

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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WEDNESDAY

FEBRUARY 8, 2023

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The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 3:30 p.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

TERRI SHROUD, General Counsel

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

2 (3:31 p.m.)

3 CHAIR THOMPSON: Good afternoon to the
4 two people that are here.

5 My name is Gary Thompson, the Chair of
6 the Board of Elections. Also attending is Karyn
7 Greenfield, fellow board member -- that's two out
8 of three, so we have a quorum.

9 This special meeting has been duly
10 noticed and the agenda has been circulated.
11 There's only one matter on the agenda and at this
12 time I would move that we adopt the agenda, as
13 advertised.

14 MS. GREENFIELD: Second.

15 CHAIR THOMPSON: All right, here we
16 go.

17 And I see that Mr. Philip Newland is
18 present, and we appreciate you being here, Mr.
19 Newland.

20 And that's the purpose of our being
21 here is it's an appeal from a adverse preliminary
22 determination on your eligibility for ballot

1 access to be the ANC commissioner for a ANC
2 Single Member District 1E05.

3 Just a few introductory remarks from
4 me. Number one, thank you so much for being
5 willing to serve as the commissioner for this
6 SMD. I believe it's empty and that you are the
7 only person so far to step forward to take the
8 seat.

9 I also looked at the map and I
10 noticed, I believe this is Howard University and
11 McMillan Reservoir, with some residential areas.
12 So, thank you so much for stepping forward for
13 this particular neighborhood.

14 And before I say anything else, I'll
15 turn it over to our general counsel Terri Shroud
16 for background.

17 MS. SHROUD: Good afternoon, everyone.
18 As the Chair noted, this is an appeal from an
19 adverse determination of eligibility, made with
20 respect to the nominating petition that Mr.
21 Newland submitted in support of his candidacy for
22 the Office of Advisory Neighborhood Commissioner

1 in Single Member District 1E05.

2 Mr. Newland picked up the nominating
3 petition on January 18 and filed it on January
4 30, which was a timely filing.

5 And I just want to say at the onset
6 that Mr. Newland's petition will be posted for a
7 five-day challenge, if it has not been already.
8 During which, members of the public will be able
9 to review and challenge the petition.

10 So, any determination the Board makes
11 today is not outcome determinative, in terms of
12 the question of whether or not you, Mr. Newland,
13 will be able to be a candidate in the contest.

14 And so, what the Board is addressing
15 today is simply the resolution of the preliminary
16 determination reached by the Executive Director,
17 through her designee Registrar of Voters, Ms.
18 Marissa Corrente. So, we're just here for that
19 limited issue today.

20 On January 30, Mr. Newland submitted
21 a petition that contains three sheets, which
22 contained a total of 26 signatures -- one above

1 the number required for ballot access.

2 Pursuant to rule 1605.3 and 1605.4 of
3 Title 3 of the DC Municipal regulations, within
4 three business days following the deadline for
5 filing petitions, the executive director or their
6 designee shall issue a preliminary determination
7 of petition sufficiency.

8 In order to be determined sufficient,
9 a nominating petition has to contain the minimum
10 statutory number of signatures required to obtain
11 valid access for the office sought, on sheets
12 that contain complete affidavits.

13 And I will defer to the Registrar of
14 Voters to discuss the result of her review of the
15 nominating petition, with respect to those
16 requirements that I just set forth.

17 MS. CORRENTE: Thank you. So, when we
18 reviewed the three petition sheets, we found that
19 none of the circulator affidavits were dated.
20 So, just like Counselor Shroud said, there were
21 three sheets, they contained the 26 signatures,
22 but those dates for the circulator affidavits

1 weren't there.

2 So, the other necessary information,
3 the circulator name, address, and signature were
4 there, but they were just missing the dates on
5 each page for that particular piece. So, that
6 was the reason that we issued the adverse
7 preliminary determination letter.

8 And to clarify, too, the petitions
9 were posted during the regular challenge period.
10 And that challenge period started also on
11 February 2, and ends today -- that would be the
12 end of the challenge period.

13 MS. SHROUD: Okay. And, what else --
14 I would add that Mr. Newland submitted to the
15 Registrar of Voters a letter -- and I'll let him
16 speak to that -- or the Board will let him speak
17 to that, regarding the circumstances around which
18 he circulated the petition.

19 And so, but he is here to be
20 questioned by the Board. And, to the extent that
21 there are any questions, we could swear Mr.
22 Newman in. Since he's going to be testifying

1 regarding the circumstances under which he
2 circulated the petition, Mr. Chair.

3 CHAIR THOMPSON: Yeah. Mr. Newland,
4 thank you so much. If you could unmute, that
5 would be great.

6 I'll let you speak to this but I
7 really just have one question. The signatures
8 are all applied January 20 to, it looks like
9 about January 23, 4, 5 -- as noted, there's no
10 date next to the signature of the circulator.

11 This is an issue that typically we
12 allowed to be cured by the candidate testifying
13 under oath as to the date that the sheets were
14 signed, which you could do presently.

15 So, that's my question, is -- on what
16 date did you affix your signature as circulator
17 on these three sheets? If you could speak to
18 that question. And, I guess, Terri, maybe if you
19 want to ask him to do so under oath?

20 MS. SHROUD: Sure. Mr. Newland, do
21 you swear or affirm that the testimony that
22 you're about to provide is the truth, the whole

1 truth, and nothing but the truth?

2 MR. NEWLAND: I do.

3 CHAIR THOMPSON: Yep. Please go
4 ahead, Mr. Newland.

5 MR. NEWLAND: Yes. So, first off,
6 just thank you, everyone, for meeting today. It
7 sounds like I'm the only agenda item, so I
8 appreciate the time.

9 The main thing for me is I just want
10 to apologize, it was an oversight on my part.
11 And I think I described this in the letter, but
12 the first time that I have run for any sort of
13 public position like this and I just, I don't
14 know, got nervous or something submitting them.

15 I remember picking up the sheets and
16 it was explained to me that, you know, the date
17 at the bottom can't be, you know, before the
18 dates that are signed by individual people. So,
19 the recommendation was to wait until the end of
20 the day to do it.

21 So, I was saving it until the end to
22 do and then just, something in submitting the

1 paperwork I just completely forgot about it. So,
2 it was an oversight but I did -- all of those
3 signatures were between, I think it was the 20
4 through, I think, the 24.

5 So, it should have been dated by, you
6 know, the end period of me doing that -- from
7 those couple days of going around and knocking on
8 doors. But, again, it was just an oversight
9 because, I don't know, I think I got caught up in
10 sending all the different pieces of paperwork
11 required.

12 CHAIR THOMPSON: Yeah, really
13 appreciate that. I was an ANC commissioner
14 myself for eight years and I remember the first
15 time I picked up my papers, I was, you know, a
16 little nervous about everything. I can't
17 remember whether I did it correctly or not -- if
18 I did it incorrectly, no body caught it.

19 But thank you for that. So, just to
20 be clear, when you signed as the circulator at
21 the bottom, you did so on a date that was
22 subsequent to each and every one of the

1 signatures made by individuals?

2 MR. NEWLAND: Yes. I signed those
3 sheets when I went into submit them, which I
4 think was the last day that they were due.
5 Because I wanted to make sure that I didn't miss
6 anything, but obviously I did. So --

7 CHAIR THOMPSON: The last day they
8 were due, I think was the 27?

9 MS. SHROUD: The 30 of January.

10 MR. NEWLAND: Yeah. So, I held them
11 until the 30 and I signed them in the office when
12 I went in-person to submit everything.

13 CHAIR THOMPSON: Okay.

14 All right, well, as I mentioned,
15 that's, I believe from precedent, something that
16 is curable -- that I believe you just cured.

17 You know, there are certain things
18 about this that can't be cured. Like, you can't
19 submit 23 signatures and then show up later and
20 say, I got more people here to sign today.

21 But not dating the circulator
22 signature is something we have waived before, and

1 I believe it's appropriate to waive it today.
2 And so, I'll just put a motion out there to do
3 so, to waive the defect and allow you valid
4 access.

5 I see Karyn raise her hand -- you're
6 on mute, though.

7 MS. GREENFIELD: I second it. Sorry,
8 I was on mute.

9 CHAIR THOMPSON: All right. All in
10 favor?

11 (No audible response.)

12 CHAIR THOMPSON: All right, see how --
13 isn't this quick on a nice, Spring day.

14 So, we've passed the motion and I
15 don't know if there's anything else for us to do
16 at this point. I'll ask General Counsel Shroud
17 for that.

18 MS. SHROUD: Nope. We have completed
19 the business that we were convened for today, and
20 a written order on this matter will issue
21 shortly. And I think that concludes this matter.

22 MR. NEWLAND: All right. Mr. Newland,

1 I don't know if anyone else is going to run for
2 this spot, maybe, maybe not, but best of luck.

3 MR. NEWLAND: Thank you. Thanks,
4 everybody.

5 CHAIR THOMPSON: So, I'd move we
6 adjourn.

7 MS. GREENFIELD: Second.

8 CHAIR THOMPSON: All in favor?

9 (No audible response.)

10 CHAIR THOMPSON: All right. We are
11 adjourned, have a great afternoon, everybody.

12 (Whereupon, the above-entitled matter
13 went off the record at 3:43 p.m.)

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<p style="text-align: center;">A</p> <p>able 4:8,13 above-entitled 12:12 access 3:1 5:1,11 11:4 add 6:14 address 6:3 addressing 4:14 adjourn 12:6 adjourned 12:11 adopt 2:12 adverse 2:21 3:19 6:6 advertised 2:13 Advisory 3:22 affidavits 5:12,19,22 affirm 7:21 affix 7:16 afternoon 2:3 3:17 12:11 agenda 2:10,11,12 8:7 ahead 8:4 allow 11:3 allowed 7:12 ANC 3:1,1 9:13 apologize 8:10 appeal 2:21 3:18 applied 7:8 appreciate 2:18 8:8 9:13 appropriate 11:1 areas 3:11 attending 2:6 audible 11:11 12:9</p>	<p>7:10,16 9:20 10:21 circumstances 6:17 7:1 clarify 6:8 clear 9:20 Columbia 1:2,11 commissioner 3:1,5,22 9:13 complete 5:12 completed 11:18 completely 9:1 concludes 11:21 contain 5:9,12 contained 4:22 5:21 contains 4:21 contest 4:13 convened 1:11 11:19 correctly 9:17 Corrente 4:18 5:17 counsel 1:17 3:15 11:16 Counselor 5:20 couple 9:7 curable 10:16 cured 7:12 10:16,18</p>	<p>ends 6:11 EST 1:12 everybody 12:4,11 executive 4:16 5:5 explained 8:16 extent 6:20</p> <p style="text-align: center;">F</p> <p>far 3:7 favor 11:10 12:8 February 1:9 6:11 fellow 2:7 filed 4:3 filing 4:4 5:5 first 8:5,12 9:14 five-day 4:7 following 5:4 forgot 9:1 forth 5:16 forward 3:7,12 found 5:18</p>	<p>know 8:14,16,17 9:6,9 9:15 10:17 11:15 12:1</p> <p style="text-align: center;">L</p> <p>letter 6:7,15 8:11 limited 4:19 little 9:16 looked 3:9 looks 7:8 luck 12:2</p>
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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: 02-08-23

Place: teleconference

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Court Reporter

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