

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

TUESDAY

MARCH 11, 2014

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The Special Board Meeting of the District of Columbia Board of Elections convened in Room 280 North, 441 4th Street, N.W., Washington, D.C., 20001, pursuant to notice at 10:00 a.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman

BOARD OF ELECTIONS STAFF PRESENT:

KENNETH MCGHIE, General Counsel

KAREN F. BROOKS, Registrar of Voters

RUDOLPH MCGANN, Staff Attorney

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

10:11 a.m.

CHAIR NICHOLS: Good morning.

Welcome to the Board of Elections hearing on the nominating petition challenge of Ms. Singleton vs. Mr. Bettman. It is Tuesday, March 11th. The time is 10:12 a.m. We are meeting in Room 280 North on Judiciary Square.

I am Deborah K. Nichols, Chairman of the Board of Elections. Present with me on the dias this morning is Mr. Kenneth McGhie, the General Counsel to the Board of Elections.

As I said before we are here in the matter of Singleton vs. Bettman, a nominating petition challenge of Mr. Bettman's candidacy for Advisory Neighborhood Commission and Single-Member District 4A04.

Can the parties here at the table please state your names and addresses for the record beginning with the challenger?

MS. SINGLETON: Patience R. Singleton. My address is 1316 Tuckerman

1 Street, Northwest, Washington, D.C. 20011.

2 My name is Robert Bettman, 1366
3 Sheridan Street, Northwest.

4 CHAIR NICHOLS: Okay. The hearing
5 has been convened to resolve outstanding
6 issues raised during a pre-hearing conference
7 and memorialize in the pre-hearing order.
8 Both parties have received that order I think
9 on Monday, March 3rd. Have you both received
10 the pre-hearing order?

11 MS. SINGLETON: Yes.

12 CHAIR NICHOLS: All right.

13 As you know, the parties are
14 limited to the issues raised in the pre-
15 hearing order. I will ask you not to go
16 outside of those issues. I'm not here to hear
17 anything that was not brought before the pre-
18 hearing conference.

19 At the outset let me say this.
20 The nominating petition process for access to
21 the ballot is a very serious process. And it
22 is the obligation of the person who is trying

1 to gain access to our ballot to insure that
2 they exercise their due-diligence in
3 collecting these signatures.

4 My understanding is that a voter
5 role for your Single-Member District was
6 provided to you which listed all the names and
7 address of individuals who were registered in
8 your Single-Member District.

9 Before you submit your petition it
10 is important that you vet the signatures if
11 you want to gain access to the ballot, that
12 you vet those signatures before you turn the
13 petition in and make sure that you have the
14 minimum number of valid registered voters from
15 your SMD. Because after that, you are limited
16 to really only a change of address as a cure
17 for any problems with your petition
18 signatures. Having said that I will now defer
19 to the Registrar of Voters to give her
20 preliminary determination with respect to the
21 challenge.

22 MS. BROOKS: On February 10th, 2014,

1 Robert E. Bettman submitted a nominating
2 petition as a candidate to fill a vacancy in
3 the office of Advisory Neighborhood Commission
4 for Single-Member District 4A04. That
5 nominating petition was posted for public
6 inspection as required by law. The petition
7 was challenged on February 20 of 2014 by
8 Patience R. Singleton, a registered voter in
9 the District of Columbia.

10 My preliminary review of the
11 petition challenge indicates that Mr. Bettman
12 submitted a total of 39 signatures. The
13 minimum requirement for this office is 25
14 signatures of registered voters who reside in
15 the Single-Member District.

16 The challenge of Patience R.
17 Singleton filed challenges to a total of 21
18 signatures enumerated by line and page number
19 on individual challenged filed for each
20 petition page.

21 Petition signatures was challenged
22 pursuant to Title 3 of DCMR, Section 1307.4 of

1 the Board's regulations on the following
2 grounds. The signer is not a duly registered
3 voter. The signer according to the Board's
4 records is not registered to vote at the
5 address listed on the petition at the time the
6 petition was signed, provided that an address
7 on the petition was different than the address
8 which appears on the Board's records shall be
9 deemed valid if the signer's current address
10 is within the boundary in which the candidate
11 seeks nomination and the signer files a change
12 of address with the Board during the first 10
13 days following the date in which the challenge
14 of the nominating petition is filed. The
15 challenger is not duly registered in the
16 Single-Member District for which the candidate
17 seeks appointment at the time the petition is
18 signed. The petition does not include the
19 printed or typed name of the signer where the
20 signature is not sufficiently legible for
21 identification and the signature on the
22 petition shall be made by the person whose

1 signature it purports to be and not by another
2 person.

3 My review of the petition
4 challenge indicates that a total of 20 of the
5 21 signature challenges are valid. This
6 leaves the candidate's nominated petition with
7 19 signatures, six signatures below the number
8 required for ballot access.

9 Additionally, as a result of
10 another review by the Registrar of Voters two
11 signatures raised by Ms. Singleton during the
12 pre-hearing are not registered electors on the
13 voter roles. This would leave Mr. Bettman
14 with four change of addresses to submit.

15 Mr. Bettman submitted two change
16 of address forms by the deadline and one
17 change of address form was received after the
18 deadline. After validating the three change
19 of addresses, one address was for a Francis
20 Mark Farrell, not the Mark Farrell that is
21 registered on the Board's records. The
22 candidate now has a nominated petition with 20

1 valid signatures, five signatures below the
2 number required for ballot access.

3 CHAIR NICHOLS: All right. Thank
4 you, Ms. Brooks.

5 Having heard the Registrar's
6 determination, I will now hear from the
7 parties and we will start with the challenger
8 who may now present your case in chief.

9 MS. SINGLETON: Good morning. My
10 name is Patience Singleton. I am here to
11 challenge the voter registration status of
12 William Griffin. The Board of Elections
13 alleges that he's registered to vote. There
14 is a William Philip Felipe Griffin who was
15 born in 1989 who lives or lived on 14th
16 Street. I am alleging that he is not the
17 William Griffin who signed the petition who
18 lives at 1316 Sheridan Street.

19 I pulled the tax records. The
20 William Griffin who lives on Sheridan Street
21 is a William K. Griffin, not a William S.
22 Griffin. The W's in their names look similar

1 but the I's are very different. I have the
2 tax records to show that it's a William K.
3 Griffin who lives at that address. And the
4 William Felipe Griffin who is registered in
5 D.C. was born in 1989.

6 And I also pulled some additional
7 information from the web on William Griffin.
8 His wife is Jessica Schubel. They live
9 together. Their wedding registry is here.
10 They were married in 2012. There are pictures
11 of them. There's a William K. Griffin who
12 lives at that address who works in Maryland so
13 I'm saying the William Griffin who lives on
14 Sheridan is not the William Felipe Griffin who
15 is registered to vote in the District of
16 Columbia.

17 I don't know how much information,
18 but I have the tax records and other
19 information to show that this is William K.
20 Griffin. You can have that. You can have it.
21 William K. Griffin.

22 CHAIR NICHOLS: And your next

1 well, do you want to do him first?

2 MS. SINGLETON: Yes.

3 CHAIR NICHOLS: All right. Mr.
4 Bettman, do you have Mr. William K. Griffin
5 here this morning?

6 MR. BETTMAN: I do not but I did
7 speak with him and with his wife and a couple
8 of days ago I have an email from them offering
9 that they were sorry that they were out of
10 town when I was going around, but that they
11 would like to submit their change of address
12 forms which they had not done. So, I'm not
13 sure of his initial but I do have with me an
14 email from his wife and

15 CHAIR NICHOLS: Do you have a sworn
16 statement?

17 MR. BETTMAN: I do not at this time
18 have a sworn statement.

19 CHAIR NICHOLS: Okay. An email

20 MR. BETTMAN: But this pertains to
21 whether or not that individual is an
22 individual who lives in the District and is a

1 valid potential signatory. Anecdotally, I
2 would say that the evidence that we both
3 presented is at best inconclusive in terms of
4 striking him as a potential signatory on the
5 petition.

6 CHAIR NICHOLS: The think the issue
7 is whether the person who signed the petition
8 is the person that we have as a registered
9 voter.

10 MR. BETTMAN: Yes.

11 CHAIR NICHOLS: Is that the issue?

12 MS. SINGLETON: That was the issue.

13 CHAIR NICHOLS: And the person we
14 have as a registered voter is William F.
15 Griffin, not William K.

16 MR. BETTMAN: I can't speak to that
17 issue.

18 CHAIR NICHOLS: Well, let me finish
19 because see this is the dilemma. A change of
20 address won't help. A change of address in
21 this case will not help validate that
22 signature. It would be a new registration and

1 we cannot take new registrations. So that,
2 you know

3 MR. BETTMAN: Not having brought
4 with me a change of address the

5 CHAIR NICHOLS: But see a change of
6 address won't help you with William --

7 MR. BETTMAN: Even if it did, I
8 don't know that I could argue the point.

9 CHAIR NICHOLS: Okay. Okay. All
10 right. Well, we'll take the email just for
11 the record if you want.

12 MR. BETTMAN: Okay. I don't have a
13 printout of it but I could forward that.

14 CHAIR NICHOLS: Okay. So, that's
15 hearsay.

16 MR. BETTMAN: I didn't imagine that
17 it would be a point we're arguing today.

18 CHAIR NICHOLS: Well, this is a
19 serious process. And we're talking about
20 gaining ballot access. So, we have to have
21 if we can't have the person here to cross
22 examine or a sworn statement under penalty of

1 perjury we cannot credit, you know, something
2 you got by email, you talked to him, because
3 we don't have them here. This is a serious
4 process.

5 MR. BETTMAN: Sure.

6 CHAIR NICHOLS: This is not a
7 flimsy, you know, act here.

8 All right. Let's go to Mark
9 Farrell.

10 MS. SINGLETON: I'm actually
11 willing not to discuss Mark Farrell. I guess
12 his middle name was Mark and his first name
13 was

14 CHAIR NICHOLS: Francis.

15 MS. SINGLETON: Francis Mark
16 Farrell so I'm not going to challenge that at
17 all. He submitted a change of address form.
18 I'm willing to let it for Friends of Mark
19 Farrell. I think

20 CHAIR NICHOLS: Are they the same--

21 MS. SINGLETON: There's a Francis
22 Mark Farrell that's registered in the

1 District.

2 MS. BROOKS: It is Francis Mark
3 Farrell in --

4 MS. SINGLETON: Yes, I think he's
5 Francis Mark Farrell based on I looked up
6 his tax records.

7 CHAIR NICHOLS: Are they two in the
8 same, Ms. Brooks?

9 MS. BROOKS: Yes.

10 CHAIR NICHOLS: Francis Mark and --

11 MR. BETTMAN: Have we discarded the
12 issue, the prior issue?

13 CHAIR NICHOLS: No, no, no. Hold
14 on.

15 MR. BETTMAN: Okay.

16 CHAIR NICHOLS: I don't want to get
17 confused with the list that's there. And then
18 we'll let you speak.

19 MS. BROOKS: We can attest to your
20 do you have the Mark Farrell?

21 CHAIR NICHOLS: Yes. Are the
22 signatures the same?

1 MS. BROOKS: The signatures on the
2 petition are the same as the one on here.

3 MR. MCGANN: As the one on this
4 registration the initial registration.

5 MS. BROOKS: This is his initial
6 registration and this is his change of address
7 form for Mark Farrell. Francis Mark Farrell.

8
9 CHAIR NICHOLS: So, you've given
10 him credit for that.

11 MS. BROOKS: We didn't because we
12 though that you had to well, we thought
13 that you had to rule on it, Ms. Nichols.

14 CHAIR NICHOLS: But what was your
15 determination?

16 MS. BROOKS: I would give him
17 credit for that one which would give him 21
18 signatures.

19 CHAIR NICHOLS: Okay. Would give
20 him 21.

21 MS. BROOKS: Yes.

22 CHAIR NICHOLS: So, he is

1 MS. BROOKS: He's still four short.

2 CHAIR NICHOLS: Four short. All
3 right.

4 Mr. Bettman, yes, sir.

5 MR. BETTMAN: Well, as pertains
6 to the prior issue. I'm sure that my
7 neighbors will be upset if I come to them and
8 say that their signatures were thrown out and
9 so I just want to make sure that I'm clear on
10 the ruling that in regard to me not having
11 change of addresses for them here with me
12 today is a different thing than whether or not
13 their signatures would not be valid if I did
14 have the change of addresses. And so I just
15 want to make sure that I'm clear on the intent
16 of the Board in acting on that particular
17 issue because I'm sure that they would not
18 want their votes discounted.

19 CHAIR NICHOLS: Well, I'm not sure
20 who you're talking about specifically.

21 MR. BETTMAN: Schubel what is it
22 Schubel and Griffin. Yes Schubel and Griffin.

1 CHAIR NICHOLS: Are they registered
2 voters?

3 MS. BROOKS: Yes, they are
4 registered voters but it's too late for Mr.
5 Bettman to cure that. The deadline for that
6 was last Tuesday.

7 MR. BETTMAN: I get that. I just
8 wasn't sure of the fact that it was raised it
9 was yes. That's all.

10 CHAIR NICHOLS: All right.

11 MS. SINGLETON: Schubel is a
12 registered voter but Griffin isn't.

13 MS. BROOKS: Well, Griffin is not,
14 no.

15 MS. SINGLETON: Schubel is
16 registered.

17 MR. BETTMAN: All right. So, the
18 Griffin is not?

19 CHAIR NICHOLS: Let's be clear.

20 MS. BROOKS: Yes.

21 CHAIR NICHOLS: Let's be clear.

22 MS. SINGLETON: For what?

1 CHAIR NICHOLS: Let's be clear on
2 the facts. Everybody just stop.

3 Is William K. Griffin a registered
4 voter? Forget Ms. Schubel.

5 MS. BROOKS: Okay.

6 CHAIR NICHOLS: Or whatever her
7 name is.

8 MS. BROOKS: No, he is not.

9 CHAIR NICHOLS: So, a change of
10 address will not help William K. Griffin.

11 MS. BROOKS: So, just to make sure
12 that I understand.

13 CHAIR NICHOLS: Okay.

14 MS. BROOKS: The William Griffin
15 who signed is a different William Griffin that
16 is on the role?

17 MR. MCGANN: Correct.

18 CHAIR NICHOLS: Yes, and he is
19 not--

20 MS. BROOKS: The Social Security
21 Number they're not the same? There's not some
22 error some how between the initials?

1 CHAIR NICHOLS: No. There's a
2 William F.

3 MS. BROOKS: Yes.

4 CHAIR NICHOLS: Right. Registered.
5 William F.?

6 MS. BROOKS: Just like the
7 handwriting kind of like

8 MS. BROOKS: Born in 1989.

9 MS. SINGLETON: William F. Griffin
10 on a voter roll.

11 MS. BROOKS: Okay.

12 CHAIR NICHOLS: And William K.
13 which is the man that signed yours.

14 MS. BROOKS: Someone born in 1989
15 is on the voter role?

16 CHAIR NICHOLS: Yes.

17 MR. MCGANN: Correct.

18 CHAIR NICHOLS: Yes.

19 MS. BROOKS: Based on the
20 registration it shows he's a young person born
21 in 1989.

22 MR. BETTMAN: Okay.

1 MS. BROOKS: So, that's not
2 that's not the same so that's not the same
3 individual?

4 CHAIR NICHOLS: Right.

5 MR. BETTMAN: Okay.

6 CHAIR NICHOLS: And William K.
7 Would have to register to vote.

8 MS. BROOKS: Okay.

9 CHAIR NICHOLS: It wouldn't be a
10 matter of change of address.

11 MS. BROOKS: Okay.

12 CHAIR NICHOLS: That's the yes.

13 MS. BROOKS: Okay.

14 CHAIR NICHOLS: Unfortunately, as I
15 said in the beginning, now you basically are
16 limited to trying to cure any defects in the
17 signatures on your petition to change of
18 address. Okay. All right.

19 So, we're giving him credit for
20 Mark Farrell. Okay. That's it. That's it
21 for you?

22 MS. SINGLETON: That's it for now,

1 yes.

2 CHAIR NICHOLS: All right. Okay.

3 Mr. Bettman, it's your turn.

4 MR. BETTMAN: Well, to start with I
5 brought up that in addition to the change of
6 address issues that were raised, I had some
7 question about the, you know, I understand
8 that the intention of the Board is to make
9 sure that no duly registered and that, you
10 know, that the voters' signatures aren't
11 thrown out inappropriately. And that there's
12 a process in place to make sure that that
13 happens and I understand that we all take that
14 serious because we have to we have to do
15 that. The regulations are how we insure that
16 there's not, you know, fraud or other things
17 going on.

18 So, to that extent, I haven't had
19 a chance to go through all of them with as
20 much detail as I wish I had. I know that the
21 change of address form is the main issue we're
22 dealing with but I have with me a notarized

1 statement from one of my neighbors who it's
2 not an issue of an "F" to a "K" change but he
3 actually signed his first name incorrectly.
4 So, I have to submit

5 CHAIR NICHOLS: Who is that?

6 MR. BETTMAN: His name is Cliff
7 Murray. I brought a statement but not a

8 CHAIR NICHOLS: Okay.

9 MR. BETTMAN: notarized one at
10 the time of the pre-hearing.

11 CHAIR NICHOLS: And so we need a
12 sworn statement under penalty of perjury.

13 MR. BETTMAN: Yes.

14 CHAIR NICHOLS: Is this under
15 penalty of perjury?

16 MR. BETTMAN: This one is

17 CHAIR NICHOLS: You got a new one.

18 MS. BROOKS: He got another one.

19 MR. BETTMAN: I did.

20 CHAIR NICHOLS: Thank you. Okay.
21 We'll take this under consideration. Do you
22 want to speak to this, Mr. McGann?

1 MR. McGANN: Mr. Bettman did raise
2 this issue during the pre-hearing conference
3 and the signature, the last names appear to be
4 coincide with the one that's on the nominating
5 petition, the one that's on the declaration,
6 as well as his voter record. So, I would e
7 inclined to say that it's the same person but
8 it's your decision to determine whether or not
9 we can accept that signature based on the fact
10 that he used his middle name as opposed to his
11 first name.

12 CHAIR NICHOLS: Is that his middle
13 name?

14 MR. BETTMAN: Excuse me?

15 CHAIR NICHOLS: Is that his middle
16 name? Because he didn't have a middle name
17 listed?

18 MR. McGANN: He doesn't have a
19 middle name listed.

20 CHAIR NICHOLS: It's a nickname.
21 We'll take this under consideration.

22 MR. BETTMAN: My understanding is

1 that, you know, I mean that being to 22 that,
2 you know, the purpose of all this entire
3 process is to make sure that whether it's
4 Griffin or Schubel or, you know, for Murray
5 that none of the, you know, voters aren't
6 disenfranchised from expressing their opinion
7 and, you know, in getting to in getting to
8 a public vote on the candidates.

9 I know that it's the Board's job to
10 make sure that no inappropriate signatures are
11 accepted on a nominating petition and at the
12 same time there's, you know, I hope you'll
13 consider.

14 CHAIR NICHOLS: I will. Isn't it
15 the same person and he signed it. We can
16 confirm that he is, in fact, Terrence Murray.
17 Terrence Cliff Murray. I don't see why we
18 can't consider that and if we do that bring
19 shim to 22. All right.

20 Let's proceed.

21 MR. BETTMAN: All right. So, just
22 to review for myself. The two already the

1 two change of addresses were counted into that
2 22 already counted in?

3 CHAIR NICHOLS: Yes.

4 MR. BETTMAN: So

5 MR. MCGANN: Point of order. Only
6 one change of addresses was counted. One with
7 Griffin is a different person. So

8 CHAIR NICHOLS: But Farrell has been
9 counted in. And if we count in Mr. Murray
10 that brings you to --

11 MR. BETTMAN: I couldn't tell if in
12 the count

13 CHAIR NICHOLS: Wait, wait, wait.
14 Wait, wait. And then?

15 MS. BROOKS: The other change of
16 address that he submitted, Connelly, was
17 counted.

18 MS. SINGLETON: Harrington.

19 MR. BETTMAN: Okay. So, those are
20 counted in.

21 MS. BROOKS: That would give him 22.

22 CHAIR NICHOLS: Okay. So then,

1 okay. Hold on. I'm trying to follow which is
2 not okay.

3 So, we're counting Farrell. We're
4 counting Griffin we're not counting Griffin.

5 MS. BROOKS: Correct.

6 MR. BETTMAN: So, and then Griffin--

7 CHAIR NICHOLS: Wait a minute, wait,
8 wait, wait. Hold on, Mr. Bettman. I'm trying
9 to and what is the third one?

10 MS. BROOKS: Veronica Harrington.

11 CHAIR NICHOLS: Okay.

12 MR. BETTMAN: And she is counted?

13 MS. BROOKS: Yes.

14 CHAIR NICHOLS: Yes.

15 MR. BETTMAN: So, the

16 CHAIR NICHOLS: And you're right now
17 at 22.

18 MR. BETTMAN: So, the one that was
19 submitted has time that I went around to take
20 a to h ave conversations with as many of my
21 neighbors as I could about, you know, about
22 the process that we're in and there was and I

1 left a note around. And one of them on their
2 own without my understanding is, submitted
3 a change of address form but submitted it
4 after, you know, after the date and I
5 understand that there's been a preliminary
6 designation that because of the because of
7 the date issue that even though that's a duly
8 registered voter who signed the petition that
9 their change of address form wasn't accepted
10 because of the date, is that correct?

11 MS. BROOKS: Yes.

12 MR. BETTMAN: And so is that a
13 preliminary decision or is that a decision the
14 Board makes?

15 CHAIR NICHOLS: It's by statute.

16 MR. BETTMAN: The statute being that
17 that anything

18 CHAIR NICHOLS: You have a ten-day
19 period to challenge.

20 MR. BETTMAN: And that's 10 business
21 days or 10 working days?

22 CHAIR NICHOLS: Ten working days.

1 Ten working days.

2 MR. MCGANN: It's calendar days.

3 CHAIR NICHOLS: It's calendar,

4 CHAIR NICHOLS:

5 MR. MCGANN: Calendar.

6 MR. BETTMAN: Ten calendar days so
7 it's within so, even though the ones that I
8 did submit were submitted on the 11th calendar
9 day --

10 MR. MCGHIE: All right. Let me just
11 tell you what the law is. The law says that
12 you have to be a registered qualified elector
13 at the time that you signed the petition.
14 There's an exception in the law that allows
15 you to cure if it's a problem with your
16 address. And it says that you have 10 days
17 from when your petitioned was challenged in
18 order to do a change of address. So, the
19 Board has no discretion. That's the law. So,
20 if something was submitted outside that 10
21 days it's not even a question of the Board
22 making a decision or a ruling on it. The

1 Board has no discretion. That's the law. So,
2 you only have 10 days in order to cure an
3 address change.

4 MR. BETTMAN: Well, my concern then
5 about the, you know, detail of the law being
6 followed is that the process that's in place
7 which enforces the law, I mean, there's the
8 law which is making sure that well, I'm not
9 a lawyer so I couldn't say it specifically,
10 but, you know, my understanding is that not
11 only the challenge process but the whole
12 petition process insure that qualified
13 candidates may reach the may be, you know,
14 be vetted and reach the vote. And that the
15 regulations that are in place to insure that
16 are serious. And I'm not sure what the
17 remedies are, where they're not followed but
18 there have been several breeches in this case
19 of details being followed. And concluding,
20 I'm sad to admit that, you know, my change of
21 addresses were submitted on the 11th day and so
22 I'm just concerned that, you know, if we were

1 we seem to be embracing a process whereby
2 the details of the statute are not being
3 followed and that seems to not that seems to
4 not matter?

5 CHAIR NICHOLS: How would you say
6 that? How would you say that, the details of
7 the statute are not being followed? The
8 statute is always followed.

9 MR. MCGHIE: Yes, other than you
10 submitting something past the 10 days, what
11 other details were not followed?

12 MR. BETTMAN: Well

13 CHAIR NICHOLS: Of the law?

14 MR. BETTMAN: I was encouraged by
15 the I was encouraged by the counsel of the
16 office that I could take 11 days to submit.

17 CHAIR NICHOLS: Who told you that?

18 MR. BETTMAN: Again, I didn't print
19 it out but I have it in writing.

20 CHAIR NICHOLS: No, no. Who told
21 you that? You can't

22 MR. BETTMAN: Mr. McGann.

1 CHAIR NICHOLS: Told you that you
2 could use 11 days to do a change of address?

3 MR. McGANN: It doesn't read the
4 government is closed on the 10th days. So,
5 when the government is closed on the 10th day
6 the Board has historically considered that as
7 a holiday.

8 CHAIR NICHOLS: Okay.

9 MR. McGANN: And by statute it falls
10 to the next day, the next business day which
11 was Tuesday. So, on

12 CHAIR NICHOLS: For this change of
13 address?

14 MR. McGANN: Correct. On Monday I
15 informed them when I got notice that the
16 government was going to be closed, I believe,
17 it was about 3:00 in the morning, I sent an
18 email correspondence to both parties letting
19 them know that the government would be closed
20 on Monday and Mr. Bettman would be afforded
21 the second day because it was the last day.

22 CHAIR NICHOLS: okay. So, did you

1 let me finish. Did you submit a change of
2 address the next day that the government was
3 open?

4 MR. BETTMAN: That's that's the
5 case.

6 CHAIR NICHOLS: Yes or no. That's
7 a yes or no question.

8 MR. BETTMAN: I did. I did.

9 CHAIR NICHOLS: Okay.

10 MR. McGANN: Yes, he did.

11 CHAIR NICHOLS: So, what is the
12 issue?

13 MR. BETTMAN: Well, that being the
14 11th day.

15 CHAIR NICHOLS: But, no, you can't
16 argue that, Mr. I mean, you can argue
17 anything but the government was closed. It
18 was a legal holiday. Huh?

19 MR. McGANN: He was afforded another
20 day because of the government holiday.

21 CHAIR NICHOLS: We gave you another
22 day. What are you arguing about? I don't

1 understand that.

2 MR. BETTMAN: Well, I'm more just
3 raising a general concern that the

4 CHAIR NICHOLS: Well, no, that's not
5 the issue. The issue is, do you you are at
6 22 signatures. Do you have three signatures
7 that you can add to your total to get you to
8 25?

9 MR. BETTMAN: I I

10 CHAIR NICHOLS: That is the issue.

11 MR. BETTMAN: It depends how we
12 consider the it depends how we consider the
13 allotment of the allotment of time that I
14 the concern that I'm raising is that

15 CHAIR NICHOLS: I don't is that
16 within the four corners of what we're talking
17 about?

18 MR. BETTMAN: Well, I'm not sure --

19 CHAIR NICHOLS: For this here?

20 MR. BETTMAN: My understanding is
21 that the issues that were raised in the pre-
22 hearing are allowed to be raised here.

1 CHAIR NICHOLS: Not all of them, no.
2 For what I have for you is the timeliness of
3 Ms. Singleton's challenge, whether it was the
4 19th or the 20th. President's Day gave you
5 another day on the 20th. That's a valid
6 that's a valid extension.

7 Timeliness of notice of the
8 challenge from the 25th to the 27th. That to
9 me is just notice that there is going to be a
10 pre-hearing. I mean, that is not cast in
11 stone in terms of giving you due-process. You
12 did have your day in court to present your
13 problems with the challenges.

14 The other issue was Cliff Murray.
15 We got him resolved, right? Right? Cliff
16 Murray? Terrence Cliff Murray we got him
17 resolved.

18 Then you took issue with all the
19 signatures found to live outside of your SMD
20 because you claim you did not have time to
21 verify whether the south side or Rittenhouse
22 Street, Northwest, was outside of your SMD.

1 That is all an obligation that you have, you
2 know. You're talking about representing this
3 area so you have to know what the boundaries
4 of your SMD are because you're going to
5 represent them. So, you can't you know, you
6 can't be on somebody else's territory taking
7 care you could. I'm sure they'd appreciate
8 being represented by two ANC commissioners,
9 you know, but that is not a defensible excuse
10 to give you credit for those signatures
11 because they are not within your SMD.

12 You have a list of you have a
13 list of qualified electors in your SMD so you
14 should have known that the people on the other
15 side of Rittenhouse were not within your SMD.

16 The other issues are Ms. Sarah
17 Katt, Keith Britt and Bob Hoffman. They were
18 found not to be registered voters. They
19 signed your petition. That's within the four
20 corners of the appeal to this Board. Do you
21 have anything on them?

22 MR. BETTMAN: My understanding is

1 that in discussing the issues here today for
2 the record that the four corners of the things
3 very much is what I'm discussing and so I'm
4 just I want to be clear about whether or not
5 I am allowed in this hearing to discuss the
6 details. I think we're dispensing

7 CHAIR NICHOLS: The details of what?

8 MR. BETTMAN: Well, before we my
9 understanding is that we were going through a
10 process where, you know, the person who is
11 presenting the challenge presented her case
12 and then it was my turn, but we seem to be
13 working from yours.

14 CHAIR NICHOLS: No. No, you've done
15 that with Mr. McGann. We're down to the
16 issues that could not be resolved. We're not
17 going to hear this anew. We're down to the
18 issues and I'm reading the issues to you.

19 MR. BETTMAN: The ones that I raised
20 or

21 CHAIR NICHOLS: The ones that apply
22 that you have the opportunity to discuss this

1 morning. You got a copy of the pre --

2 MR. BETTMAN: Yes.

3 CHAIR NICHOLS: That is what this
4 hearing is about today and from my reading of
5 the hearing, this is what you all agreed to
6 come before this Board. I am not here to hear
7 this case anew. I am not going to do it.
8 That is not a province of this Board. This is
9 you're appealing to the Board and on the
10 issues that you could not agree with.

11 Now, let me go back to Ms. Sarah
12 Katt, Mr. Keith Britt, Mr. Bob Hoffman. You
13 are now three signatures short. What do you
14 have

15 MR. BETTMAN: I don't have their
16 permission to present on them.

17 CHAIR NICHOLS: Well, okay. And
18 then you have and because they were found not
19 to be registered voters in the District of
20 Columbia, but they signed your petition. So,
21 okay. So, now we're down to an inactive voter
22 Rick Wright who signed your petition and that

1 is governed by the C Code, Section 1-1001.080
2 which says that you cannot at the time you
3 sign the petition be an inactive voter. That
4 means you haven't voted in at least four
5 elections. Four elections, and you now how
6 long that is. That's almost 10 years that you
7 have not voted.

8 So, if you have no other evidence
9 to provide to get you to the 23 I mean to
10 the 25 from the 22 to the 25, then there is
11 nothing else before this Board that this Board
12 can consider in defense of why you looking
13 at him? There's nothing else here. There's
14 nothing else here on that.

15 So, with there being no further
16 matters before us, if you have no further
17 evidence, then this hearing is adjourned.

18 MR. BETTMAN: And so my concern was
19 around but I guess I'm not allowed to raise
20 the concern that was raised in the pre-hearing
21 notice. We haven't discussed it.

22 CHAIR NICHOLS: About what?

1 MR. BETTMAN: About the amount of
2 time allotted for resolution of issues.

3 MR. MCGHIE: That's governed by
4 statute though.

5 CHAIR NICHOLS: That is governed by
6 statute and you got an extra day because the
7 government was closed.

8 MR. BETTMAN: My understanding is --

9 MR. MCGHIE: And that's in the
10 statute. Even the statute says it.

11 CHAIR NICHOLS: And so you got an
12 extra day because the government was closed to
13 go out and try to cure this. But you have
14 still not come forth with any a day, even if
15 let's just argue just for the sake of
16 discussion. Even if you had an extra day what
17 have you come up with to help your case?

18 Nothing. You don't have any you're still
19 three signatures short. Mr. Bettman, I've
20 tried to help you but you didn't bring me
21 anything. You didn't bring me any change of
22 address forms or any other kind of evidence

1 that can help you get three more signatures
2 validated to bring you to the 25. You're
3 three short of what the law required and so
4 timeliness is not going to help you, you see.
5 What you need is hard, good credible
6 signatures on your petition and that is your
7 obligation as a person who wants to be a
8 candidate for office. I think that is one of
9 the problems in the District of Columbia that
10 we face today is that people don't take this
11 process seriously and they go out and they
12 just get a bunch of signatures and they don't
13 take the time to go through the information
14 that's available to them to verify that
15 everybody that signed their petition is a
16 registered, qualified elector in the District
17 of Columbia and that they have the proper
18 number of signatures required by law to gain
19 access to our ballot. That is your
20 responsibility. It's not mine to sit up here
21 and listen to every excuse as to why that
22 didn't occur. Time, you know, until you come

1 to me with hard and fast evidence to help
2 change the number, I cannot help you. So--

3 MR. BETTMAN: The issue that I was
4 asking a question about I was asking a
5 question and I appreciate the clarification on
6 that point regarding my responsibility and I
7 appreciate that. I appreciate that.

8 The issue that I raised that I
9 think led you to discuss that issue at the
10 length that you did was about whether or not
11 at this time I could raise the discussion on
12 the amount of time allotted for candidates--

13 CHAIR NICHOLS: Those 10 days is in
14 the statute. You got 11 days because the
15 government was closed on one of those days.
16 The other timeliness issue that you raised
17 that was about your notice on a pre-hearing.
18 Well, the pre-hearing really has nothing to do
19 with the quality of evidence that you have
20 because you already had 10 days before you got
21 the notice for the pre-hearing and please
22 correct me if I'm wrong to do the things you

1 needed to do to cure this. So, the fact that
2 you didn't get a notice about a pre-hearing
3 really is not as significant as what you did
4 I the prior 11 days that you were given which
5 was one more than the law allowed but because
6 it was a legal holiday, you got it to cure and
7 I can't keep saying I'm not going to say
8 this again. You did not collect the kind of
9 evidence that we needed.

10 MR. BETTMAN: Can I make a statement
11 in response to that?

12 CHAIR NICHOLS: No, not just yet
13 but, yes, you can but hold on.

14 So, the fact that Mr. McGann
15 scheduled a pre-hearing conference to try to
16 take your evidence and you got the notice
17 instead of on the 25th, on the 27th, for a
18 hearing that was held when? March on
19 hearing on the 28th, I mean, still you had your
20 and you have in this hearing the same
21 opportunity that you would have had at the
22 pre-hearing. And this hearing is occurring 11

1 days after the pre-hearing. So, you know,
2 like I said the most important period of time
3 for you was the period before the 11-day
4 period in which you had to cure any issues
5 with your signatures. Yes, sir?

6 MR. BETTMAN: Well, in terms of
7 having the 11 days one can't be considered to
8 have had time before one realizes there is a
9 challenge made to the petition.

10 MR. MCGANN: If I may?

11 CHAIR NICHOLS: Please.

12 MR. MCGANN: Point of clarification.

13 Mr. Bettman received the challenge
14 as well as notice for the pre-hearing on the
15 27th. He was supposed to receive both on the
16 25th and that's by our regulations. However,
17 the 10-day period to cure is a matter of grace
18 by the counsel that never equates to a full 10
19 days based on the fact that our regulations
20 provide that we have three business days to
21 process the challenge to get it to the
22 candidate. So, as opposed to three business

1 days, we used five business days. And that's
2 the timeliness issue.

3 So, Mr. Bettman was afforded was
4 docked so to speak two business days. One of
5 those business days due to the inclement
6 weather was returned. So, in essence, he was
7 short one business day of what he would
8 normally have gotten if the Board had sent him
9 the notice on the third business day.

10 MR. BETTMAN: That being a minimum.
11 I mean, that being rather a maximum that
12 the maximum amount of time being three days.
13 So, I could have had even an additional day or
14 two. And, you know, we have to we have to
15 recognize that the initial notice was sent out
16 which I did not receive, which other parties
17 didn't receive, was sent out the day of the
18 receipt of the challenge which would have
19 given me then 11 days instead of I mean, so
20 potentially, you know, the additional days,
21 not that the one signature that was emailed in
22 would have been considered or that the other

1 ones, you know, would have been received in a
2 timely manner. But in terms of the four
3 corners of what can be addressed here, you
4 know, I am concerned that not just for my own
5 case but for everyone's case that the details
6 of the thing are not being handled

7 CHAIR NICHOLS: You have to speak to
8 your case not everyone's because this is
9 not --

10 MR. BETTMAN: I must present my
11 concerns in the manner in which I feel I have
12 to present them.

13 CHAIR NICHOLS: Does this resolve
14 this?

15 MR. MCGHIE: Yes, well let me just
16 say. I think you might be missing what she's
17 saying when she was telling you that
18 everything the onus is on you and it's a
19 serious process because all you have to do is
20 fill out 25 signature. Twenty-five signatures
21 is not a lot.

22 What campaigns do and what they

1 should do is before they turn in their
2 signatures they should go to the Registrar of
3 Voters and vet those signatures to see on
4 their own to see whether or not they're good
5 signatures. Are they in my Single-Member
6 District? Are they registered and so forth.
7 If you would have done that before you turned
8 in your signatures you would have known that
9 some people needed to do change of addresses.
10 So, for you to complain that well, you
11 didn't tell me I had bad signatures until
12 three days later. That's not how it works.

13 MR. BETTMAN: And I don't feel that
14 that's what I'm that's not the issue that
15 I'm discussing.

16 CHAIR NICHOLS: Well, I don't
17 understand I don't understand the issue
18 then. I'm still not understanding the
19 relationship between the issue you have and
20 the bad signatures that are keeping you from
21 having access to the ballot. What evidence do
22 you have? That's all I care about. At this

1 point, all I care about is what evidence do
2 you have to credit you with three signatures
3 that you need? I am not going to address
4 timeliness, a day here, a day there. You had
5 the opportunity to present 25 valid
6 signatures. You did not. I am done with
7 this. You can appeal this to the Superior
8 Court and maybe they will give you access to
9 the ballot for whatever reason, but I will not
10 I will not because I don't have 25 valid
11 signatures before me. And, therefore, you
12 cannot have access to the ballot because you
13 don't have the required 25 signatures.

14 Ms. Singleton, yes, ma'am?

15 MS. SINGLETON: I don't want to
16 interrupt but I mean just to say if he were
17 docked two days, even if you were to give him
18 two days at the other end, he didn't have
19 initial signatures and that puts the onus on
20 the people in the community. He would be
21 given additional days that's not available to
22 other people seeking cures.

1 CHAIR NICHOLS: Well, from my
2 understanding

3 MS. SINGLETON: And Lindsey would
4 have been elated even if they were to

5 CHAIR NICHOLS: Well, even you had
6 additional days, my understanding is you
7 couldn't come up with

8 MS. SINGLETON: Yes, so

9 CHAIR NICHOLS: your problem is
10 not simply change of addresses. Your problem
11 is you have signatures on your ballot of
12 people who don't live in your SMD.

13 MR. BETTMAN: As does Ms.
14 Singleton. I mean, I took the opportunity to
15 look through hers.

16 CHAIR NICHOLS: But that's not you
17 should have checked it. You should have
18 challenged her. You don't bring that here
19 now.

20 MR. BETTMAN: In terms of talking
21 over people, you know, I appreciate the
22 concerns raised but

1 CHAIR NICHOLS: But it's too late to
2 raise that now so

3 MR. BETTMAN: Well, I didn't
4 challenge. She did have more than enough and
5 that's that's it's I do not deny that
6 the reason why we're sitting here is my fault.
7 I'm simply raising the concern that

8 CHAIR NICHOLS: Well, I'm glad
9 you --

10 MR. BETTMAN: the challenge
11 process and the regulations that are in place
12 are intended to protect all of the voters of
13 the District.

14 CHAIR NICHOLS: That's right.

15 MR. BETTMAN: And so my concern is
16 whether or not those regulations and statutes
17 are being followed to their limit.

18 CHAIR NICHOLS: Well, you take
19 well, they are and to the extent that they're
20 not, people will be held accountable because
21 I really don't appreciate that, you know, any
22 kind of error that we commit that really

1 shouldn't have been committed but it has not
2 hurt your case because you are unable to make
3 any kind of changes at this point or even
4 during the challenge period that would get you
5 to the 25 signatures. That's the problem I
6 have.

7 MR. BETTMAN: There's a sort of ban
8 there sort of a thing.

9 CHAIR NICHOLS: No, no, it's not.
10 Because the people who you let sign don't even
11 live in your Single-Member District or weren't
12 even registered voters. So, there is no
13 change of address cure available to you.

14 MR. BETTMAN: Not for all them,
15 that's true.

16 CHAIR NICHOLS: All right. This
17 hearing is adjourned. The time is 10:55 a.m.
18 It is Wednesday, March 11th, 2014.

19 MR. MCGANN: Tuesday.

20 CHAIR NICHOLS: Tuesday, March 11th,
21 2014.

22 MR. MCGHIE: And you will get a

1 written order and you will have

2 CHAIR NICHOLS: And it's pretty much
3 this order that you already have.

4 MR. MCGHIE: three days to appeal
5 that to the court.

6 CHAIR NICHOLS: Okay. Thank you for
7 appearing.

8 MS. SINGLETON: Thank you.

9 (Whereupon, the above matter was
10 adjourned at 10:55 a.m.)

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In the matter of: Special Board Meeting

Before: DC BOE

Date: 03-11-14

Place: Washington, DC

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