

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

MONDAY

MAY 22, 2023

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 2:30 p.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

TERRI STROUD, General Counsel
MARISSA CORRENTE, Registrar of Voters

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2 (2:30 p.m.)

3 CHAIR THOMPSON: Good afternoon,
4 everybody. This is Gary Thompson, the Chair of
5 the Board of Elections. And with us today is
6 Karyn Greenfield, also on our Board, so we have a
7 quorum.

8 I see we have a court reporter
9 present, as well as the Zoom meeting being
10 recorded. Thanks, everybody, for joining us.

11 We have one issue before us today in
12 this hearing, the matter of Joseph Henschman and
13 Reginald Shaw-Richardson who was a candidate for
14 ANC Single Member District 5D01. I think we
15 should probably make sure that Mr. Henschman and
16 Mr. Shaw-Richardson are here. I see Joseph
17 Henschman on the screen waving his hand.

18 MS. STROUD: They have issues.

19 CHAIR THOMPSON: And how about Mr.
20 Shaw-Richardson?

21 MS. STROUD: And we just saw a comment
22 on the screen that indicates that individual,

1 that someone cannot hear, and I just wanted to --
2 -

3 MS. CORRENTE: I think it's Mr. Shaw-
4 Richardson.

5 MS. STROUD: Okay, but can everyone
6 else hear is what I'm trying to figure out?

7 CHAIR THOMPSON: That's important.

8 MS. STROUD: Okay. So, Mr. Richardson
9 has indicated that he cannot hear, but everyone
10 else is indicating that the audio is okay, so I'm
11 not sure how we can help Mr. Richardson.

12 CHAIR THOMPSON: Maybe just tell him
13 in the chat we'll wait for him to figure it out.
14 Maybe he can dial in instead of Zoom in or
15 something.

16 MS. STROUD: What did the Court
17 Reporter say, Monica?

18 (No audible response.)

19 MS. STROUD: Okay. And the Court
20 Reporter has asked if individuals could identify
21 themselves when they begin to speak. And, so, I
22 am Terri Stroud. I'm the General Counsel for the

1 Board of Elections.

2 With me on the dais is Marissa
3 Corrente, the Registrar Voters for the Board of
4 Elections, and, I think, the Chair identified
5 himself for the record, Gary Thompson, and Karyn
6 Greenfield is also a Board member, and she is
7 present as well.

8 And, so, they've asked if people can
9 identify themselves when they begin to speak, but
10 I just wanted to get our introductions out of the
11 way. And we're trying to contact Mr. Shaw-
12 Richardson, who has indicated that he cannot
13 hear.

14 CHAIR THOMPSON: There's a dial-in
15 option as well, right?

16 MS. STROUD: There is, and Staff
17 Attorney Pembroke is attempting to contact Mr.
18 Shaw-Richardson.

19 MR. SHAW-RICHARDSON: I'm here.

20 MS. STROUD: Oh, okay.

21 MR. SHAW-RICHARDSON: I can hear you
22 guys now.

1 CHAIR THOMPSON: All right. Thank you
2 so much. Thank you both for being here. Once
3 again, this is the Chair, Gary Thompson. Karyn
4 Greenfield has joined us, so we have a quorum to
5 proceed to hear the challenge to Mr. Shaw-
6 Richardson's petition for ANC 5D01.

7 Both parties are here, so at this
8 time, I would ask the Registrar, Marissa
9 Corrente, to please recite her findings.

10 MS. CORRENTE: Thank you, Chair. So,
11 I have a memo that I wrote originally May 8th,
12 but it was updated May 16th regarding this matter
13 that I'll read for the record.

14 On April 11th, Reginald Shaw-
15 Richardson submitted a nominating petition, the
16 initial filing, as a candidate to fill a vacancy
17 for the Office of Advisory Neighborhood
18 Commissioner, ANC Single Member District, SMD
19 5D01.

20 On April 24, 2023, Candidate Shaw-
21 Richardson submitted a supplemental nominating
22 petition filing. The minimum requirement to

1 obtain valid access for this office is 25
2 signatures. Together the initial and
3 supplemental petition contained 35 signatures.

4 The petition was posted for public
5 inspection for five days as required by law. The
6 petition was challenged on May 3, 2023, by Joseph
7 Henschman, a registered voter in the District of
8 Columbia.

9 The challenger filed challenges to 30
10 of the 35 signatures submitted, enumerated by
11 line and page number on individual challenge
12 sheets filed for each petition page. The
13 signatures were challenged pursuant to Title 3,
14 DCMR 1607.1 of the Board's regulations. And I
15 won't go into all the different grounds, but they
16 were based on that regulation.

17 My review of the challenges indicated
18 that 29 of the 30 challenges were valid. Two
19 were valid because the signer is not registered
20 to vote, three are valid because the signer is
21 not registered to vote at the address listed on
22 the petition at the time the petition was signed,

1 and twenty-four are valid because the circulator
2 of the petition failed to complete all required
3 information in the circulator's affidavit.

4 This leaves the candidate's nominating
5 petition with 6 signatures, 19 signatures below
6 the number required for valid access. However,
7 the circulator affidavit defects are all related
8 to the dates each affidavit was signed. For
9 example, one has the year as 2022 instead of
10 2023. Another is missing the full year and just
11 reads 20 instead of 2023.

12 In the past, the Board has allowed
13 similar defects to be corrected. As such, the
14 nominating petition was also reviewed for the
15 alternate defects outlined by the challenger.

16 Assuming that the circulator affidavit
17 defects can be corrected, my review indicates
18 that 23 of the 30 challenges are valid as
19 follows: Four are valid because the signer is not
20 registered to vote; 12 are valid because the
21 signer is not registered to vote at the address
22 listed on the petition at the time the petition

1 was signed; 3 are valid because the signature is
2 a duplicate of a valid signature; and 4 are valid
3 because the name of the signer nor the signature
4 are sufficiently legible for identification.

5 This leaves the candidate's nominating
6 petition with 12 signatures, 13 signatures below
7 the number required for valid access.

8 At the pre-conference hearing on May
9 16, 2023, Candidate Shaw-Richardson identified
10 ten petition lines of people he had contacted to
11 update their addresses on file with the Board.
12 Of those ten lines, only seven of them are
13 eligible for an address update.

14 Following that meeting, I re-verified
15 each voter's address in the Voter Registration
16 database and also asked the Board's webmaster to
17 confirm receipt of any online forms for the
18 listed individuals that still may be pending.
19 Upon this review, the findings from the original
20 preliminary determination have not changed. No
21 updated voter registration applications were
22 received. And then I outlined the specifics of

1 those ten-line items.

2 MS. STROUD: And I would note before
3 the parties have the opportunity to speak that
4 the deadline to file changes of address with
5 respect to this challenge was May 15th, and so no
6 changes of address were submitted on or before
7 that date so as to cure the signatures that could
8 be cured by submitting changes of address.

9 CHAIR THOMPSON: And a quick question.
10 If those had been timely submitted and they did
11 update the addresses sufficient to cure the
12 defect, then the number of valid signatures would
13 go from 12 to 19?

14 MS. CORRENTE: So, if the 7 that were
15 eligible were valid, like, came through, then,
16 yes, it would change it from 12 to 19.

17 CHAIR THOMPSON: And the other defects
18 noted are not things that we've cured before,
19 such as, obviously, duplication and the other
20 things that you went through?

21 MS. STROUD: That is correct.

22 MS. CORRENTE: Correct, yes.

1 CHAIR THOMPSON: All right. And,
2 General Counsel Stroud, remind me who should we
3 hear from first? The challenger, Mr. Henschman?

4 MS. STROUD: We can give --- in light
5 of the fact that the findings went against Mr.
6 Robinson, I would give him the opportunity to speak
7 first and then have --- Mr. Shaw-Richardson speak
8 first and then have Mr. Henschman respond.

9 CHAIR THOMPSON: Okay.

10 Mr. Shaw-Richardson, hopefully, you
11 followed all that.

12 MR. SHAW-RICHARDSON: Yes.

13 CHAIR THOMPSON: You're free to ask
14 questions or make any statement you'd like. And
15 thank you. Thank you for submitting a petition
16 to become an Agency Commissioner.

17 MR. SHAW-RICHARDSON: Thank you all
18 for being here today. Thank you, again, for the
19 registrar. I kind of understand this a little
20 bit, a lot better now than when I started back in
21 February.

22 I still do have questions, and I think

1 the registrar was going to look into it from the
2 hearing that we had about my own registration
3 because when I went into --- from my recollect
4 about the data. My own registration had me
5 registered at two different addresses when I went
6 in back in February, and I do believe they
7 deleted one of those, so she was going to check
8 into that from Ms. Pembroke's last conversation.

9 But I do understand the process now.
10 I am still a little confused about how the title,
11 even though if I live in 5D01 or live in Ward 5,
12 I can vote for only a commissioner who is in my
13 Ward or my District, but that anyone in the
14 District in any Ward even though that Ward,
15 they're not vested in that Ward or in that
16 District in any way, shape, or fashion can then
17 challenge it.

18 It's kind of like what Congress does
19 to D.C. in my mind. They don't live here, but
20 they're controlling what happens here. So, I
21 think at this time, based on the registrar's
22 finding, I'm going to withdraw my candidacy

1 petition based on that information, but I do
2 think that that statute is one that should be
3 looked at carefully because, again, if I live in
4 Ward 5, when I go to vote for citywide elections,
5 I can't vote for someone who lives in Ward 7. I
6 can only vote for someone who lives in Ward 5.

7 Even with the recall process, if I was
8 going to recall someone that lived in 5D01, I
9 would have to live in 5D01 to be able to recall
10 that person, but yet, I can challenge that
11 person's candidacy, and I don't even live in that
12 District or that Ward at all. It's just a little
13 confusing.

14 Again, to me, it kind of mimics what
15 just what Congress does to D.C. We're kind of
16 doing it to ourselves in our own election exactly
17 what they're doing to us, but that's all I have
18 to say at this time. Again, thank you again.
19 Thank you, everybody, for being here today.

20 MS. STROUD: Okay. So, I will note
21 for the record that Mr. Shaw-Richardson has
22 indicated that he would like to withdraw his

1 candidacy. We do have a form that we will
2 provide to him to that effect.

3 And speaking to Mr. Shaw-Richardson's
4 objection to the statute, we've had that
5 discussion. And the statute does provide that
6 unlike in instances where candidates are running
7 for office and only the individuals who live in
8 that particular jurisdiction can vote for that
9 individual or recall that individual if they ---
10 they need to live within that particular
11 jurisdiction.

12 The same is not true with respect to
13 challenging valid access, so one category goes to
14 representation and the other goes to valid access
15 and the ability to challenge individuals who are
16 seeking to hold office in a particular
17 jurisdiction. That's open to everyone regardless
18 of where they live in the District.

19 Whereas, voting in particular
20 elections and recalling individuals who serve
21 certain jurisdictions can only be voted for or
22 recalled by individuals who live within that

1 particular jurisdiction, but again, that is a
2 statutory issue.

3 MR. SHAW-RICHARDSON: Yes, ma'am. Can
4 I just say one other thing? So, when I looked at
5 this and looked at --- it's almost like, and it's
6 not almost like, I can see where this was kind of
7 being weaponized a little bit.

8 I noted just in glancing that one
9 particular ANC Commissioner had had challenges,
10 ten, within the last two years that, again, none
11 of these people live in that District. This was
12 just one particular ANC Commissioner had ten
13 challenges to other people's candidacies in the
14 last two years.

15 That is just outrageous, so in that
16 aspect, I think that that statute is kind of
17 being weaponized a little bit. When you look at
18 the hearings that they had just on candidacy
19 challenges, they shouldn't be --- I could see one
20 or two, but ten from the same person challenging
21 other candidacies. That's a little excessive.

22 CHAIR THOMPSON: Well, Mr. Shaw-

1 Richardson, thank you so much. I thank you for
2 running for the open seat. Sorry, it didn't work
3 out this time around, but, you know, maybe if you
4 would like to try again next year, we're not that
5 far from it.

6 I was a Commissioner for eight years.
7 Obviously, just go door to door in the
8 neighborhood is my advice since you know you're
9 not going to endorse the people that live there
10 and get their signatures and try to get, you
11 know, a good number more than you need, and it
12 should be okay next time.

13 MR. SHAW-RICHARDSON: I absolutely
14 will. Thank you.

15 CHAIR THOMPSON: I just want to thank
16 you for endeavoring run and maybe next cycle,
17 we'll see you on the ballot.

18 MS. STROUD: And, Mr. Henschman, if you
19 would still like to address the Board that
20 opportunity is available?

21 MR. HENCHMAN: Hi. Can you hear me
22 okay?

1 MS. STROUD: Yes.

2 MR. HENCHMAN: Joseph Henschman, 415 W
3 Street, NE, and a Ward 5 resident. I know it was
4 implied that I'm not a Ward 5 resident, but I am.

5 Now that I've been given this
6 information, I don't know whether the case has
7 moved or if you still have to decide it, but, you
8 know, I'll keep it very brief.

9 The registrar's report was complete
10 and thorough. And, you know, you have to
11 demonstrate a certain level of community support
12 that was not demonstrated in this case, and so I
13 respectfully request that the Board adopt the
14 report in this case. Thank you.

15 MS. STROUD: Okay.

16 CHAIR THOMPSON: Okay. Well, I don't
17 think there's anything the Board needs to do in
18 terms of formally adopting the report since the
19 candidate withdrew his candidacy, so that moots
20 us needing to decide the issue, I believe.

21 So, anything else that we need to take
22 up before we adjourn?

1 MS. STROUD: No, Chairman Thompson.
2 I would just note for the record as the Board
3 members approved --- and this will be posted on
4 our website, but the June Board meeting will not
5 take place on June 7th, but will instead take
6 place on June 20th at 10:30 a.m., so I just
7 wanted to note that for the record, but of
8 course, we'll post notice and an agenda for the
9 meeting in due course, but I just wanted to put
10 that, you know, on notice, put that, you know,
11 people who are present today on notice that that
12 is the case.

13 CHAIR THOMPSON: Okay. Well, thank
14 you, everybody. With that, I move we adjourn.

15 MS. GREENFIELD: Okay. Second.

16 CHAIR THOMPSON: We're all good to
17 adjourn. Thank you so much.

18 MS. STROUD: Thank you.

19 (Whereupon, the above-entitled matter
20 went off the record at 2:49 p.m.)
21
22

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DC BOE

Date: 05-22-23

Place: teleconference

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

Neal R Gross

Court Reporter

NEAL R. GROSS

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