Kathy Henderson versus
4 Salvador Saucedá-Guzman, they are a candidate for
5 advisory neighborhood commissioner for single
6 member district 5D05.

7 I see that Ms. Henderson is here. And
8 is Mr. Saucedá-Guzman?

9 MR. SAUCEDA-GUZMAN: I'm here, can you
10 hear me?

11 CHAIR THOMPSON: Yes.

12 MS. STROUD: Yes, and we do see you.
13 Okay, so I can have the parties, beginning with
14 the challenger, state their name, and address for
15 the record?

16 MS. HENDERSON: Kathy Henderson, 1807
17 L Street Northeast, Washington, D.C., 20002.

18 MS. STROUD: And Mr. Saucedá-Guzman?

19 MR. SAUCEDA-GUZMAN: Yes, my name is
20 Salvador Saucedá-Guzman. I live at 1210 Meigs
21 Place, Apartment 3, Washington, D.C., 20002.

22 MS. STROUD: Okay, and now we would

1 hear from the registrar of voters, Ms. Marissa
2 Corrente.

3 MS. CORRENTE: Thank you Counsel
4 Stroud, can everyone hear me okay?

5 CHAIR THOMPSON: Yes.

6 MS. CORRENTE: Okay, great. So, I'm
7 going to be reading a memo that's dated August
8 30th, 2022. The subject is challenge to
9 petitions submitted by Salvadaor Saucedo-Guzman,
10 candidate for advisory neighborhood commissioner
11 single member district 5D05 updated. On August
12 10th, 2022, Salvador Saucedo-Guzman submitted a
13 nominating petition to appear on the ballot as a
14 candidate in the November 8th, 2022 general
15 election for the office of advisory neighborhood
16 commissioner, or ANC, single member district, or
17 SMD 5D05.

18 The minimum requirement to obtain
19 ballot access for this office is 25 signatures.
20 The petition contained 36 signatures. The
21 petition was posted for public inspection for ten
22 days as required by law. The petition was

1 challenged on August 22nd, 2022 by Kathy
2 Henderson, a registered voter in the District of
3 Columbia.

4 Ms. Henderson filed challenges to 36
5 of the 36 signatures submitted enumerated by
6 line, and page number on individual challenge
7 sheets filed for each petition page. The
8 signatures were challenged pursuant to Title III,
9 D.C. Municipal Regulations 1607.1 of the board's
10 regulations on the following grounds. The
11 signer's voter registration was designating as
12 inactive on the voter roll at the time the
13 petition was signed.

14 The signer, according to the board's
15 record is not registered to vote at the address
16 listed on the petition at the time the petition
17 was signed. The signature is not dated. The
18 petition does not include the name of the signer
19 where the signature is not sufficiently legible
20 for identification. The signature is not made by
21 the person whose signature it purports to be.

22 And the signer is not a registered

1 voter in the ward, or single member district from
2 which the candidate seeks nomination at the time
3 the petition is signed. My review of the
4 challenges indicates that 15 of the 36 challenges
5 are valid. Five are valid because the signer is
6 not registered to vote at the address listed on
7 the petition at the time the petition was signed.
8 One is valid because the petition does not
9 include the name of the signer where the
10 signature is not sufficiently legible for
11 identification.

12 Six are valid because the circulator
13 of the petition failed to complete all required
14 information in the circulator's affidavit. One
15 is valid because the signature is not made by the
16 person whose signature it purports to be, and two
17 are valid because the signer is not a registered
18 voter in the single member district from which
19 the candidate seeks nomination at the time the
20 petition was signed.

21 After receiving the first memo
22 outlining my initial findings, Nick Saucedo-

1 Guzman timely submitted four voter registration
2 forms to the board on August 30th, 2022. Two of
3 the voter registration forms corrected address
4 changes previously found as valid changes. This
5 leaves the candidate's nominating petition with
6 23 signatures. Two signatures below the number
7 required for ballot access.

8 MS. STROUD: Okay, so what we will do
9 is we will hear first from Nick Saucedo-Guzman,
10 and we will have each party will have five
11 minutes to address, or respond to the registrar's
12 report. And what I'd like to do is -- do you
13 want to swear in the --

14 CHAIR THOMPSON: Go ahead.

15 MS. STROUD: Okay. So, we will be
16 swearing in each party, and any individuals that
17 are offered to provide testimony with respect to
18 each matter. So, if both of you could indicate
19 whether, or not, if you could say I do swear, or
20 affirm to tell the truth, the whole truth, and
21 nothing but the truth with respect to the
22 information I am giving, and just respond, and

1 say I will?

2 MR. SAUCEDA-GUZMAN: I will, I do
3 swear, and affirm.

4 WHEREUPON,

5 SALVADOR SAUCEDA-GUZMAN
6 was called for examination by the Board, having
7 been first duly sworn, assumed the witness stand,
8 was examined and testified as follows:

9 MS. STROUD: If we could hear you both
10 on the record? Ms. Henderson, you're on mute.

11 MS. HENDERSON: I will. Can you hear
12 me?

13 MS. STROUD: I don't think I heard
14 either.

15 CHAIR THOMPSON: I heard both of them,
16 so --

17 MR. SAUCEDA-GUZMAN: I do sear, and
18 affirm, I will.

19 WHEREUPON,

20 KATHY HENDERSON
21 was called for examination by the Board, having
22 been first duly sworn, assumed the witness stand,

1 was examined and testified as follows:

2 MS. STROUD: Nick Saucedo-Guzman, if
3 you could say something, so that I can determine
4 whether, or not I can hear you?

5 MR. SAUCEDA-GUZMAN: I think the world
6 can hear us, just the board can't hear us. I can
7 hear you guys, I'm sure Karyn Greenfield can hear
8 you, I'll try to do a chat here.

9 CHAIR THOMPSON: Yeah, it might be an
10 issue with the audio at the board's office. Bear
11 with us, apparently we can't hear, our audio is
12 cut. People on Zoom can hear, but --

13 MR. SAUCEDA-GUZMAN: It's fine, it's
14 expected with the first part of today's hearing.
15 We can hear you all.

16 CHAIR THOMPSON: Yeah.

17 MS. CORRENTE: Terri, could you say
18 something, maybe we can see if we can hear --

19 MS. STROUD: Yeah, can you hear me?

20 MS. CORRENTE: Yes. Okay, so Nick
21 Saucedo-Guzman, and Ms. Henderson, if you could
22 both indicate that you swear, or affirm that the

1 statement that you provide today will be the
2 truth, the whole truth, and nothing but the
3 truth?

4 MR. SAUCEDA-GUZMAN: I swear, and
5 affirm.

6 MS. CORRENTE: Ms. Henderson?

7 MS. HENDERSON: Again, I swear, and
8 affirm that I will tell the truth.

9 MS. CORRENTE: Okay, so we will hear
10 from you first, Nick Saucedo-Guzman, and you will
11 have five minutes.

12 MR. SAUCEDA-GUZMAN: Thank you. Good
13 morning everyone, my name is Salvador Saucedo-
14 Guzman. I am currently an ANC commissioner in
15 5D02, specifically in Northern Trinidad off the
16 Mount Olive area in Ward Five. I'm running to go
17 for the new single member district corresponding
18 to my neighborhood, 5D05. 5D02 is the current
19 one, 5D05 is the new one according to our census,
20 and redistricted lines.

21 This summer, I went out, just like as
22 requested, to collect signatures to get on the

1 ballot this year, specifically needed 25. Made
2 sure to get at least more than that, because I
3 know sometimes these issues do arise. And I did
4 double check my signatures to make sure that I
5 had enough valid residents that corresponded to
6 attain the 25 needed to be on the ballot.

7 I did fail, and make an error on my
8 very first circulator page by putting in the
9 wrong date at the bottom of the circulator page
10 on the affidavit. Instead of putting a seven, I
11 placed a two. And to that fact, I do agree with
12 all of the findings that the registrar did
13 determine in terms of the validity of my
14 signatures.

15 That that first circulator page was
16 technically knocked off the count for the 25
17 needed to get on the ballot. Based on that
18 slight error, I do have integrity, and do admit
19 that that was an error on my part. It wasn't an
20 error for any other reasons, it was just small
21 oversight. I do note that also on that same
22 circulator page, one of six, that I did also sign

1 it myself as a resident that's eligible to sign
2 their own petition, and I did date it correctly.

3 So, I hope the board is able to look
4 at that, and see that it was just small
5 oversight, it was a small error on my part to
6 include the wrong date at the bottom of the
7 circulator page. I live, and work with residents
8 in a neighborhood that's troubled, and entrenched
9 with a lot of issues. No one else besides myself
10 has decided to run as an ANC in this particular
11 part of Trinidad for the last two election cycles
12 because we know it's a difficult position, it's a
13 difficult job.

14 Not just because it's based on
15 volunteer work, and volunteer hours, but you have
16 to have passion, and heart to be able to really
17 care, and do something for these kind of
18 neighborhoods that are entrenched in heavy
19 issues. I do hope that the board sees that I
20 admit to my mistake by placing the wrong date on
21 that circulator page. And takes into account to
22 potentially waive that small clerical issues on

1 my part.

2 I know that we've had some other
3 cases, such as Moore v. Butler, and Grant v.
4 Douglas that have touched on similar issues of
5 waiving an error on part of the circulator. I
6 collected all the signatures, I was the
7 circulator. I didn't have anyone else collect
8 signatures for me. I collected all these
9 signatures from residents.

10 And yes, this is just the issue that
11 occurred here. If the board thinks about waiving
12 this small issue on that first circulator page,
13 that adds an additional five, or six signatures
14 to the count, which would surpass the 25 needed
15 to be on the ballot. I do also acknowledge that
16 if the board is not able to waive this small
17 error on my part, no one else's but mine, I am
18 willing to do a write in candidacy.

19 And I'll go ahead, and proceed with
20 the Board of Elections with what's needed to do
21 that, and get -- and to continue to represent my
22 community that way. I don't do this for any

1 other reasons, just doing it just to empower, and
2 strengthen the Trinidad community, the Mount
3 Olive community. We're in need of tons of help,
4 and I just can't sit back, and let an error like
5 this just put me down, just to not even think
6 about the position, and continue what so ever.

7 I'll continue, I'll do what's needed,
8 and I'll abide by what the board decides on this
9 issue. I have nothing additional to add to this,
10 but I thank you for everyone taking the time to -
11 - one, the registrar to review everything,
12 because I know it's not an easy job. But two,
13 just to sit here, and listen to me, and let me
14 talk, and speak on my behalf.

15 I know the challenger has made some
16 claims that I forged signatures, or stuff like
17 that. There's no basis on those claims, but I
18 understand everyone is entitled to their opinion,
19 and I'll respect those opinions, especially if
20 there's a democratic process to go forward, and
21 look at what's being challenged, and what's being
22 addressed. So, I want to thank everyone for

1 their time today, I'll be on standby, and wait
2 for final decisions. But thank you so much for
3 the time that you guys used on this matter today.

4 CHAIR THOMPSON: Thank you so much,
5 much appreciated.

6 MS. STROUD: Okay, now we will hear
7 from Ms. Henderson.

8 MS. HENDERSON: Can everyone hear me?

9 CHAIR THOMPSON: Yes.

10 MS. STROUD: Yes.

11 MS. HENDERSON: First, let me wish
12 everyone a good morning. Thank you board
13 members, for your service to the District of
14 Columbia. I am Kathy Henderson, I have served
15 multiple honorable terms as advisory neighborhood
16 commissioner. I am award winning, effective
17 advisory neighborhood commissioner. And while
18 this position of ANC, Advisory Neighborhood
19 Commission, it is without compensation, it is an
20 honorable undertaking.

21 And it is the first elected position
22 in the district Home Rule Charter to represent

1 the citizens, and all ANCs are the closest
2 elected officials, and representatives to the
3 people, the good people of the District of
4 Columbia. So, Title III, I think Section 1607.1,
5 it clearly outlines what the requirements are.
6 The board has reduced the requirements to 25
7 signatures.

8 I think that any person holding
9 themselves out for this office should be able to
10 get 25 signatures, good signatures, especially
11 someone who's served before, and you should know
12 your neighbors, and you should now who is
13 registered to vote, and who isn't, even without
14 the list of voters. So, and also I want to say
15 there have been some historic challenges with the
16 previous registrar's decisions.

17 I'm glad that the board of elections
18 is moving forward to undertake the business of
19 the people in a manner that is fair, and
20 transparent, and reduces those previous
21 challenges. The fact that Mr. Guzman -- I don't
22 know him personally, selected 36 signatures, and

1 of those 36 signatures, the board actually found
2 that 15 of the challenges are valid, I've been
3 collecting signatures a long time.

4 I know what a good petition looks
5 like, I have circulated petitions myself because
6 I actually enjoy interacting with the people.
7 And I would expect that on some level, everyone
8 offering themselves as a candidate for every
9 position should feel some modicum of
10 satisfaction, and enjoy actually interacting with
11 the people that they hope to serve.

12 So, I agree with the registrar's
13 report in this matter, and I respectfully ask
14 that you not waive any of the deficiencies that
15 Mr. Guzman has admitted to today, and not set a
16 precedent for future persons who wish to gain
17 access to elected office, uncompensated, or not,
18 without doing their due diligence.

19 So, this is not undertaken with any
20 malice. This is undertaken on behalf of the
21 citizens of the District of Columbia. I have
22 represented the citizens passionately, honorably,

1 and I look forward to serving again with people
2 who do the same. I look forward to serving again
3 with individuals that do not vote for illegal
4 grants, or to do anything that undermines the
5 efficacy of the office of Advisory Neighborhood
6 Commission.

7 So, with that I rest, and I thank you
8 for the time to be heard on this matter this
9 morning.

10 CHAIR THOMPSON: Thank you so much.
11 Anything else on this matter?

12 MS. CORRENTE: Nope.

13 CHAIR THOMPSON: No, okay. We
14 appreciate you both appearing here today. We'll
15 later on take the matter under advisement in
16 executive session, and today we'll make our
17 determination. All right, moving on then to the
18 next matter up for today. Kathy Henderson versus
19 Carrie Dellesky, candidate for ANC for single
20 member district 5D06. Is Ms. Dellesky present?

21 MS. STROUD: Yes. So, we are now on
22 the record in the matter of Kathy Henderson

1 versus Carrie Dellesky, candidate for advisory
2 neighborhood commissioner for single member
3 district 5D06. Ms. Henderson, you can state
4 again your name, and address for the record, and
5 then we will ask the same of Ms. Dellesky.

6 MS. HENDERSON: Can everyone still
7 hear me?

8 CHAIR THOMPSON: Yes.

9 MS. STROUD: Yes.

10 MS. HENDERSON: Kathy Henderson, 1807
11 L Street Northeast, Washington, D.C., 20002.

12 MS. STROUD: And Ms. Dellesky?

13 MS. DELLESKY: Hi, can you hear me?

14 CHAIR THOMPSON: Yes.

15 MS. DELLESKY: Okay. My name is
16 Carrie Dellesky, I live at 1731 L Street
17 Northeast, 20002.

18 MS. STROUD: Okay, so what I will do
19 is I will have the candidates both respond I will
20 to the following statement. I swear, and affirm
21 that the testimony that I am going to provide
22 with respect to this matter is the truth, the

1 whole truth, and nothing but the truth.

2 MS. DELLESKY: I will.

3 WHEREUPON,

4 CARRIE DELLESKY

5 was called for examination by the Board, having
6 been first duly sworn, assumed the witness stand,
7 was examined and testified as follows:

8 MS. STROUD: Ms. Henderson?

9 MS. HENDERSON: I will.

10 MS. STROUD: And we will now hear the
11 report of the registrar of voters.

12 MS. CORRENTE: Thank you Counsel
13 Stroud. I'm going to read a memo dated August
14 29th, 2022. The subject is challenge to petition
15 submitted by Carrie Dellesky, candidate for
16 advisory neighborhood commissioner single member
17 district 5D06. On August 10th, 2022, Carrie
18 Dellesky submitted a nominating petition to
19 appear on the ballot as a candidate in the
20 November 8th, 2022 general election for the
21 office of advisory neighborhood commissioner, or
22 ANC, single member district, or SMD 5D06.

1 The minimum requirement to obtain
2 ballot access for this office is 25 signatures.
3 The petition contained 56 signatures. The
4 petition was posted for public inspection for ten
5 days as required by law. The petition was
6 challenged on August 22nd, 2022 by Kathy
7 Henderson, a registered voter in the District of
8 Columbia. Ms. Henderson filed challenges to 50
9 of the 56 signatures submitted, enumerated by
10 line, and page number on individual challenge
11 sheets filed for each petition page.

12 The signatures were challenged
13 pursuant to Title III, D.C. Municipal Regulations
14 1607.1 of the board's regulations on the
15 following grounds. The signer, according to the
16 board's records, is not registered on the
17 petition at the time the petition was signed.
18 The signature is not dated. The petition does
19 not include the name of the signer where the
20 signature is not sufficiently legible for
21 identification.

22 The circulator of the petition sheet

1 was not a qualified petition circulator at the
2 time the petition was signed. The signature is
3 not made by the person whose signature it
4 purports to be, and the signer is not a
5 registered voter in the ward, or single member
6 district from which the candidate seeks
7 nomination at the time the petition is signed.

8 My review of the challenges indicates
9 that 7 of the 50 challenges were valid. Two were
10 valid because the signer is not registered to
11 vote at the address listed on the petition at the
12 time the petition was signed. One is valid
13 because the petition does not include the name of
14 the signer, where the signature is not
15 sufficiently legible for identification.

16 One is valid because the circulator of
17 the petition sheet was not a qualified petition
18 circulator at the time the petition was signed.
19 And three are valid because the signature was not
20 made by the person whose signature it purports to
21 be. This leaves the candidate's nominating
22 petition with 49 signatures. 24 signatures above

1 the number required for ballot access.

2 MS. STROUD: Okay, so what we will do
3 first, is we will hear from the challenger, Ms.
4 Henderson, and Ms. Henderson, you have five
5 minutes.

6 MS. HENDERSON: Yes, can everyone
7 still hear me?

8 MS. STROUD: Yes.

9 MS. HENDERSON: So, while I appreciate
10 the work that the Board of Elections --

11 MS. STROUD: And now we cannot hear
12 you.

13 MS. HENDERSON: Can you hear me?

14 MS. STROUD: No, we cannot, it's very
15 faint.

16 MS. HENDERSON: If you can't hear me,
17 how were you able to respond when I asked you
18 could you hear me?

19 MS. STROUD: I said it was very faint,
20 and now we can hear you better.

21 MS. HENDERSON: Well I'm glad you
22 adjusted whatever you need to on your end,

1 because nothing has changed on mine. Can you
2 hear me?

3 MS. STROUD: Yes.

4 MS. HENDERSON: Going forward, I
5 believe that whatever work has been done to make
6 the Board of Elections fair, and equitable to all
7 is still a work in progress, and I don't agree
8 with the registrar's report in this matter.
9 Because the first thing that Ms. Dellesky did was
10 she -- first of all, she didn't decide that she
11 wanted to run.

12 Her deciding to run is a reactionary
13 response to my deciding to run. So, she doesn't
14 know the community, she doesn't know the
15 neighbors, and instead of actually getting out,
16 and collecting her own signatures with due
17 diligence, she contacted her team, including an
18 individual that lives in the Dakota Crossing
19 area, and areas that are outside of our immediate
20 area.

21 I mean Ms. Dellesky lives on my block,
22 and she doesn't even speak to me. The first time

1 I had the opportunity to meet her is when she
2 apologized for feeling that I had problems with
3 the fact that she lives on my block, and doesn't
4 speak to me. So, why do you want to represent us
5 if you don't even know who we are, or want to
6 interact with us?

7 And I would ask that the board take a
8 look at -- focus on the petition, the actual six
9 page petition that Ms. Dellesky submitted, and
10 since the board chairman was a commissioner, and
11 has the experience with signatures, in that the
12 hand writing should not look or appear uniform.
13 You know that Ms. Dellesky and her agents simply
14 wrote in signatures, and only in a few instances
15 did they actually have the actual registered
16 voter sign the petition.

17 With regard to page two, line seven,
18 I didn't challenge Regina Heywood, because I know
19 Ms. Heywood, I know that's her signature, and it
20 actually comports with what's on file in the
21 Registrar's Office. With regard to -- let's see,
22 Mr. Katz. Mr. Katz refused to sign my petition -

1 -

2 MS. STROUD: Provide the page, and
3 line for Mr. Katz?

4 MS. HENDERSON: Mr. Katz is on page
5 two, line three. Now, when I asked Mr. Katz to
6 sign my --

7 MS. STROUD: Okay, we cannot hear you
8 now.

9 MS. HENDERSON: Why can't you hear me?
10 Nothing has changed on my end.

11 MS. STROUD: We can hear you now.
12 It's going in, and out, but we can hear you now.

13 MS. HENDERSON: Mr. Katz -- there's no
14 reason for my testimony to be going in, and out,
15 nothing has changed on my end, and I respectfully
16 ask that you make sure that on your end the
17 equipment is working appropriately so as not to
18 interrupt my testimony. Mr. Katz refused to sign
19 my petition because he said he didn't know if he
20 was registered to vote at his new address, 1815 L
21 Street Northeast, which is just a couple of doors
22 down from mine.

1 He signed Ms. Dellesky's petition, and
2 then he took the liberty of signing his partner's
3 petition without her consent, or permission,
4 which you can't do. And the signature is not
5 valid, it doesn't even comport with what is on
6 file with the Registrar's Office, and the
7 registrar actually did correctly validate that
8 challenge.

9 But if you go to page two, lines one,
10 and two, you will see that the signature for
11 Daria Yoko is actually the same as the signature
12 with the pressure, the strokes for Ms. Dellesky.
13 And Ms. Dellesky said during the pre-hearing that
14 the reason for that is because there's been a
15 change of gender. That's ridiculous. A change
16 of gender would not change your handwriting, and
17 it would not make Ms. Yoko's handwriting look
18 like Ms. Dellesky's.

19 And also there's a continued problem,
20 the house that Ms. Dellesky lives in was actually
21 sold to her by her friends, Margaret, and Dylan
22 Sweeney. Even though Margaret, and Dylan Sweeney

1 no longer live in the house, are affiliated with
2 the house, Margaret Sweeney continues to be
3 carried forward on the voter's list.

4 Despite the fact that I've written in
5 numerous times to have her removed as a voter
6 from this single member district, and from this
7 area. There are some problems, I think that the
8 -- I don't think -- and even if the board decides
9 to uphold this fraudulent petition, I think in
10 doing so, the board, and the board of elections,
11 they're doing the good citizens of the District
12 of Columbia as a whole, and my neighbors, a real
13 disservice.

14 And I oppose any effort to carry a
15 farce forward. Again, I thank you for the
16 opportunity to be heard on this matter.

17 MS. STROUD: Thank you. And now we'll
18 hear from Ms. Dellesky.

19 MS. DELLESKY: Can you confirm that
20 you can hear me?

21 MS. STROUD: Yes.

22 MS. DELLESKY: Okay, thank you. I'll

1 make a note at the top that I'm driving right
2 now, so I'll keep my message brief, but just out
3 of interest for personal safety. I collected
4 petitions in good faith based on the rules, and
5 regulations distributed by the board of elections
6 to all the candidates for ANC commissioner.

7 I did have valid volunteer petitioners
8 helping me, and I printed out the voter
9 registration lists that were made available to
10 all candidates for commissioner, so that we could
11 collect as many valid registered voter signatures
12 on the petitions as possible. I reviewed twice
13 over all of the petitions before submitting them,
14 and found that seven of the signatures appeared
15 that they could potentially be challenged.

16 But also found that 49 appeared that
17 they would be validated by the board. This was
18 reaffirmed by the registrar's report in review of
19 the challenge. So, I just wanted to attest that
20 I collected all the signatures, and the petitions
21 in good faith, and to the best of my abilities.
22 And just thank you to the board for your

1 consideration, and your patience in this matter.

2 CHAIR THOMPSON: Thank you so much.

3 MS. STROUD: Ms. Corrente, I
4 understand that you had some comments you wanted
5 to make in response to the statements of the
6 parties?

7 MS. CORRENTE: Sure, I just didn't
8 know if it's helpful to understand our process
9 when it comes to signature verification. It's
10 not just one person on the voter services team
11 who are reviewing that. Whenever we get a
12 challenge, one person kind of does the initial
13 work on it, and then somebody comes behind them,
14 and QCs it. So, there's multiple eyes making
15 those determinations.

16 And I also wanted to flag, I'm not
17 sure if this matters, but one of the lines that I
18 believe Ms. Henderson was referencing, the Mr.
19 Katz line looks like it's on sheet two, line
20 three, and that doesn't appear to have been
21 challenged originally, so that wasn't something
22 that we reviewed. Just wanted to make that

1 known.

2 MS. STROUD: Thank you.

3 MS. HENDERSON: I think there's a
4 misunderstanding.

5 CHAIR THOMPSON: Just briefly please,
6 go ahead.

7 MS. HENDERSON: Yes, I didn't
8 challenge Mr. Katz' signature on page two, line
9 three. I challenged Mr. Katz actually signing
10 for his partner, Ms. Genco, which was upheld as a
11 valid challenge by the board. So, I just wanted
12 to make that very clear, so that no one
13 misunderstands what I actually said.

14 CHAIR THOMPSON: All right, thank you
15 so much. So, we'll move on then --

16 MS. HENDERSON: You're very welcome.

17 CHAIR THOMPSON: We'll move onto the
18 next matter, Kathy Henderson versus Juan
19 McCullum, candidate for ANC commissioner for
20 single member district 5D07. I know Ms.
21 Henderson's here, is Mr. McCullum here? You can
22 raise your hand, we're also still scrolling to

1 look for your name.

2 MS. HENDERSON: I'm still here.

3 CHAIR THOMPSON: Yeah.

4 MS. STROUD: Mr. McCullum, are you
5 present?

6 CHAIR THOMPSON: There's a lot of
7 phone numbers, a lot of people on by phone, and
8 you may have to raise your hand, I think when
9 you're on by phone, there should be a button that
10 has to be unmuted. Star six mutes, and unmutes
11 on the phone, thank you for that. So, if you're
12 on the phone trying to get in, you just hit star
13 six.

14 MS. STROUD: So, we're going to try to
15 make contact with Mr. McCullum, but in the
16 interim, I think we should proceed with the next
17 matter.

18 CHAIR THOMPSON: Yeah, we'll come back
19 to that, and move on with the next matter. Kathy
20 Henderson versus Rebecca Ryan, candidate for ANC
21 commissioner for SMD 5D01. And now if Ms. Ryan
22 could -- I think I see her.

1 MS. RYAN: Hi, yes.

2 CHAIR THOMPSON: Hello.

3 MS. RYAN: Hello.

4 MS. STROUD: Yeah, so Ms. Ryan, we'll
5 have you state your name, and address for the
6 record. Ms. Henderson, I think you're fine, and
7 we'll just swear you both in once you've given
8 your name, and address for the record Ms. Ryan.

9 MS. RYAN: Great, Rebecca Ryan, 1270
10 Fort Street Northeast, Washington, D.C., 20002.

11 MS. STROUD: Okay, and if you could
12 both respond, do you swear, or affirm that you
13 will tell the truth, the whole truth, and nothing
14 but the truth with respect to the testimony that
15 you provide in this matter?

16 MS. HENDERSON: I will.

17 MS. RYAN: I will.

18 WHEREUPON,

19 REBECCA RYAN

20 was called for examination by the Board, having
21 been first duly sworn, assumed the witness stand,
22 was examined and testified as follows:

1 MS. STROUD: Okay, thank you. And so
2 right now, we will hear from the registrar of
3 voters with respect to her report, and findings
4 on this matter.

5 MS. CORRENTE: Thank you Counselor
6 Stroud. So, I'm going to read the memo that's
7 dated August 29th, 2022, and the subject is
8 challenge to petitions submitted by Rebecca Ryan,
9 candidate for advisory neighborhood commissioner
10 single member district 5D01. On August 10th,
11 2022, Rebecca Ryan submitted a nominating
12 petition to appear on the ballot as a candidate
13 in the November 8th, 2022 general election for
14 the office of advisory neighborhood commissioner,
15 or ANC single member district, or SMD, 5D01.

16 The minimum requirement to obtain
17 ballot access for this office is 25 signatures.
18 The petition contains 74 signatures. The
19 petition was posted for public inspection for ten
20 days as required by law. The petition was
21 challenged on August 22nd, 2022 by Kathy
22 Henderson, a registered voter in the District of

1 Columbia.

2 Ms. Henderson filed challenges to 75
3 of the 74 signatures submitted, enumerated by
4 line, and page number on individual challenge
5 sheets filed for each petition page. The
6 signatures were challenged pursuant to Title III,
7 D.C. Municipal Regulation 1607.1 of the board's
8 regulations on the following grounds. The
9 signer's voter registration was designated as
10 inactive on the voter roll at the time the
11 petition was signed.

12 The signer, according to the board's
13 records, is not registered to vote at the address
14 listed on the petition at the time the petition
15 was signed. The signature is not dated. The
16 petition does not include the name of the signer
17 where the signature is not sufficiently legible
18 for identification. The signature was not made
19 by the person whose signature it purports to be.

20 And the signer is not a registered
21 voter in the ward, or single member district from
22 which the candidate seeks nomination at the time

1 the petition is signed. My review of the
2 challenges indicates that 47 of the 75 challenges
3 are valid. 19 are valid because the signer is
4 not registered to vote. One is valid because the
5 signer's voter registration was designated as
6 inactive on the voter roll at the time the
7 petition was signed.

8 12 are valid because the signer was
9 not registered to vote at the address listed on
10 the petition at the time the petition was signed.
11 Three are valid because the petition does not
12 include the name of the signer where the
13 signature is not sufficiently legible for
14 identification. And 12 are valid because the
15 signer is not a registered voter in the single
16 member district from which the candidate seeks
17 nomination at the time the petition was signed.

18 This leaves the candidate's nominating
19 petition with 27 signatures, two signatures above
20 the number required for ballot access.

21 MS. STROUD: Okay, so thank you Ms.
22 Corrente, we will hear from Ms. Henderson, and

1 then the candidate.

2 MS. HENDERSON: Yes, good morning
3 again, can everyone still hear me?

4 MS. STROUD: Yes.

5 MS. HENDERSON: Okay. I do not agree
6 with the registrar's initial findings in full.
7 The fact that 47 of the 70 plus challenges are
8 valid indicates that there is a problem. I would
9 simply ask respectfully that I not be
10 interrupted, someone who is controlling the audio
11 in this platform muted me. I didn't mute myself.

12 CHAIR THOMPSON: We can hear you now,
13 please go ahead.

14 MS. HENDERSON: Again, I ask that my
15 time be restored. The fact that out of 70 plus
16 signatures that the register found 47 defective
17 is telling. This candidate did not circulate the
18 petitions in accordance with the rules, and did
19 not do her due diligence. And on their face, all
20 of the signatures look fraudulent, I direct your
21 attention to page one, line two, and three.

22 Despite the fact that these are two

1 different addresses, both the handwriting, and
2 the signatures look exactly the same. If you go
3 throughout the petition, the signatures for the
4 majority of the persons that are supposed to be
5 signers look the same. I mean this is
6 outrageous. And even though she is left with 27,
7 it's 27 defective signatures, and I would draw
8 this board's attention to the former case of
9 former Mayor Anthony Williams.

10 The board did not rule that each, and
11 every signature on the petition was fraudulent.
12 The board ruled that because of overwhelming
13 fraud, the entire petition would be thrown out,
14 because of the overwhelming preponderance of
15 fraud, and I think that's the case that should be
16 applied here. I thank you for the opportunity to
17 be heard, and certainly if the board goes forward
18 with approving this fraudulent petition, it'll be
19 a disservice to the voters to have this person
20 placed on the ballot.

21 MS. STROUD: Ms. Ryan?

22 MS. RYAN: First, I just want to thank

1 the Board of Elections, and the registrar for
2 their clear communication, and information.
3 We're fortunate to have these agencies supporting
4 the election process. I'm running to serve as
5 the advisory neighborhood commissioner for ANC
6 5D01 so I can advocate for my community. To be
7 considered on the November ballot, I went through
8 the process of collecting signatures from my
9 neighbors.

10 I went out on three separate days in
11 August to multiple locations within my single
12 member district to collect these signatures. I
13 will read the signatures using the list of
14 registered voters provided by the Board of
15 Elections, and confirm I exceeded the minimum
16 signatures required. This was confirmed by the
17 registrar's review, which stated I exceeded the
18 minimum valid 25 signatures to be on the ballot
19 in November.

20 These are the signatures of
21 individuals that live, and work in D.C. that I
22 collected by engaging, conversing, and learning

1 from my community members. I did not, and I
2 would not forge any signatures. I look forward
3 to the board's decision, and the opportunity to
4 be considered to represent my community as the
5 advisory neighborhood commissioner of 5D01.

6 Thank you so much for all of your time.

7 MS. STROUD: Thank you Ms. Ryan, and
8 I just wanted to mention in light of the fact
9 that the Williams case was mentioned, that was a
10 case in which there was evidence with respect to
11 forgeries. There was evidence of forgeries, and
12 there was another case as well concerning the
13 petitions submitted in support of the initiative
14 video lottery terminal, where just an examination
15 of the petition indicated that signature
16 mismatches were rampant.

17 In this instance, the majority of the
18 signatures that were disqualified had to do with
19 the state of a voter's registration. Signers not
20 being registered voters, signers not residing in
21 the same jurisdiction as the candidate signers,
22 being registered at different addresses in the

1 same jurisdiction where changes of address were
2 not timely filed, if filed at all.

3 So, just wanted to note for the
4 record, the import of Williams, and video
5 monitoring terminal, and cases like that where
6 there was indication of the kind of forgeries
7 that rendered the whole entire petition
8 untrustworthy in terms of circulator affidavits.
9 I just wanted to say that with respect to the
10 case that was raised. Ms. Corrente, did you have
11 anything that you wanted to say?

12 CHAIR THOMPSON: Thank you so much for
13 that. Should we go back to Juan McCullum?

14 MS. STROUD: Yes. So, we'll now move
15 on to the previous --

16 MS. HENDERSON: Actually we need to --
17 we're not finished with the Ryan matter.

18 CHAIR THOMPSON: Well, we've heard
19 from you Ms. Henderson, we've heard from Ms.
20 Ryan, and the registrar --

21 MS. HENDERSON: Well, I'd like to
22 respond to the comments made by Ms. Stroud. I'll

1 be briefly.

2 CHAIR THOMPSON: I don't want to cut
3 anybody off, why don't you take a minute please,
4 and give us your thoughts.

5 MS. HENDERSON: I need less than a
6 minute. I just asked the board to take a look at
7 Rebecca Ryan's signatures. Again, focus on page
8 one, signature lines one, and two, and look at
9 Ms. Ryan's signature on the circulating pages.
10 Particularly page two, where it shows clearly
11 that the signatures were made by the same person.
12 That person is Ms. Ryan.

13 So, if the board goes forward with
14 approving this tainted petition, again, it's a
15 disservice to our entire process. And thank you
16 for that opportunity to be heard.

17 CHAIR THOMPSON: All right, thank you
18 so much. We'll conclude that matter, and ask if
19 Juan McCullum is in a position now to identify
20 himself.

21 MR. McCULLUM: Good morning, this is
22 Juan McCullum, let me first apologize, I've had

1 some technical difficulties this morning, so I
2 had to step outside to be able to get onto the
3 call. But I do appreciate you all for giving me
4 the opportunity to get caught up here as it
5 relates to the technology issue.

6 CHAIR THOMPSON: No problem, we've had
7 some technology issues ourselves, so we
8 understand. Thank you for being here, so we'll
9 proceed with Kathy Henderson versus Juan
10 McCullum, a candidate for ANC commissioner for
11 SMD 5D07. Counsel Stroud, go ahead.

12 MS. STROUD: Yes, and if you could
13 state your name, and address for the record, and
14 then I'll swear both parties in.

15 MR. McCULLUM: This is Juan McCullum,
16 I reside at 789 19th Street Northeast, that's
17 here in D.C., 20002, that's in 5D07.

18 MS. STROUD: Okay, thank you. And if
19 both parties could swear, or affirm that the
20 statements they will provide in connection with
21 this matter will be the truth, the whole truth,
22 and nothing but the truth?

1 MR. McCULLUM: I do.

2 WHEREUPON,

3 JUAN MCCULLUM

4 was called for examination by the Board, having
5 been first duly sworn, assumed the witness stand,
6 was examined and testified as follows:

7 MS. HENDERSON: I will.

8 MS. STROUD: So, we will hear from the
9 registrar of voters, Ms. Corrente, and then the
10 parties will have the opportunity to respond.

11 MS. CORRENTE: Thank you. So, I'm
12 going to read a memo that's dated August 29th,
13 2022. The subject is challenge to petition
14 submitted by Juan McCullum, candidate for
15 advisory neighborhood commissioner single member
16 district 5D07. On August 10th, 2022, Juan
17 McCullum submitted a nominating petition to
18 appear on the ballot as a candidate in the
19 November 8th, 2022 general election for the
20 office of advisory neighborhood commissioner, or
21 ANC single member district, or SMD 5D07.

22 The minimum requirement to obtain

1 ballot access for this office is 25 signatures.
2 The petition contained 30 signatures. The
3 petition was posted for public inspection for ten
4 days as required by law. The petition was
5 challenged on August 22nd, 2022 by Kathy
6 Henderson, a registered voter in the District of
7 Columbia. Ms. Henderson filed challenges to 26
8 of the 30 signatures submitted enumerated by
9 line, and page number on individual challenge
10 sheets filed for each petition page.

11 The signatures were challenged
12 pursuant to Title III D.C. Municipal Regulation
13 1607.1 of the board's regulations on the
14 following grounds. The signer's voter
15 registration was designated as inactive on the
16 voter role at the time the petition was signed.
17 The signer, according to the board's records, is
18 not registered to vote at the address listed on
19 the petition at the time the petition was signed.

20 The signature is not dated. The
21 petition does not include the name of the signer
22 where the signature is not sufficiently legible

1 for identification. The circulator of the
2 petition sheet was not a qualified petition
3 circulator at the time the petition was signed.
4 The signature was not made by the person whose
5 signature it purports to be.

6 And the signer is not a registered
7 voter in the ward, or single member district from
8 which the candidate seeks nomination at the time
9 the petition was signed. My review of the
10 challenges indicates that 1 of the 26 challenges
11 is valid because the signature is not dated.
12 This leaves the candidate's nominating petition
13 with 29 signatures, 4 signatures above the number
14 required for ballot access.

15 MS. STROUD: Okay, thank you. And so
16 we will hear from the challenger, Ms. Henderson,
17 and then the candidate, Mr. McCullum.

18 MS. HENDERSON: Again, thank you,
19 Kathy Henderson here. Again, I do not accept the
20 registrar's report in this matter, because just
21 looking at Mr. McCullum's petitions on their
22 face, they appear to be uniformly written in one

1 person's handwriting. Even the first signature
2 on page one, line one, Angel Alamonte. It says
3 Angel Amonte, and the signature doesn't even
4 comport with what's on file.

5 But Mr. Alamonte is a registered
6 voter, I know who he is. The other signatures
7 that I did not challenge is because I know these
8 individuals, I know that this is their signature,
9 and their signatures comport with what's on file.
10 So, again, these petitions clearly were written
11 in the same hand with the same pressure.

12 And the board of elections is giving
13 Mr. McCullum the benefit of the doubt when in
14 fact the condition of his petitions do not
15 demonstrate that he is deserving of the benefit
16 of the doubt. So, I will rest in this matter.

17 CHAIR THOMPSON: Mr. McCullum?

18 MR. McCULLUM: Yes sir. Let me first
19 say good morning again, and thank you all for
20 having me. I would just like to be brief in
21 stating that I do agree with the registrar with
22 regards to the signatures being valid. I did

1 walk my community, I asked, and knocked on doors,
2 and asked for signatures. As for Ms. Henderson's
3 challenge, I'm not really sure where she's coming
4 from with this.

5 But I can say that today, I walked,
6 and I secured these signatures from my neighbors
7 in 5D07. Since the challenge has been raised,
8 and before the pre-hearing conference, and after
9 the pre-hearing conference, I have gone back to
10 some of my neighbors to make them aware of this
11 challenge, and all of them have stated that this
12 is bogus, and this is without merit. So, I just
13 want to say to you all today that I did walk, I
14 did knock.

15 I picked up the sheet the day before
16 it was due, and I walked the neighborhood to get
17 all of the signatures, and I turned it in the
18 following day. I checked all of the signatures
19 up against the email copy that I received from
20 the Board of Elections with regards to those who
21 were registered to vote in the district. And so,
22 that's why I did not -- there was no need for me

1 to turn in multiple sheets, because as I got
2 signatures, I also cross checked it with the
3 voter record that I had received from the Board
4 of Elections.

5 So, I will say for a final time that
6 I did walk, I did meet my residents, and
7 neighbors there, and these signatures are valid.

8 CHAIR THOMPSON: All right, thank you
9 so much, we appreciate that. Anything else from
10 the registrar, or anybody?

11 MS. STROUD: No.

12 CHAIR THOMPSON: All right, in that
13 case, thank you so much, we conclude that matter,
14 and move on to Kathy Henderson versus Sebrena
15 Rhodes, this is still on the agenda, right?

16 MS. STROUD: It is still on the
17 agenda, but I understand that Ms. Henderson would
18 like to make a statement with respect to this
19 challenge.

20 MS. HENDERSON: Yes, thank you for the
21 time allotted for this matter. Given the
22 interest of evaluating -- I have some concerns

1 about Ms. Rhodes, and the manner in which she
2 circulated her petitions, and the validity of
3 some of those signatures. But Ms. Rhodes did
4 offer some information that I think speaks
5 favorably towards her character during the pre-
6 hearing conference.

7 And I've given that weight, and great
8 weight in this matter, and I am accordingly
9 withdrawing my challenge at this time. I just
10 haven't had the time to actually submit the form,
11 but I would like to withdraw my challenge, and
12 let the record reflect that accordingly.

13 MS. STROUD: Okay, thank you Ms.
14 Henderson, and so will you represent that you
15 will submit the challenge withdraw form today, or
16 as soon as you are able to, so that we can close
17 out this matter, and have the documentation filed
18 on record?

19 MS. HENDERSON: It would be my goal
20 today, but I do commit to submitting the form as
21 soon as I am able to.

22 MS. STROUD: Okay, thank you. And so

1 with that we will await your withdrawal. But we
2 do take note of the fact, or the board takes note
3 of the fact that you have indicated that you
4 would like to withdraw this matter, your
5 challenge in this matter. Okay, thank you.

6 CHAIR THOMPSON: All right, thank you
7 so much for that. Moving on to the last
8 challenge hearing today. Clayton Aristotle
9 Rosenberg versus Edward Daniels, candidate for
10 ANC commissioner for single member district 8F04.
11 We have to find the two parties, Mr. Rosenberg,
12 and Mr. Daniels.

13 MR. ROSENBERG: Mr. Rosenberg is here.

14 MR. DANIELS: And Edward Daniels here.

15 CHAIR THOMPSON: Thank you so much.

16 MS. STROUD: good morning, and I'm
17 going to first have Mr. Rosenberg state his name,
18 and address for the record, then we will turn to
19 the candidate Mr. Daniels for the same. And then
20 I will swear both parties in, we'll hear from the
21 registrar of voters, and then we'll hear from the
22 parties. So, Mr. Rosenberg

1 MR. ROSENBERG: Yes, hello. My name
2 is Clayton Aristotle Rosenberg, I reside at 10 K
3 Street Southeast Penthouse 28, Washington, D.C.,
4 20003.

5 MS. STROUD: Okay, and Mr. Daniels?

6 MR. DANIELS: Good morning, Edward
7 Daniels. I reside at 1111 New Jersey Avenue
8 Southeast Unit 720, Washington, D.C., 20003.

9 MS. STROUD: Okay, thank you. And do
10 you -- I'll have you both respond to the
11 following question. Do you swear, or affirm that
12 the testimony you will provide with respect to
13 this matter is the truth, the whole truth, and
14 nothing but the truth?

15 MR. DANIELS: I will.

16 WHEREUPON,

17 EDWARD DANIELS
18 was called for examination by the Board, having
19 been first duly sworn, assumed the witness stand,
20 was examined and testified as follows:

21 MR. ROSENBERG: I will as well.

22 WHEREUPON,

1 CLAYTON ARISTOTLE ROSENBERG

2 was called for examination by the Board, having
3 been first duly sworn, assumed the witness stand,
4 was examined and testified as follows:

5 MS. STROUD: Thank you. Ms. Corrente?

6 MS. CORRENTE: Thank you. I'm going
7 to read a memo that's dated September 1st, 2022.
8 The subject is challenge to petition submitted by
9 Edward Lee Daniels Junior, candidate for advisory
10 neighborhood commissioner single member district
11 8F04 updated. On August 10th, 2022, Edward Lee
12 Daniels Junior submitted a nominating petition to
13 appear on the ballot as a candidate in the
14 November 8th, 2022 general election for the
15 office of advisory neighborhood commissioner, or
16 ANC single member district, or SMD 8F04.

17 The minimum requirement to obtain
18 ballot access for this office is 25 signatures.
19 The petition contained 26 signatures. The
20 petition was posted for public inspection for ten
21 days as required by law. The petition was
22 challenged on August 22nd, 2022 by Clayton

1 Aristotle Rosenberg, a registered voter in the
2 District of Columbia. Mr. Rosenberg filed
3 challenges to 4 of the 26 signatures submitted.

4 Enumerated by line, and page number on
5 individual challenge sheets filed for each
6 petition page. The signatures were challenged
7 pursuant to Title III D.C. Municipal Regulation
8 1607.1 of the board's regulations on the
9 following grounds. The signer, according to the
10 board's records is not registered to vote at the
11 address listed on the petition at the time the
12 petition was signed. The signature is a
13 duplicate of a valid signature.

14 The signature is not dated. The
15 petition does not include the address of the
16 signer, and the petition does not include the
17 name of the signer where the signature is not
18 sufficiently legible for identification. My
19 review of the challenges indicates that three of
20 the four challenges are valid. Two are valid
21 because the signer is not registered to vote at
22 the address listed on the petition at the time

1 the petition was signed.

2 And one is valid because the petition
3 does not include the name of the signer where the
4 signature is not sufficiently legible for
5 identification. After receiving the first memo
6 outlining my initial filings, Mr. Daniels timely
7 submitted one voter registration form to the
8 board on September 1st, 2022. The voter
9 registration form corrected an address change
10 previously found as a valid signature.

11 This leaves the candidates nominating
12 petition with 24 signatures. One signature below
13 the number required for ballot access.

14 MS. STROUD: Okay, thank you Ms.
15 Corrente. So, what we'll do with respect to this
16 instance, where the candidate was found to be
17 short one signature, we will hear from the
18 candidate first, and then we will hear from the
19 challenger.

20 MR. DANIELS: Thank you Mr. Chair, and
21 members of the board, thank you so much for your
22 service to our community. Again, my name is

1 Edward Daniels, I'm the current chair of ANC 6D,
2 representing the district's largest ANC, which
3 includes the residents of Navy Yard, Buzzard
4 Point, Southwest D.C., and the Wharf. For the
5 past four years I've served as a single member
6 district representative of 6D07, representing
7 over 10,000 residents here in the Navy Yard
8 neighborhood.

9 On August 10th, 2022, I submitted my
10 nominating petition for candidacy to the Board of
11 Elections. On August 22nd, 2022, five minutes
12 prior to the ten day challenge deadline to
13 challenge this publicly posted petition, Clayton
14 Rosenberg decided to file a challenge to four of
15 the 26 signatures of the petition that I
16 submitted. During a pre-hearing on September
17 2nd, 2022, the registrar of the Board of
18 Elections presented her findings to both Mr.
19 Rosenberg, and myself.

20 Which included a change of address
21 form that I submitted before the September 1st,
22 2022 deadline, concluding that two of the four

1 signatures were valid. This left one remaining
2 signature to be answered, and cured, which would
3 fulfill the 25 signature requirement for ballot
4 access as an ANC candidate. Mr. Rosenberg is
5 currently challenging the signature appearing on
6 line number six, on page three of three sheets
7 submitted in my nominating petition pursuant to
8 Title III DCMR Section 1607.1 of the board's
9 regulations on five grounds.

10 The grounds of the challenge on this
11 one signature is that the signer, according to
12 the board's records, is not registered to vote at
13 the address listed on the petition at the time
14 the petition was signed. The signature is a
15 duplicate of a valid signature, the signature is
16 not dated. The petition does not include the
17 address of the signer, and the petition does not
18 include the name of the signer where the
19 signature is not sufficiently legible for
20 identification.

21 The signer of this line of my petition
22 is Eva Havus, a long term registered voter of the

1 district living at 1025 First Street Southeast,
2 Washington, D.C., 20003, which is listed in the
3 board's records as an active voter. I humbly ask
4 that these five challenges to this one signature
5 be dismissed by the board based on the following
6 evidentiary responses to each of these
7 challenges.

8 Ms. Havus is a registered voter
9 currently listed in the board's records currently
10 living at 1025 First Street Southeast,
11 Washington, D.C., 20003. The signature of Ms.
12 Havus is not a duplicate to any signature that's
13 been submitted on my nominating petition. The
14 signature is clearly dated.

15 Ms. Havus wrote ditto marks in the
16 address field when she signed the petition
17 alongside five of her neighbors during the
18 morning of July 29th, 2022 as part of a candidate
19 meet, and greet event that was held at her
20 building, noting that she too lives at the same
21 address as the person signing above, and before
22 her.

1 Ms. Havus is aware of this petition
2 challenge, and is currently away from the
3 district on vacation. Should the board not
4 accept my attestation today that she is the
5 registered voter who signed this line on July
6 29th, 2022, and resides at 1025 First Street
7 Southeast, I humbly ask for a continuance of this
8 case if available, until Ms. Havus returns on
9 Thursday, September 8th, 2022.

10 At this time, the board will be able
11 to receive a signed declaration statement,
12 affidavit, or request an in person testimony from
13 Ms. Havus if required. Finally, the petition
14 includes the signer's name, Eva Havus, and her
15 signature. The response to each of these
16 challenges that I am presenting to the board
17 today were presented to Mr. Rosenberg during our
18 pre-hearing on September 2nd, 2022.

19 Yet he still chose to proceed with the
20 petition challenge protest. I mentioned at the
21 beginning of this statement that I am a two term
22 commissioner, and chair of the city's largest,

1 and busiest ANC, including Navy Yard, Buzzard
2 Point, Southwest D.C., and the Wharf. I mention
3 this, because I take this position very
4 seriously, a position that has become a full time
5 job for me due to the growth of ANC 6D, a full
6 time job, in addition to the small business that
7 I also run.

8 I welcome, and applaud any resident
9 who wishes to step up to the challenge, and
10 responsibilities of leading their community.
11 However, I find it fair to the residents whom
12 they wish to represent that such a challenge
13 present itself in the form of an actual campaign,
14 a platform, and the discussion of ideas,
15 community concerns, and policies.

16 Rather than a desperate attempt to
17 remove an opponent's name from a ballot as a
18 starting point. Again, I ask that the board
19 dismiss Mr. Rosenberg's challenge on each of the
20 five grounds that he has presented based on the
21 evidence that I have offered in this response,
22 and I thank you for your time.

1 MS. STROUD: Okay, Mr. Rosenberg?

2 MR. ROSENBERG: Yes, good afternoon,
3 and thank you all for having me. Sorry about my
4 camera, we all are having technical difficulties
5 as of now, but I'm glad you all can hear me.
6 Basically I want to thank the registrar, and I do
7 agree with them. Being that Edward Daniels is
8 ineligible to run based upon the 25 signatures
9 needed.

10 Out of the four that I challenged, he
11 did submit one with a change of address.
12 However, the other three were valid, and the
13 incident as he just mentioned, Eva Havus, you
14 cannot see her name, there was nothing in the
15 address line, and also the signature wasn't even
16 valid. Therefore, that deems that whole line
17 ineligible. And as someone who was currently the
18 chair of the ANC, you would think he would know
19 better.

20 I think for someone to submit only 26
21 signatures, it shows just the arrogance in how
22 much -- I think we all do our due diligence. We

1 actually have the only race within the city that
2 has four ANC commissioners vying for the
3 position. So, therefore I did my due diligence,
4 I waited, I made sure I checked my signatures, I
5 made sure they were valid signatures.

6 And therefore, from that standpoint,
7 I would assume for someone that's submitting 26
8 signatures, that they did the same thing,
9 especially being in the position of chair. This
10 shows negligence on his part, and I think that if
11 we go, and we look at the name on sheet three of
12 five, of Eva, you can definitely see that there
13 was no -- you can not read the signature, you
14 cannot read the name, there was no address.

15 So, therefore, I didn't see no ditto,
16 anything like that. And that's why I do agree
17 with the registrar. He is ineligible, I don't
18 think that it should be a time to where we push
19 this for an additional hearing. He had the same
20 amount of time as every other candidate, and it
21 just doesn't seem right to me that this person is
22 now on vacation all of a sudden due to the fact

1 that this challenge was made.

2 I think it's tough, I think Edward
3 Daniels is a good person, however rules are
4 rules, fairness is the number one thing that we
5 must look at, and he did not do his due diligence
6 as the chair, so therefore he is ineligible to be
7 a part of this election come November.

8 MS. STROUD: Thank you Mr. Rosenberg.

9 MS. CORRENTE: So, when we sent out
10 the original memo, Mr. Daniels did flag the
11 signature, and so we did look it up once we had a
12 name that we could more clearly read. There do
13 appear to be ditto marks on the page, which we
14 missed. We didn't -- people kind of make marks
15 on these petitions, and so we didn't catch that
16 as a ditto initially.

17 So, I can say that when we looked up
18 the voter, Ms. Havus, she is registered in the
19 building, she is registered at a different
20 apartment than the one that's listed right above,
21 and the signature is a match for her signature,
22 just to clarify some of the statements that were

1 made.

2 CHAIR THOMPSON: So, the core issue is
3 by using ditto marks, she's repeating the address
4 above as to the street address, but the apartment
5 itself is a different apartment.

6 MR. DANIELS: Mr. Chair, can I respond
7 to that please?

8 CHAIR THOMPSON: Yeah, please, go
9 ahead.

10 MR. DANIELS: Thank you, so yes, we're
11 speaking of one signature here. She listed ditto
12 marks to say that she lives in the building.
13 When I went to this meet, and greet, if you look
14 at actually the petition from the Board of
15 Elections, the sample itself doesn't include
16 apartment numbers, the sample includes the
17 building address, and that's also part of the
18 regulations of the board when listing where you
19 are registered.

20 It includes building address, not an
21 apartment. So, Ms. Havus wrote down ditto marks,
22 because I guess she was number four in the line

1 of residents signing the petition that day, as
2 she's speaking to me about community concerns as
3 well. So, she signed this, and listed ditto
4 marks to say that hey, I also live in this
5 building. So, yes, the apartment unit will be
6 different, but she is a registered voter at the
7 address here, 1025 First Street Southeast.

8 MR. ROSENBERG: Can I respond as well?

9 CHAIR THOMPSON: Yeah.

10 MR. ROSENBERG: Thank you. So, as we
11 look on that same sheet, when he said that people
12 wasn't -- basically not putting their apartment
13 numbers, you can see one of the challenges that I
14 did challenge on line two of sheet three, you see
15 an apartment number. And then even on the other
16 challenges, you see people putt their apartment
17 number, and if this was a collective event that
18 he said he put on, where it was a meet, and
19 greet, I would assume that even if they're
20 signing, ditto doesn't count.

21 Just like you mentioned, ditto means
22 that we live in the same apartment, apartment

1 building. Why not just put the entire address,
2 write it out? There's no address written out,
3 you cannot even read the first name. Even though
4 he had to correct it, you cannot even read the
5 first name. Even if you look on my challenge
6 petition, it didn't make sense.

7 That's one of the reasons that I did
8 challenge that. And therefore, I challenge four,
9 he submitted one, and then three are still
10 eligible, and valid. So, therefore it still puts
11 him below that mark. And I just look at it as
12 he's the ANC commissioner chair, and he did not
13 do his due diligence, he should have checked
14 that, and it fell below the threshold of making
15 the ballot.

16 CHAIR THOMPSON: Thank you so much to
17 both of you, I think we understand the issue
18 pretty well. We'll take it under advisement when
19 we go into executive session, and release our
20 determination later with respect to this matter,
21 and the other ones we've heard today. And I
22 think that concludes all the challenges we have

1 today.

2 MS. STROUD: Yes Mr. Chair, that does
3 conclude all the challenges.

4 CHAIR THOMPSON: So, once again, thank
5 you to everybody for being here. We all
6 appreciate, I deeply appreciate those who
7 volunteer to be on the ANC. I know the
8 requirements of gathering these signatures are
9 not easy, and I also very much respect the
10 challenger's right to challenge petitions, the
11 statute allows for that. And so we'll do our job
12 momentarily, and rule on with the various
13 challenges that have been made.

14 But once again, thank you so much to
15 everybody. With that we'll move on, what was a
16 rule making matter is off the agenda, we're going
17 to move on to a litigation status report from
18 general counsel Terri Stroud.

19 MS. STROUD: Thank you Mr. Chair. So,
20 we have six matters in the litigation status.
21 The first is Jason Christopher Long versus the
22 D.C. Board of Elections. This matter was filed

1 in D.C. Superior Court on July 2nd, 2021, it's a
2 civil complaint seeking 10000 dollars in damages
3 for negligence, and unjust enrichment.

4 The allegation is that the board
5 issued Mr. Long, who served as a poll worker in a
6 previous election, a check without informing him
7 not to deposit it. Then had payment of the check
8 stopped, causing him to have a negative balance,
9 and returned check fee. There was a hearing on
10 the matter on August 12th. Mr. Long was supposed
11 to have completed service of process by that
12 time.

13 He did not serve process at that time,
14 and he did not appear at the August 12th status
15 hearing. And Judge Dayson of the D.C. Superior
16 Court dismissed the case without prejudice. The
17 next matter is Henderson versus the D.C. Board of
18 Elections. This was in collection with a recall
19 petition filed against Sydelle Moore, advisory
20 neighborhood commissioner for single member
21 district 5D05.

22 That petition was rejected due to an

1 insufficient number of signatures, and the matter
2 was appealed to the D.C. Court of Appeals. All
3 of the briefing in this matter has been submitted
4 with the last pleading being filed on August 9th,
5 and we are awaiting an order, or ruling from the
6 court. The next matter is Public Interest Legal
7 Foundation versus Monica Evans in her official
8 capacity as the executive director for the Board
9 of Elections.

10 This was filed in U.S. District Court
11 under the National Voter Registration Act. The
12 suit alleges that the board is out of compliance
13 with the NPRA's public records provision. PILF
14 requested records, and that request was denied
15 due to the records not being subject to public
16 disclosure. The matter has been briefed, and we
17 are awaiting a decision from the court in this
18 matter.

19 There is a consolidated matter
20 involving Initiative 82, Valerie Graham versus
21 the D.C. Board of Elections, and it is a
22 consolidated case. This has to do with the

1 board's acceptance of the petition submitted in
2 support of Initiative 82 for ballot access for
3 the November general election. The matter was
4 fully briefed as of August, and there was oral
5 argument on August 24th.

6 On August 31st, the court issued an
7 order granting the board's motions for summary
8 affirmance of the board's order in the grant
9 challenge appeal, where the board granted access
10 based on its findings that it met the ward, and
11 distribution requirements for ballot access. And
12 of the superior court order, which had denied
13 Mandamus relief.

14 The petitioner, Valerie Graham, and
15 the other appellants have filed a request for a
16 petition for a hearing en banc, that they filed
17 their papers on September 2nd, and the board is
18 due to file a response to that request today.
19 And so we will be filing that, and we will be
20 awaiting the court's decision with respect to the
21 entire matter.

22 CHAIR THOMPSON: Which would have to

1 be issued by what date? Without interrupting
2 you.

3 MS. STROUD: So, we need to have all
4 matters settled with respect to ballot access for
5 the November general election by September 18th,
6 which is when we will send the materials to our
7 mail house vendor so that the ballots can be
8 printed. The ballot lottery I believe is Friday
9 the 16th, and so that's when we would want to
10 have an opinion with respect to not only the
11 initiative 82 matter, but any matters that arise
12 out of any nominating petition challenge hearings
13 that we're having today, and Friday.

14 And then finally, we have Calvin
15 Gurley versus the D.C. Board of Elections, which
16 was filed in D.C. Superior Court on July 12th.
17 Calvin Gurley filed a complaint challenging
18 several provisions of the election statute that
19 pertain to signature requirements for
20 independent, and minor party candidates.

21 Dates for elections, dates that
22 nominating petitions becomes available, and

1 signature validity requirements. On August 9th,
2 2022, this case was dismissed for failure to
3 state a claim. And so that is the litigation
4 status, that concludes my report.

5 CHAIR THOMPSON: All right, thank you
6 so much. Moving onto the executive director's
7 report from Monica Holman Evans.

8 MS. EVANS: Thank you Mr. Chair. Good
9 afternoon, I will begin with voter education, and
10 outreach. During the month of August the Voter
11 Education and Outreach Division conducted 31
12 outreach events on behalf of the agency. Events
13 included a partnership with GW Votes, and George
14 Washington University, and a back to school
15 community fair with Gateway D.C.

16 We also participated at the
17 professional development training with D.C.
18 public school teachers. Voter registration
19 rolls, in August we registered 2540 new voters,
20 and processed 1990 registration changes. In
21 total we prepared 4530 voter registration cards
22 to be mailed. Online voter registration. We are

1 continuing to register voters using our website
2 portal.

3 To date we have processed 15693
4 applications using the portal. These include new
5 voter registrations, and updates to existing
6 registrations. Redistricting, the process of
7 moving voters affected by redistricting has been
8 finalized in our database. Consistent with the
9 information we received from the council, we now
10 have 345 single member districts, or SMDs.

11 Approximately 300000 residents will
12 receive postcards that reflect a new SMD
13 assignment. General election planning. Again,
14 the general election will be held on Tuesday,
15 November 8th, the last day to file petitions was
16 August 10th, and the petition challenge period
17 was August 13th, through August 22nd. As
18 evidenced in today's proceedings, we are
19 currently conducting hearings to resolve petition
20 challenges.

21 Our next postcard mailer will go to
22 eligible, but unregistered D.C. residents, and

1 they will be encouraged to register, and vote.
2 We will mail a ballot to every registered voter
3 for the general election, and the target date to
4 mail ballots is October 3rd. Most mail ballot
5 drop boxes will remain in place until after the
6 November election. And based on feedback, and
7 comments we received during the comment period,
8 there are a few that will be moved based upon
9 where they were for the primary election.

10 And so again, after receiving comments
11 on the placement of drop boxes, and vote centers
12 through August 19th, we've now finalized the list
13 of early vote centers, election day vote centers,
14 and mail ballot drop boxes. And these locations
15 are posted on the BOE website. We are finalizing
16 our communications plan for the general election.
17 Again, we will engage in print, radio, and
18 television advertising.

19 We will produce postcard mailers, a
20 voter guide, door hangars, and yard signs. We
21 will also advertise in local newspapers. We
22 began election worker training on August 15th.

1 Our goal is to train between 2000, and 2500
2 election workers for the general election, and to
3 date we have trained 560 election works. And Mr.
4 Chair, that concludes my report.

5 CHAIR THOMPSON: All right, thank you
6 so much. Some of the election workers are being
7 trained as we speak, I think right next door.
8 So, we appreciate everybody who continues to
9 volunteer, or are new to volunteering to be an
10 election worker. So, I guess with that, campaign
11 finance report from Cecily Collier-Montgomery.

12 MS. COLLIER-MONTGOMERY: Yes, good
13 afternoon.

14 CHAIR THOMPSON: Good afternoon.

15 MS. COLLIER-MONTGOMERY: For the
16 record, the full report of the activity of the
17 Office of Campaign Finance for the month of
18 August 2022 will be posted on the OCF website,
19 www.ocf.dc.gov before the close of business
20 today. I will however, at this time, highlight a
21 few items of interest for the public funding
22 report. First, the 2022 election cycle debate.

1 The Office of Campaign Finance will conduct
2 debates on September the 19th, 2022, and
3 September the 21st, 2022.

4 And the contested races for the
5 offices of mayor, and at large member of the
6 council. These offices are scheduled for
7 election on November the 8th, 2022 general
8 election in the District of Columbia. All
9 candidates certified to participate in the Fair
10 Election Program who are contesting in the
11 election must participate in the debate. Any
12 candidates in the traditional campaign finance
13 program that qualify for ballot access will be
14 required to participate.

15 Where there is no other eligible
16 participating candidate or willing, non-
17 participating candidate, the mandatory debate
18 requirements are waived. To date in the November
19 the 8th, 2022 general election, there is one
20 participating candidate who is seeking the office
21 of mayor of the District of Columbia, and five
22 certified participating candidates seeking the

1 office of at large member of the council.

2 Additionally for the Campaign Finance
3 Program, there are two candidates for the office
4 of mayor, and two candidates for at large number
5 member of the council who have qualified for
6 ballot access. The OCF will update information at
7 the website and also at the OCF debates website,
8 www.dcdebates.com, as it become available
9 concerning the times, dates, the participants,
10 and the registration process for the public to
11 attend virtually, and participate in the debate.

12 That demonstrates the continued
13 efforts to ensure the safety of our residents as
14 they step onto the debate and the virtual
15 platform. And also I will mention for the record
16 that we are currently advertising the debates in
17 several local newspapers, the Washington
18 Informer, The Hill -- we've also notified the
19 candidates of the debates, and the debate stage
20 is in official insight on September the 3rd.

21 (Audio interference) program with
22 respect to authorized base amount for matching

1 payment as of the 2022 election cycle, a total of
2 \$6,740.93 has been authorized for disbursement of
3 the fair election fund to afford the candidates
4 who have been certified in the program to
5 participate in the June 21st, '22 primary
6 elections.

7 There were 31 candidates entered to
8 participate in the November the 8th, 2022 general
9 election non-candidates. During the month of
10 August 2022, the OCF authorized 20000
11 disbursements from the fund for participating
12 candidates and certified seven new candidates
13 into the program. They are Robert Henderson, the
14 committee to elect Robert Henderson, certified on
15 August 17th, 2022.

16 As we anticipate the candidates in the
17 November the 8th general election for the public
18 office of member of the State Board of Education
19 Ward 5. Michael Williams for Ward 1, the
20 candidates were certified on August 17th, 2022,
21 and the (audio interference) general election for
22 the purpose of the member of the State Board of

1 Education Ward One.

2 The candidate (audio interference)
3 August the 17th, 2022 as a participating
4 candidate in the program in the November the 8th
5 general election for the covered office of member
6 of the State Board of Education in Ward 3.
7 (Audio interference) council member at large in
8 the November general election for the covered
9 office of member of council at large. Brandon
10 Bell (phonetic) for State Board of education was
11 certified on August 17th as a participating
12 candidate.

13 (Audio interference) member of the
14 State Board of Education Ward Six, Joshua David
15 Rollins together with Raleigh from Ward Six was
16 certified on August 7, 2022 as a participating
17 candidate in the November general election for
18 the covered office of member of the State Board
19 of Education Ward Six, and last but not least,
20 Nina O'Neill on May 11, 2022 was certified on
21 August the 17th as a participating candidate in
22 the November general election for the covered

1 office of member of the State Board of Education
2 Ward Five.

3 The fair election (audio interference)
4 reports that were filed during the month, and
5 issued 20000 requests for additional information
6 letters. (Audio interference) election cycle
7 decision (audio interference) but I would note
8 for the record that during the month of August,
9 the division reported (audio interference) July
10 the 19th, 2022 (audio interference) for Ward Two.

11 In our Public Information and Records
12 Management Division, I would indicate that there
13 were two filing days for the filing of the
14 reports received and considered by our Committee.
15 2022, and the October 10th report, which (audio
16 interference) 2022. With new candidates and
17 committee registration in the 2022 election
18 cycle, there were two new candidates registered
19 in our traditional program.

20 One, the first was office of the
21 council at large, the general election (audio
22 interference) on August 31st. And for the office

1 of the State Board of Education Ward Three,
2 general election (audio interference) August the
3 5th, 2022. In the fair election program we had
4 two new candidates who registered during the
5 month of August. The first was for the office of
6 the State Board of Education Ward Three. So,
7 that was Michael Haresign on August 3rd, 2022.

8 And for the office of the State Board
9 of Education Ward Six, Brandon Desmond registered
10 on August the 2nd, 2022. Also during the month
11 of August (audio interference). We also have
12 referrals to the Office of the General Counsel
13 for twenty-five committees referred to the
14 general counsel (audio interference) general
15 counsel, the August 10th report of receipts and
16 expenditures.

17 In our report (audio interference) for
18 additional program support (audio interference)
19 have issued twenty-five requests for additional
20 information. There is one ongoing audit on the
21 panel for the upcoming 2022 election, and that is
22 a periodic revisiting of the March 10th, 2022

1 report. And the audited (audio interference)
2 that completes my report. But I would ask that
3 the general counsel will complete the report for
4 the Office of the General Counsel

5 And again, I do indicate on the record
6 that the detailed report will be posted at the
7 office's website before the close of the meeting
8 today.

9 CHAIR THOMPSON: All right, thank you
10 very much.

11 MR. SANFORD: Good afternoon Mr.
12 Chairman, and distinguished board members Gill,
13 and Greenfield. My name is William Sanford,
14 general counsel for the Office of Campaign
15 Finance. During the month of August 2022, the
16 Office of the general counsel received 43
17 referrals, which included 24 failure to timely
18 file reports of receipts, and expenditures on
19 July 31st, 2022.

20 And additionally, the Office received
21 19 failure to timely file August 10th, 2022
22 reports of receipts, and expenditures. During

1 the month of August 2022, the Office of the
2 General Counsel completed 11 informal hearings,
3 issued 11 orders, which included the following.
4 Eight orders in which a total of 9225 dollars in
5 fines was imposed, and three orders in which no
6 fines were imposed.

7 During the month of August 2022, the
8 Office of the General Counsel received a payment
9 of 200 dollars, and one fine which had been
10 imposed against Monica Nemeth (phonetic) for ward
11 three, a former candidate for the D.C. council in
12 that ward. During the month of August 2022, the
13 Office of the General Counsel had three open
14 investigations, which included the following.

15 Complaint was filed by Zachary Sawyer
16 on June 9th, 2022, and the respondent was the
17 principal campaign of Brian for D.C., and the
18 allegation was coordination with an independent
19 expenditure committee. That investigation
20 remains pending. The second investigation, a
21 complaint was filed by Kareem Marshall on August
22 23rd, 2022 against the Alissa for D.C. Principal

1 Campaign Committee, and the allegation was
2 improper coordination, and unreported in kind
3 contributions.

4 That is still pending. The final
5 complaint, the final investigation was filed by
6 Troy Kravitz (phonetic). It was docketed on
7 August 5th, 2022, and the respondent was the Eric
8 Ally for Ward Three Principal Campaign Committee.
9 The allegation was coordination with an
10 independent expenditure committee, and that
11 investigation remains pending.

12 During the month of August 2022, there
13 were no requests for interpretive opinions, and
14 no show cause proceedings were conducted. And
15 that should conclude my report. The contents of
16 the report will be posted at the Office of
17 Campaign finance website by close of business on
18 today's date, September 6th, 2022.

19 CHAIR THOMPSON: All right, thank you
20 very much. Okay, appreciate that. So, with
21 that, I think I'll go ahead, and move that we go
22 into executive session to -- public, you're

1 right, sorry. Yeah, normally during our regular
2 meetings we do have public matters. So, the
3 floor is open for anybody out there who would
4 like to comment on anything from this meeting, or
5 anything else.

6 We always appreciate hearing from
7 members of the public. We would ask when you
8 speak, to please limit yourself to three minutes,
9 shorter if you can, but so at this time, the
10 floor is open, and you can raise your hand with
11 the Zoom function, or otherwise --

12 MS. BRIZILL: Mr. Chairman?

13 CHAIR THOMPSON: Okay, yeah, I heard
14 from Ms. Brizill first, so let's start with
15 Dorothy Brizill, why don't you go ahead please?

16 MS. BRIZILL: Mr. Chairman, I'll be
17 brief. I have three issues I'd like to raise
18 with the board, and one of them has to do, what
19 is the status of the app that the Board of
20 Elections was supposed to have developed, and
21 testified to working with Optrel (phonetic) to
22 develop prior to the last election? What is the

1 general status of that?

2 MS. EVANS: Good afternoon Ms.
3 Brizill. During an earlier testimony, we
4 indicated that Optrel was not available to assist
5 with the development of an app, so we have
6 developed a web solution that is on our website,
7 that gives you complete functionality that
8 actually can be used on any mobile device, any
9 device that has internet access.

10 And right now that is working pretty
11 well. And as I reported earlier in my report, we
12 have processed 16,693 voters using that app
13 solution.

14 MS. BRIZILL: So, I assumed -- have
15 you abandoned the idea of an app, and are just
16 going to go with the portal that you have on the
17 Board of Elections website?

18 MS. EVANS: We are exploring that, and
19 continuing to test to see how well it functions,
20 and if it does continue to provide all of the
21 functionality that we have, so we are still
22 weighing our options on that Ms. Brizill.

1 MS. BRIZILL: The clock is running on
2 my time, so I apologize, but I have to cut you
3 off. Can I get from both Ms. Evans, and Ms.
4 Montgomery, the number of vacancies you currently
5 have, especially in senior positions, both at the
6 Board of Elections, and the Office of Campaign
7 Finance?

8 MS. EVANS: I don't have that
9 information at my fingertips. I know that our
10 chief information security officer recently left.
11 We do have someone acting in that capacity, that
12 is the only senior position that comes to mind
13 right now. But I can have our PIO follow up with
14 you with a complete answer.

15 MS. BRIZILL: What about the position
16 of registrar of voters, have you filled that
17 position?

18 MS. EVANS: Yes, ma'am, that position
19 has been filled by Marissa Corrente, who has been
20 reporting for the registrar.

21 MS. BRIZILL: Ms. Montgomery, can you
22 answer that same question? How many senior

1 positions are vacant at the Office of Campaign
2 Finance?

3 MS. COLLIER-MONTGOMERY: Yes. Good
4 morning, Ms. Brizill.

5 MS. BRIZILL: Can you move your
6 microphone so you can be heard?

7 MS. COLLIER-MONTGOMERY: Yes, I'm
8 sorry. Okay, in the Office of Campaign Finance,
9 we have one senior position which is vacant, and
10 that is the position of the administrative
11 officer. And I have revised that position, who
12 is now a chief of operations, that's also a
13 salaried officer, and that position is currently
14 in the recruitment process, and it should be
15 posted this week.

16 MS. BRIZILL: Ms. Montgomery, you're
17 going to have to repeat that again, you cannot be
18 heard on that microphone. I don't know if your
19 microphone is bad, but even when you were giving
20 your report, we could barely understand what you
21 were saying.

22 MS. COLLIER-MONTGOMERY: Okay, again

1 --

2 MS. BRIZILL: Now you've turned the
3 volume up, okay, thank you.

4 MS. COLLIER-MONTGOMERY: Ms. Brizill,
5 I currently have one senior management position
6 which is vacant. That is the position of the
7 administrative officer, and with that position I
8 have reclassified the position. The position is
9 now a chief operations and policy officer
10 position. And that position is in the
11 recruitment process, and it should be posted this
12 week. And that is the only senior position I
13 have which is vacant.

14 MS. BRIZILL: Both for Ms. Montgomery,
15 and for Ms. Evans, when you say you have these
16 vacancies, where are you posting them, and what
17 process are you using to fill those positions?
18 Because prior to today's meeting, I went on the
19 website of the D.C. Department of Human
20 Resources, and you have no vacancies posted for
21 either subdivision of the Board of Elections.
22 So, how are you going to go about recruiting

1 qualified candidates to fill the positions?

2 CHAIR THOMPSON: Before they answer,
3 is that your third, and final question Ms.
4 Brizill?

5 MS. BRIZILL: Yes, that is my final
6 question, and my most important one.

7 CHAIR THOMPSON: Thank you so much,
8 I'll let them answer it, and we'll move on to Ms.
9 Henderson. Go ahead.

10 MS. EVANS: Yes, Ms. Brizill, for our
11 position of registrar, we did a national search,
12 which included posting that position on the
13 Election Center website, and also the National
14 Association of State Election Directors. And Ms.
15 Corrente did apply for that position, and so
16 again, that was a national search. We have not
17 posted the position for a chief information
18 security officer yet, because we are very close
19 to the election.

20 So, we have someone filling in in a
21 temporary capacity, and that position will be
22 posted after the election. We have realized that

1 it is very hard to recruit individuals with
2 election experience this close to a general
3 election, because candidates aren't likely to
4 leave their post, and leave an election office
5 with so little time before general, so that one
6 will be posted after the general election. And
7 that --

8 MS. BRIZILL: But Clifford Tatum
9 (phonetic) decided to leave to go to Texas. So,
10 that's not a standard practice.

11 MS. EVANS: That's not a standard
12 practice. I just said that that's something that
13 we considered here, and we note that it's very
14 hard to recruit a highly desirable candidate with
15 it being so close to the election. We're not
16 saying that that is an absolute rule of thumb.

17 MS. BRIZILL: So, does Stacy Burrows
18 (phonetic) have IT security experience going into
19 the November election?

20 CHAIR THOMPSON: Hold on Ms. Brizill,
21 thank you so much. It's not a deposition, or a
22 cross examination, I think your questions have

1 been answered, and --

2 MS. BRIZILL: I haven't gotten an
3 answer from Ms. Montgomery, and moreover Mr.
4 Chairman, this is the only opportunity we have to
5 try to get some answers, and some information
6 from the Board of Elections. So, I mean to say
7 if you can restrict it to three minutes asking a
8 question, and answering a question speaks to your
9 willingness to be open, and transparent regarding
10 the Board of Elections.

11 CHAIR THOMPSON: Appreciate that, so
12 let me turn it --

13 MS. BRIZILL: So, can you answer my
14 question in terms of how you're going to fill
15 your vacant position since you claim you only
16 have one, and I believe there are others?

17 CHAIR THOMPSON: Go ahead Ms. Collier-
18 Montgomery.

19 MS. COLLIER-MONTGOMERY: Okay, so Ms.
20 Brizill, with the vacant positions at the Office
21 of Campaign Finance, those are announced at the
22 website of the Department of Human Resources.

1 And we also post our vacancies at our website,
2 and also through our social media platforms.

3 CHAIR THOMPSON: All right, so thank
4 you so much. Ms. Henderson, I know you've been
5 waiting, and you had an additional comment to
6 make.

7 MS. HENDERSON: Yes, and thank you Mr.
8 Chairman. Just very briefly, I could barely hear
9 Ms. Monica Holman Evans report, and I'd like to
10 request an email copy of that report. My email
11 address is on file, and I'd like to object to the
12 closing of the record for comments on the voter
13 location centers that closed on August 19th. My
14 community, my entire community has effectively
15 been excluded from participating in the voting
16 process.

17 Brown Educational Campus, where a lot
18 of my neighbors vote, was closed. On election
19 day, many of my neighbors reached out to me
20 asking me where they should go, and practically
21 no one, I suspect, had an opportunity to weigh in
22 on the proposed vote centers by August 19th. How

1 are you communicating with the public? Because
2 people in my community don't know where to vote,
3 what to do.

4 And I think that's evidenced by the
5 participation, or lack of participation During
6 the last election, which was on June 21st. So, I
7 object to that. This process needs to be
8 transparent. And I will share this. One of my
9 neighbors, Mr. William Duvall, he went over to
10 Gale Rosedale Recreation Center on Gale Street.
11 He didn't know that that was simply a drop box
12 location.

13 So, he was told you can't vote here,
14 come back in November, which is unresponsive,
15 inappropriate, and it forecloses on his effective
16 ability to participate in the voting process.
17 What's the point of having voter outreach, and
18 voter registration drives if you actually have a
19 process that excludes large swathes of the public
20 from meaningfully participating, and voting in a
21 convenient location within their neighborhood?

22 MS. EVANS: Thank you Ms. Henderson,

1 and I can tell you that we didn't put it on the
2 record in our July, and August board meetings,
3 that we were accepting comments. And the
4 proposed vote center locations, and ballot drop
5 box locations have been posted on our websites
6 since July. In addition to that, we have used
7 social media platforms to get information out.

8 We have also reached out to the
9 chancellor, and provided that information to the
10 chancellor, and also members of the council, and
11 others who have expressed interest as far as
12 making sure we get the proposed locations out.
13 And that was done before any final decision was
14 made. But thank you, appreciate you.

15 MS. HENDERSON: What about the voters?
16 What about the seniors who don't have access to
17 all those new channels of communication that
18 you're talking about? This is a community of
19 seniors. A lot of seniors don't have cell phones
20 that allow them Zoom access. They don't have
21 access to computers because they don't have
22 computers.

1 They are retired, they are learned
2 people who have retired, but they still want to
3 vote. So, you didn't address any appropriate
4 channels to these large swathes of voters who are
5 effectively excluded. So, if they're not
6 attending your board meetings, then how would
7 they know about the -- I think I'm probably the
8 only person in my entire community that knew
9 about the August 19th deadline.

10 And I didn't get formal comments in
11 because I was busy dealing with the challenge
12 process, and other matters. But this is
13 unacceptable. We need to be transparent, and we
14 need to encourage people to vote, and to allow
15 people to vote. And the people who want to vote,
16 they should not be forced to go looking for
17 information buried on your website, looking for
18 information buried anywhere.

19 It should be immediately accessible,
20 and the people have a right to vote in locations
21 that are convenient in their community. You have
22 three members of the Board of Elections who

1 actually live in this community, yet that doesn't
2 seem to be beneficial to us in any way. Why are
3 we not allowed to vote in a way that facilitates
4 walking to our voting location to cast our votes?
5 This is unfair, it's undemocratic, and it needs
6 to be addressed.

7 MS. EVANS: Thank you. And we have
8 worked with senior groups, and advocates to
9 ensure that we received input about the
10 locations, and I can provide that information to
11 you, I just don't have it with me, but we did do
12 that as well. But I do appreciate your
13 passionate plea, thank you.

14 CHAIR THOMPSON: All right, thank you
15 so much. Any other members of the public out
16 there? I don't see any hands raised. Okay, thank
17 you so much. Can you just look at page two to
18 make sure nobody was -- okay, all right, with
19 that we're going to go into executive session.
20 And I'll just state for the record, that we're
21 going to move that we go into executive session.

22 One of the reasons that's set forth in

1 the statute, which is D.C. Code 1-275B1, namely
2 to deliberate upon a decision in an adjudication
3 action, or proceeding by a public body exercising
4 quasi-judicial functions, namely our three member
5 board, who will now go into executive session to
6 discuss, and make determinations with regard to
7 the five matters that were presented earlier.

8 I don't know how long it's going to
9 take us, I'm going to guess somewhere between 15,
10 and 30 minutes. So, we'll come back on the
11 record at 1:30, or thereabouts if anybody would
12 like to stay on. And we're going to close this,
13 but if you dial back in at 1:30, we'll go back on
14 the public record, and state our determinations.
15 So, I would so move that we proceed to go into
16 executive session.

17 MEMBER GREENFIELD: Second.

18 CHAIR THOMPSON: All in favor?

19 MEMBER GREENFIELD: Aye.

20 MS. STROUD: Aye.

21 CHAIR THOMPSON: Thank you so much
22 everybody, we're going to end this meeting, and

1 then maybe see some of you again at about 1:30.

2 (Whereupon, the above-entitled matter
3 went off the record at 1:01 p.m. and resumed at
4 1:32 p.m.)

5 CHAIR THOMPSON: All right, first
6 order of business is to move to go back into the
7 public meeting. Is there a second?

8 MEMBER GREENFIELD: I second.

9 MEMBER GILL: Aye.

10 MEMBER GREENFIELD: Aye.

11 CHAIR THOMPSON: All right, welcome
12 back everybody, thanks for sticking with us.
13 We've had a chance to discuss these matters, and
14 at this time I'll make a series of motions one
15 matter at a time. In the matter of Kathy
16 Henderson versus Salvador Saucedo-Guzman, my
17 motion is that we accept the candidate's
18 petitions, and decline the challenge made by Ms.
19 Henderson, specifically with respect to the date
20 issue, the mistake that was made.

21 That's something that's waivable by
22 precedent, and we would so waive that date

1 mistake, accept the correction, and allow the
2 candidacy, is there a second?

3 MEMBER GREENFIELD: I second.

4 CHAIR THOMPSON: All in favor?

5 MEMBER GILL: Aye.

6 MEMBER GREENFIELD: Aye.

7 CHAIR THOMPSON: Motion carries. Next
8 is the matter of Kathy Henderson versus Carrie
9 Dellesky, the motion there is to accept the
10 recommendation of the registrar, that the
11 candidate has sufficient number of signatures,
12 and may proceed onto the ballot. Is there a
13 second?

14 MEMBER GREENFIELD: Second.

15 CHAIR THOMPSON: All in favor?

16 MEMBER GREENFIELD: Aye.

17 MEMBER GILL: Aye.

18 CHAIR THOMPSON: Three nothing. Next
19 is Kathy Henderson versus Juan McCullum. The
20 motion is to again, accept the recommendation of
21 the registrar, specifically that the candidate
22 has a sufficient number of signatures to qualify

1 for the ballot. Is there a second?

2 MEMBER GREENFIELD: Second.

3 CHAIR THOMPSON: All in favor?

4 MEMBER GREENFIELD: Aye.

5 MEMBER GILL: Aye.

6 CHAIR THOMPSON: Three to zero. Next
7 is the matter of Kathy Henderson versus Rebecca
8 Ryan, same motion, to accept the recommendation
9 of the registrar, specifically that the candidate
10 has a sufficient number of signatures to qualify
11 for the ballot. Is there a second?

12 MEMBER GREENFIELD: Second.

13 CHAIR THOMPSON: All in favor?

14 MEMBER GILL: Aye.

15 MEMBER GREENFIELD: Aye.

16 CHAIR THOMPSON: And finally, in the
17 matter of Clayton Aristotle Rosenberg versus
18 Edward Daniels, the motion is to accept the
19 candidate Mr. Daniels onto the ballot, and this
20 specifically hinges on one signature that was
21 challenged, it's the one that used the ditto
22 mark. And my reasoning in that regard is to

1 interpret the ditto mark as incorporating the
2 building address above.

3 But obviously in my mind, the person
4 who signed it, Ms. Havus, did not intend to
5 incorporate the apartment above. And
6 interpreting it as referring to the building
7 address, it is sufficient to be accepted as a
8 valid signature, which would make 25 of 25
9 signatures. So, the motion is to decline the
10 challenge, and accept the candidate for the
11 ballot.

12 MEMBER GREENFIELD: Second.

13 CHAIR THOMPSON: All in favor?

14 MEMBER GREENFIELD: Aye.

15 CHAIR THOMPSON: Opposed?

16 MEMBER GILL: Opposed.

17 CHAIR THOMPSON: Three to one.

18 Anybody want to make any remarks in that regard?

19 Any board members?

20 MEMBER GILL: So, the ditto marks,
21 ditto is ditto, everything incorporated. And if
22 you accept that everything is incorporated, then

1 it's an invalid signature.

2 MEMBER GREENFIELD: And I'm in
3 agreement with you Gary, I think the ditto meant
4 the building, not intending to be the actual
5 apartment number. All the signatures are there,
6 her signature is there, and her name is there.
7 And so I'm in agreement that we waive the error,
8 if we think there is an error with the apartment
9 number.

10 CHAIR THOMPSON: Thank you. I guess
11 the lesson learned from this, and so many others
12 is you can never get enough signatures, and you
13 can never be careful enough. Someone uses a
14 ditto mark, you might want to ask them to redo
15 it, because there's different ways to interpret
16 that, and so on with so many other details. It's
17 not easy, I know, having done it many times.

18 But thank you to the challengers for
19 bringing these issues to our attention. We
20 certainly heard your concerns, and we certainly
21 respect your views that this is important to get
22 these details right for the sake of the integrity

1 of this process. So, we appreciate that.

2 Anything else before we --

3 MS. STROUD: Yes, I will say that
4 written orders for each of these matters that the
5 board ruled on today will issue shortly. But
6 today begins the three day time frame within
7 which the orders must be appealed to the D.C.
8 Court of Appeals, because the orders, the board
9 did issue rulings orally from the dais today, and
10 so today would mark the beginning of the three
11 day period during which any appeals would need to
12 be filed with the D.C. Court of Appeals.

13 CHAIR THOMPSON: And we'll be back on
14 Friday to hear additional challenges.

15 MS. STROUD: And we'll be back on
16 Friday to hear additional challenges. We will
17 publish notice of -- I think the agenda -- the
18 notice has been posted of the meeting, but we
19 have to finalize the agenda, and that won't be
20 determined until after we conduct the pre-hearing
21 conferences for those matters which will be
22 conducted tomorrow.

1 CHAIR THOMPSON: All right, so we will
2 be back on Friday. But in the meantime, I would
3 move that we adjourn this meeting.

4 MEMBER GILL: Second.

5 CHAIR THOMPSON: All in favor?

6 MEMBER GREENFIELD: Aye.

7 MEMBER GILL: Aye.

8 CHAIR THOMPSON: Thank you everybody.

9 (Whereupon, the above-entitled matter
10 went off the record at 1:38 p.m.)
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This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: Board of Elections

Date: 09-06-22

Place: Videoconference

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