

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

WEDNESDAY

NOVEMBER 24, 2021

+ + + + +

The District of Columbia Board of
Elections convened via Video Teleconference,
pursuant to notice at 9:00 a.m. EST, Karyn
Greenfield, Member, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Executive Director

KAREN BROOKS, Registrar of Voters

TERRI STROUD, General Counsel

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the recall measure regarding Sydelle Moore,
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Meeting adjourned.29

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

2 (9:18 a.m.)

3 MEMBER GREENFIELD: Okay, so I'll go
4 ahead and call the meeting to order. The quorum
5 is myself, Karen Greenfield, the Board member, so
6 this will be a one-member Board.

7 So, as a result, we will not take a
8 vote or a motion on the first item.

9 This is a Special Board Meeting. It
10 is to address the, specific to the petition
11 validation results for the recall measure
12 regarding Sydelle Moore, ANC Commissioner for
13 Single Member District 5D05, and, the challenge
14 to the recall measure (inaudible) Moore, Advisory
15 ANC Commissioner, for Single Member District
16 5D05.

17 What I will ask is I will ask Monica
18 to go ahead and read your report into record.

19 MS. EVANS: Thank you. Good morning.

20 The matter before us today is a
21 Petition Verification Regarding a Recall Sydelle
22 Moore, Advisory Neighborhood Commissioner, Single

1 Member District 5D05, filed on October 25, 2021.

2 After executing the Board's standard
3 procedure for verifying registered voter
4 signatures contained in the referenced recall
5 petition, the Board staff have determined that
6 this petition does not meet the statutory
7 requirements for certification to the ballot, in
8 accordance with D.C. Official Code Section 1-
9 1001.17(k)(1).

10 It is my recommendation that the Board
11 reject the petition as numerically insufficient,
12 in accordance with D.C. Official Code Section 1-
13 1001.17(k)(1), because it does not contain the
14 signatures of the required minimum number of
15 registered voters.

16 An overview of the petition
17 verification process, and a summary of its
18 results are provided here.

19 Overview of the Petition Verification
20 Process. The petition verification process is
21 conducted to determine whether a petition to
22 present a recall measure to the electorate,

1 contains the minimum number of registered voter
2 signatures required to place the measure on the
3 ballot.

4 The required minimum is 10 percent of
5 the duly registered voters of the Single Member
6 District, from which the official was elected.

7 The numerical requirements are based
8 on the Board's published registration totals in
9 effect at least 30 days before the petition was
10 filed. In this case, the voter registration
11 totals as of August 31, 2021.

12 The petition verification process
13 detailed in Standard Procedures for Verification
14 of Recall Petitions, has four basic steps.

15 First, the Board staff verify if the
16 circulator is a resident of the District of
17 Columbia, or a resident of another jurisdiction,
18 who registered as a petition circulator with the
19 Board, prior to the circulation of the petition
20 sheet, and if the petition has a completed
21 circulator's affidavit.

22 Second, the name and address of each

1 petition signer is checked against the voter
2 registration system file, to determine if the
3 petitioner was registered to vote at the resident
4 address listed on the petition, at the time the
5 petition was signed, as required by law.

6 Only those petition signers whose
7 names and addresses are found to match the
8 Board's registered voter file, are entered into
9 the petition checking program as verified
10 registrants.

11 Third, the total of verified
12 registrants are compiled by the registration
13 system, to determine whether the petition
14 contains a sufficient number of registered voters
15 to proceed to the signature verification stage,
16 in which the actual names on the petition are
17 examined against the names in the Board's
18 records.

19 Fourth, where the total number of
20 verified registrants is determined to have met
21 minimum signature requirements, a random sample
22 of signatures is drawn for comparison to the

1 original voter signatures on file in the Board's
2 records.

3 The validity rate of the randomly
4 selected signatures and the sample, is then used
5 to make a statistical determination of the
6 sufficiency of the petition as a whole, at the
7 required confidence level of 95 percent.

8 Summary. The Petition for Recall
9 Sydelle Moore, Advisory Neighborhood
10 Commissioner, Single Member District 5D05,
11 containing five pages, was filed on October 25,
12 2021.

13 The petition contained 199 signatures.

14 After completing the procedures for
15 verifying the voter registration status of
16 petition circulators and signers, steps 1, 2, and
17 3, in the process outlined above, the total
18 number of registered voters listed in the
19 petition was found to be 98.

20 A total of 63 below the minimum
21 required 10 percent of 1,612 of the Single Member
22 District, from which the official was elected.

1 The determination that the petition
2 did not contain the required minimum number of
3 duly registered voters, meant that the
4 verification process came to an end at this
5 point, without proceeding to the signature
6 sampling stage.

7 This is the required outcome in
8 accordance with the standard procedures, whenever
9 the universe of verified registrants falls below
10 the threshold numerical requirement for
11 verification.

12 Even if every signature were found to
13 be valid, there would be an insufficient total
14 number.

15 Based on the foregoing results of the
16 verification of the Petition to Recall Sydelle
17 Moore, Advisory Neighborhood Commissioner, Single
18 Member District 5D05, the determinations are
19 that:

20 1) The proposed measure does not meet
21 the statutory requirements for certification to
22 the ballot; and,

1 2) The proposed measure should be
2 rejected by the Board because, it does not
3 contain a sufficient number of signatures of
4 registered electors in the ward from which the
5 official was elected, as required by D.C.
6 Official Code, Section 1-001.17(k)(1).

7 This concludes my recommendation to
8 the Board.

9 Thank you.

10 MEMBER GREENFIELD: Okay, thank you,
11 Monica.

12 Since we do not have a quorum, we
13 cannot make a motion to vote on that matter, so
14 we will move on to the second matter, which is
15 the Challenge to the Recall Measure of Sydelle
16 Moore, ANC Commissioner for Single Member
17 District 5D05.

18 Okay, I noticed that Ms. Henderson is
19 present. Ms. Henderson, if you, the report was
20 read, and that is the report of the Registrar of
21 Voters with respect to the Board's independent
22 verification process.

1 And, so I just wanted to say at the
2 onset you know, that the statute sets up with
3 respect to ballot measures, the District's
4 elections statute sets up a parallel process.

5 So, once a ballot measure, including
6 an initiative measure, is submitted, the Board
7 does its own independent verification process.

8 And, if it is determined once the
9 petition is submitted, that the initial count of
10 signatures is sufficient to allow the process to
11 move forward, then the Board posts the petition
12 for a challenge process.

13 So, with respect to the recall
14 measure, the Board independently conducts its own
15 verification process, but there's also a process
16 allowed for challenge.

17 As the Registrar's report indicates,
18 based on the Board's own independent verification
19 of the initiative petition, the petition
20 submitted in support of the effort to recall
21 Commissioner Moore, was found to be insufficient.

22 And, so that's that process, but

1 there's also a process for the challenge. And,
2 so that's where we, that's the mission we will
3 take up now.

4 With respect to the Board's ability to
5 proceed with the challenge hearing, that
6 authority is given to the Board in the statute,
7 and D.C. Code Section 1-1001.17(g), which
8 provides that notwithstanding provisions of the
9 D.C. Administrative Procedure Act, the Board may
10 hear any case brought before it under this sub-
11 chapter by one-member panels.

12 An appeal from a decision of any such
13 one-member panel may be taken to either the full
14 Board, or the D.C. Court of Appeals, at the
15 option of any adversely affected party.

16 If appeal is taken directly to the
17 D.C. Court of Appeals, the decision of the one-
18 member panel shall be for purposes of such
19 appeal, considered to be a final decision of the
20 Board.

21 If an appeal is taken from a decision
22 of, a decision of a one-member panel to the

1 Board, the decision of the one-member panel shall
2 be stayed pending a final decision of the Board.

3 The Board may, upon a vote of its
4 majority of its members, hear de novo, all issues
5 of fact or law, related to an appeal of a
6 decision of a one-member panel.

7 Just a second, I apologize.

8 The Board may, upon a vote of a
9 majority of its members, hear de novo, all issues
10 of fact or law, related to an appeal of the
11 decision of a one-member panel except the Board
12 may decide to consider only the record made
13 before such one-member panel.

14 A final decision of the full Board
15 relating to an appeal brought to it from a one-
16 member panel, shall be appealable to the D.C.
17 Court of Appeals, in the same manner and to the
18 same extent, as all other final decisions of the
19 Board.

20 So, I just wanted to lay that out for
21 the parties to make clear that the, that Board
22 Member Greenfield has the authority to hear this

1 matter, and to rule on it.

2 And, so with that, we will take up the
3 matter of the challenge submitted by Sydelle
4 Moore, Commissioner Moore, to the Recall Petition
5 submitted by Ms. Henderson, in her effort to
6 recall Commissioner Moore.

7 And, so what I will have the Registrar
8 of Voters do is to read her report into the
9 record regarding the challenges, and then we will
10 hear from the parties.

11 MS. BROOKS: On October 25, 2021, Kathy
12 Henderson submitted, submitted a Petition in
13 Support of Recall of Sydelle Moore, Advisory
14 Neighborhood Commissioner, Single Member District
15 5D05.

16 That Petition was posted for public
17 inspection for 10 days, as required by law. A
18 challenge on November 4, 2021, by Sydelle Moore,
19 a registered voter in the district of Columbia.

20 My (inaudible) to the Petition
21 Challenge indicated that Ms. Henderson submitted
22 a total of 195 signatures.

1 A total number of signatures
2 (inaudible) provided for were 179 signatures.
3 Twenty signatures was not accepted, because they
4 appeared on a page that was not a proper
5 reproduction of the paper form provided by the
6 Board, page 3.

7 A petition must contain the valid
8 signatures 10 percent of the duly registered
9 voters of the Single Member District, for which
10 the official was elected, based on the Board's
11 public registration totals in effect at least 30
12 days before the petition was filed.

13 In this case, the voter registration
14 totals as of August 31, 2021, based on the
15 registration totals for SMD 5D05, August 31,
16 2021, the required number of signatures for valid
17 access, is 161.

18 Challenger Sydelle Moore's (inaudible)

19 (Pause.)

20 MEMBER GREENFIELD: We lost audio.

21 (Pause.)

22 MS. STROUD: At which point did you

1 lose audio?

2 MEMBER GREENFIELD: When she started,
3 challenger Sydelle Moore filed. We lost audio
4 after that.

5 MS. STROUD: Okay.

6 MS. BROOKS: So here?

7 MS. STROUD: Yes.

8 MS. BROOKS: All right.

9 Challenger Sydelle Moore filed
10 challenges to a total of 109 signatures,
11 enumerated by line and page number, on individual
12 challenge sheets filed for each petition page.

13 Petition signatures were challenged
14 pursuant to Title 3 DCMR, Section 1107.1 of the
15 Board's Regulations.

16 Of the 109 challenges submitted, 96 of
17 the challenges were reviewed by the Registrar.
18 The remaining 13 challenges were not reviewed
19 because they were, they concerns signatures were
20 not accepted by the Board because, they appeared
21 on the page that is not a proper reproduction of
22 the paper form provided by the Board.

1 My review in the case in a total of 76
2 of the 96 challenges reviewed are valid. The 76
3 valid challenges were upheld on the following
4 grounds.

5 Twenty-six were upheld because the
6 signer was registered at a different address in
7 the Single Member District.

8 Thirty-two were upheld because the
9 signer was not a registered voter.

10 Three were upheld because the
11 signatures are forgeries.

12 Four were upheld because the signer
13 was inactive.

14 Ten were upheld because the signer is
15 not a registered voter, registered voter within
16 the Single Member District.

17 One was upheld because the signer's
18 address is missing.

19 Because the initial count of
20 signatures got divided (inaudible) this recall,
21 this recall measure is 179 signatures.

22 As a result of the 76 valid

1 challenges, the petition recall is therefore, 103
2 signatures.

3 Fifty-eight signatures is the
4 statutory requirements for certification to the
5 ballot.

6 In addition to filing challenges to
7 signatures, Commissioner Moore has also cited
8 counselor fraudulent signatures, and requested
9 the Board take action with respect to these.

10 That concludes my report.

11 MS. STROUD: Thank you.

12 So, before we hear from the parties,
13 I just wanted to lay out the regulatory authority
14 pursuant to which signatures are validated.

15 When the Board first receives a recall
16 petition, it does an initial count. And, in this
17 count, signatures are excluded if they appear on
18 pages that are not a proper reproduction of the
19 paper form provided by the Board.

20 That's D.C. Regulation and Title 3 of
21 D.C., Title 3 DCMR, Regulation 1105.4(a),
22 specifies that if a signature appears on pages

1 that are not a proper reproduction of the paper
2 form provided by the Board, all the signatures on
3 that page will be invalidated.

4 So, that's in the Regulation at
5 1105.4(a).

6 It also discounts signatures of
7 registered voters who submit notarized requests
8 to disallow signatures, their signatures from
9 being counted on the petition, provided that the
10 request was received prior to the time the
11 petition is filed. That is 1105.4(d).

12 And, 1107.1 lays out the circumstances
13 under which signatures on a petition are to be
14 invalidated. And, I'll read those into the
15 record.

16 1107.1(a) indicates that a signer's
17 voter registration, a signer's voter registration
18 was designated as inactive on the voter rolls at
19 the time the petition was signed, that signature
20 will be invalidated.

21 If a signer is not registered to vote
22 at the address listed on the petition at the time

1 the petition is signed, it will be invalidated
2 unless the Board's records indicate that the
3 voter timely filed a change of address. Which
4 would have been before the petition was
5 submitted.

6 A signature shall not be held valid if
7 it is a duplicate of a valid signature, if it is
8 not dated, if it does not include the printed or
9 typed name, or typed address of the signor.

10 If it does not include the printed or
11 typed name of the signer where the signature is
12 not sufficiently legible for identification.

13 If the circulator of the petition was
14 not a qualified petition circulator at the time
15 the petition was signed.

16 If the circulator of the petition
17 failed to complete all required information in
18 the circulator's affidavit.

19 If the signature was obtained on a
20 petition sheet that was submitted on behalf of a
21 previously filed recall petition that was
22 rejected, or found to be numerically

1 insufficient.

2 Or, of the signer was not a registered
3 voter in the Single Member District of the
4 elected official sought to be recalled.

5 In addition, if a signature was also
6 the signature of the circulator of the same
7 petition sheet where the signature appears, that
8 signature shall be invalidated. And, this is
9 found in 3 DCMR 1109.4.

10 So, I just wanted to lay out that the
11 circumstances under which signatures are found to
12 be invalid, is set forth in the Code, as well as
13 in the Regulations, at the sections I indicated.

14 And, so having read the Registrar's
15 report in the record, I would ask if the parties,
16 and first we'll go with Ms. Henderson, and you'll
17 be allotted three minutes, and then Ms. Moore can
18 respond in three minutes.

19 So, Ms. Henderson, if you could state
20 your name and address for the record, and then
21 proceed with your response to the Registrar of
22 Voters report with respect to the challenge, we'd

1 appreciate that.

2 MS. HENDERSON: (No audible response.)

3 MEMBER GREENFIELD: We can't hear.

4 MS. STROUD: Your audio is not on, Ms.
5 Henderson.

6 (Pause.)

7 MS. HENDERSON: (No audible response.)

8 MS. STROUD: No, we can't hear you.

9 You might need to call in.

10 (Pause.)

11 MS. STROUD: We'll give Ms. Henderson
12 some time to call in.

13 (Pause.)

14 MS. HENDERSON: Are you able to hear me
15 now?

16 MS. STROUD: Yes, we are Ms. Henderson.

17 And, I'm going to start the timer for
18 three minutes for you to submit your response to
19 the report of the Registrar of Voters.

20 MS. HENDERSON: Well, I don't have any,
21 well anyway, I'm not even going to address the
22 alleged difficulty with seeing me and on the

1 meeting, and hearing my audio.

2 But anyway, I reject the Registrar's
3 report. I submitted a 20-plus page response to
4 the members of the Board.

5 Are you in receipt of that response?

6 MS. STROUD: Yes.

7 MS. HENDERSON: That response also
8 includes a number of things.

9 I would have asked Ms. Verlene
10 Cameron, or Mr. Edward Cameron, to sign the
11 petition, but Ms. Cameron's been deceased for
12 years, and Mr. Cameron is in Florida. And, the
13 building that they lived in no longer exists.

14 Yet, they continue to be on the list
15 of voters for 5D05, even though I sent in a
16 picture showing that the building is no longer
17 there.

18 So, this issue is an ongoing issue.
19 We don't even know how many people actually live
20 in 5D05 according to the D.C. Board of Elections,
21 because the list is incorrect.

22 I sent in a minimum of 64 names that

1 have not been addressed. Most recently, Ms.
2 Brooks did attempt to respond minimally, to one
3 name, a couple of names.

4 Wallace Fox. It says he can't, he was
5 listed twice as a voter. It cannot be determined
6 that he's deceased.

7 Well, Ms. Brooks, the Registrar, does
8 not have to determine that Mr. Fox is deceased.
9 What we can determine through the D.C. tax
10 records, is that Mr. Fox does not reside in 1801
11 L Street NE.

12 A duly registered voter, Andrew
13 Bernard, Andrew Buddy Bernard, he actually
14 resides there, and he signed the petition.

15 So, that's one issue that has never
16 been responded.

17 I received also the statement by
18 Steven Harris, indicating that he didn't sign the
19 petition. It's really troubling.

20 And, as I indicated in my response,
21 I'm forwarding this entire matter to the Office
22 of the Attorney General, and the Office of the

1 Inspector General, for a review and a full
2 investigation.

3 I submitted a properly notarized
4 statement of affidavit and declaration, from
5 Lydia Goring, who is a witness to Mr. Harris
6 signing the petition, and Mr. Harris is captured
7 on video signing the petition.

8 So, that will be made available at the
9 proper time as well. So, this entire matter is
10 inappropriate.

11 I challenge the Registrar's
12 declaration of forgery. There is no
13 determination of forgery. And, in her report,
14 she indicates what appears to be forgery.

15 You can't make, that's improper.
16 Either you think its, either you determine that
17 it's forgery, or you have not.

18 And, there is no basis, no legitimate
19 basis, to determine that any of the signatures
20 are forged.

21 With regard to both Ms. May, Alveria
22 May, and Verlia May, they are not alleging that

1 they didn't sign the petition. They simply
2 alleged that they wanted their signatures
3 removed.

4 And, there is no evidence that they
5 actually made their request timely.

6 And, Mr. Harris' request to remove his
7 signature was not made timely. So, that's not
8 even an issue.

9 With regard to the form, the form is
10 consistent with what the Board approved, and the
11 Registrar is again, incorrect.

12 I think there's some serious problems
13 in the Board of Elections. And, if you decide to
14 vote not to approve the recall measure in this
15 matter, we still have the matter of Sydelle
16 Moore's ongoing malfeasance, and investigations
17 from the D.C. Auditor, the Office of the Attorney
18 General --

19 (Simultaneous speaking.)

20 MEMBER GREENFIELD: Ms. Henderson, your
21 time is up and we're only focused on --

22 MS. HENDERSON: Yes, I know, you don't

1 want that on the record, do you?

2 MEMBER GREENFIELD: -- these subjects
3 from the challenge.

4 MS. HENDERSON: But it'll be on the
5 record. It's in the record. It's in the record.
6 There's malfeasance, that's the basis of this
7 recall.

8 MS. STROUD: Okay, thank you, Ms.
9 Henderson.

10 MS. HENDERSON: Thank you.

11 MS. STROUD: And, now, Ms. Sydelle
12 Moore, if you have any response to the Registrar
13 of Voters findings, you may do so now.

14 You have three minutes as well.

15 MS. MOORE: Sure, so I'll be brief and
16 say that you know, not only is the basis for the
17 petition a lie, you know, the way in which it was
18 conducted you know, included a variety of illegal
19 practices.

20 So, in addition to you know,
21 supporting the Registrar's report regarding the
22 challenge, I also support the additional

1 insufficiencies that she found in the petition,
2 and would ask that the Board you know, clearly
3 reject this petition.

4 And, refer for further investigation,
5 the allegations of forgery made by those
6 individuals, voters who found their petition,
7 their, or a replication of something purporting
8 to be their signature, on the petition form.

9 MEMBER GREENFIELD: Thank you, okay.

10 Okay, do we have anybody else?

11 MS. STROUD: No, Board Member
12 Greenfield. Those are the parties.

13 And, any, there is information that
14 was submitted for the record, and that
15 information is part of the record.

16 And, so you are free to proceed.

17 MEMBER GREENFIELD: Okay, yes.

18 I'm going to go ahead. I am going to
19 make a motion and move that we accept the
20 Registrar's findings regarding the challenge
21 submitted by Sydelle Moore in response to the
22 Recall Petition submitted by Kathy Henderson, as

1 a Single Member Board.

2 I'm going to vote aye to accept that
3 motion.

4 MS. STROUD: And, as Board Member
5 Greenfield indicated, she has voted to adopt the
6 report of the Registrar of Voters.

7 And, as a consequence of that, the
8 recall petition submitted in an effort to remove
9 or recall Commissioner ANC Single Member District
10 5D05, Commissioner Sydelle Moore, is reject,
11 rejected as insufficient to put the initiative, I
12 mean, put the recall measure on the ballot.

13 The, as I indicated, this matter may
14 be appealed to either the full Board, or to the
15 D.C. Court of Appeals, pursuant to the statutory
16 provision that I have cited.

17 And, at that time, Ms. Henderson, if
18 you wish to submit something that indicates that
19 in fact, the number of signatures that you
20 submitted in support of the recall effort is in
21 fact, sufficient to place the measure on the
22 ballot, you can you know, take that before either

1 the full Board, or the court, as you are the
2 parties that was adversely impacted by the, the
3 order of the Board, which will be issued
4 forthwith.

5 MS. HENDERSON: Okay.

6 MEMBER GREENFIELD: Okay.

7 If we don't have any other matters,
8 I'm going to make a motion to go ahead and
9 adjourn this Special Board Meeting.

10 So, I will move to adjourn the
11 meeting, and then I will vote aye.

12 (No audible response.)

13 MS. STROUD: And, the meeting is
14 hereby adjourned.

15 MEMBER GREENFIELD: Meeting's
16 adjourned.

17 Thank you.

18 (Whereupon, the above-entitled matter
19 went off the record at 9:48 a.m.)
20
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: 11-24-21

Place: teleconference

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