

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL EMERGENCY BOARD MEETING

+ + + + +

THURSDAY

AUGUST 15, 2024

+ + + + +

The District of Columbia Board of
Elections convened via Video/Teleconference,
pursuant to notice, at 10:00 a.m. EDT, Karyn
Greenfield, Member, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

TERRI D. STROUD, General Counsel

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Determinations on Ballot Access

- Aaron D. Brown
- Harold Cunningham
- Nikia Cunningham
- Shameka Hayes
- Iesha Marks
- Jeffrey M. Young-Bey
- James Otis Thach
- Yi Yang

Adjourn

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

2 (10:03 a.m.)

3 MEMBER GREENFIELD: Okay. We can go
4 ahead and call the meeting to order. We will
5 ascertain the quorum. It is a single-member
6 quorum. This is me, Karyn Greenfield, and I am
7 here.

8 I see the agenda, the updated agenda
9 that was posted on the site. So I will move to
10 adopt that agenda and vote aye. So we are good
11 to go. So we can go on to the hearing.

12 MS. STROUD: Just by way of
13 background, I want to indicate for the record
14 that the Board is authorized to conduct this
15 hearing by a one-member panel in accordance with
16 D.C. Official Code Section 1-1001.05(g) and its
17 Regulation 1605.9 in Title 3 of the DCMR.

18 By way of background with respect to
19 the matters that we are here for today, these are
20 appeals from preliminary determination issuances
21 transmitted by the executive director through the
22 registrar of voters. August 7th was the filing

1 deadline for the submission of nominating
2 petitions and supporting affidavits for the 2024
3 general election. 3 DCMR 1605.3 provides that,
4 within three business days following the petition
5 filing deadline, the executive director or their
6 designee shall issue a preliminary determination
7 of petition sufficiency.

8 Accordingly, on August 12th, 2024, the
9 executive director issued preliminary
10 determinations of petition sufficiency to
11 candidates who submitted nominating petitions.
12 That provision also goes on to provide that, in
13 order to be determined sufficient, a petition
14 nominating a candidate shall, A, contain the
15 minimum statutory number of signatures required
16 to obtain valid access for the office sought; B,
17 be accompanied by an affidavit executed by the
18 person filing the petition attesting that, to the
19 best of his her knowledge, the petition is
20 complete and contains the legally-required number
21 of valid signatures; and C, be on a form issued
22 by the executive director or his or her designee

1 in accordance with the rules of Chapter 16 in the
2 DCMR, Title 3 of the DCMR.

3 In instances where submission did not
4 meet these requirements, the executive director
5 issued adverse preliminary determination that
6 indicated that the petition was insufficient or
7 deficient in some respects and also indicated
8 that, pursuant to 3 DCMR 1605.7, candidates
9 aggrieved by the decision could, within three
10 days of receiving the adverse preliminary
11 determination, file a written notice of appeal
12 with the Board duly signed by the candidate and
13 specifying concisely the grounds for appeal.

14 Candidates whose petitions were
15 preliminarily determined to be sufficient were
16 informed as to how their names would appear on
17 the ballot based upon the provisions of Section
18 1203 in Title 3 of the DCMR. The pertinent
19 regulation provides that the Board may permit a
20 candidate to specify a modified form of his or
21 her given name or names on the ballot if the
22 Board finds that the change shall not confuse or

1 mislead the voters and is legally acceptable.
2 Candidates who provided names on their
3 declarations of candidacy that did not comport
4 with these regulations were advised that their
5 names would not be placed on the ballot in the
6 manner that they preferred and they were informed
7 that they would have the opportunity to appeal
8 the registrar's designation of how their names
9 would appear on the ballot.

10 So within three business days after
11 the filing deadline, the executive director
12 issued her letters. They went out, and the
13 individuals who are on the agenda today have
14 appealed the preliminary determinations based on
15 either the fact that their petitions did not meet
16 the filing requirements or because they want to
17 have their names placed on the agenda.

18 So we have for the first matter, which
19 can be taken together, the matters involve Aaron
20 Brown, Harold Cunningham, Nikia Cunningham,
21 Shameka Hayes, Iesha Marks, and Jeffrey M. Young-
22 Bey.

1 MEMBER GREENFIELD: Okay.

2 MS. STROUD: These individuals are
3 residents of the Department of Corrections who
4 are running for the office of Advisory
5 Neighborhood Commissioner for Single-Member
6 District 7F08. Through an intermediary at the
7 jail, they timely submitted their nominating
8 petitions. However, the affidavits that they
9 were to submit by the August 7th filing deadline
10 referenced in 3 DCMR 1605.3(b) were not submitted
11 until August 8th, a day after the deadline. As a
12 result, on August 12th, the Board's executive
13 director issued preliminary determination finding
14 that all of these candidates should be denied
15 ballot access because they failed to file the
16 requisite affidavits attesting to the
17 completeness and signature sufficiency of their
18 petitions.

19 And so those are the first six matters
20 that we're hearing today, and these individuals
21 did submit on August 14th, 2024, through the
22 Department of Corrections voting registration

1 liaison, appeals, and all of these appeals
2 explain that they had to rely on the Department
3 of Corrections to receive and submit all of the
4 required ballot access documents and that they
5 complied with this ballot access process to the
6 best of their abilities. And they are requesting
7 that the Board waive their noncompliance with 3
8 DCMR 1605.3(b), and I believe that a
9 representative from the Department of Corrections
10 is present today. Renee Alexander is present to
11 articulate the basis for the appeal on behalf of
12 these individuals who are running for the office
13 of Advisory Neighborhood Commissioner in single-
14 member District 7F08.

15 MS. ALEXANDER: Yes, good morning. As
16 you have -- can you hear me?

17 MEMBER GREENFIELD: Yes.

18 MS. STROUD: Yes. Please state your
19 name and your professional address for the record
20 and your matter.

21 MS. ALEXANDER: Okay. My name is
22 Renee Alexander. My professional address is 1901

1 E. Street, Washington, D.C., the D.C. jail.

2 MS. STROUD: Thank you. And what is
3 your role at the Department of Corrections?

4 MS. ALEXANDER: My role at the
5 Department of Corrections, I am the contract
6 administrator for the halfway house and the
7 supervisor for the family reunification program.

8 MS. STROUD: Okay. Thank you. And
9 you're appearing on behalf of the Department of
10 Corrections to present the appeals on behalf of
11 these individuals that were named.

12 MS. ALEXANDER: That's correct. The
13 liaison, Mr. Danjuma Gaskins, is on his way to
14 the ACA convention this morning and is not able
15 to testify, but he left me his affidavit
16 regarding what happened with the residents here
17 at D.C. Department of Correction.

18 MS. STROUD: Okay.

19 MS. ALEXANDER: And pretty much you
20 have summed it up that -- do you mind if I read
21 his affidavit?

22 MEMBER GREENFIELD: Okay.

1 MS. STROUD: Thank you.

2 MS. ALEXANDER: Okay. So his
3 affidavit reads: This instrument hereby
4 acknowledges that the undersigned, Danjuma Aronde
5 Gaskins, affiant, Department of Corrections Voter
6 Registration Liaison, does hereby swear and
7 affirm that the following is true and accurate to
8 the best of his knowledge under penalty of
9 perjury, that the listed individuals, Aaron D.
10 Brown, Jeffrey M. Young-Bey, Harold Cunningham,
11 Iesha Marks, Nikia Cunningham, Shameka Hayes
12 filled out all documents that were given to them
13 timely and returned them to their voter
14 registration liaison within the time frames that
15 were provided to them. An administrative error
16 occurred with the DOC voter registration liaison
17 and mistaking the receipt of ballot access
18 documents for the receipt of completed ballot
19 access documents form. Once the error was
20 discovered, the above individuals were given the
21 correct form, and they immediately completed. At
22 the time, I, Danjuma Gaskins, was not able to

1 forward the last document to the BOE by the
2 deadline. The candidates should not be found at
3 fault for a situation to which they have little,
4 if any, control.

5 And Mr. Gaskins signed this on August
6 the 14th, and it was notarized by a notary here
7 at the jail, Robbyn Mercer.

8 MS. STROUD: Okay. Thank you. And I
9 can also read into the record the appeals that we
10 received from each individual for the office of
11 Advisory Neighborhood Commissioner for Single-
12 Member District 7F08. And they are identical,
13 with the exception of each, in these appeals, the
14 names of the candidates, of course, are placed
15 into these appeals, and it reads: to the District
16 of Columbia Board of Elections, Office of the
17 General Counsel. It's dated August 12th, 2024.
18 And the regarding line reads Appeal of the Board
19 of Elections Preliminary Decision.

20 To the Board of Elections, Office of
21 General Counsel, my name is, and the candidate's
22 name, and I am attempting to run for the upcoming

1 7F08 ANC in November 2024. In an effort to run
2 for this position, I must receive the assistance
3 from the D.C. Department of Corrections officials
4 to successfully receive and submit all required
5 documents. I submitted my declaration of
6 candidacy and the petition with required
7 signatures to the DOC officials. I also
8 submitted the receipt of affidavit based upon the
9 time in which I received the form. Once I have
10 returned all forms to the DOC liaisons, I am
11 relying upon them to return the forms to the
12 Board of Elections. Based on the fact that I
13 returned all of the requirements that were given
14 to me from my DOC liaisons' timely that the
15 general counsel consider that I perform all
16 requirements to the best of my ability, and they
17 are signed sincerely by each of the candidates
18 whose names I have read into the record. So we
19 have individual appeals from each of them, which
20 are signed by them, citing the basis for their
21 appeal.

22 And so did you have any questions,

1 Board Member Greenfield?

2 MEMBER GREENFIELD: No, no, you've
3 already -- I was going to ask if each one of them
4 had submitted the affidavit, and you stated yes,
5 so I'm good with that.

6 MS. STROUD: And if you would like, I
7 can make a recommendation to you regarding --

8 MEMBER GREENFIELD: Okay.

9 MS. STROUD: My recommendation would
10 be, based upon the affidavits submitted by
11 Danjuma Gaskins, which was read in to the record
12 by Ms. Alexander, and the appeals submitted by
13 the candidates for 7F08, that the noncompliance
14 with Section 1605.3(b) of Title 3 be waived and
15 that the candidates be allowed to proceed with
16 the ballot access process.

17 MEMBER GREENFIELD: Okay. So, yes, I
18 will go ahead -- yes, this was something that
19 they indeed did all that they needed to do to get
20 everything submitted on time, and so I don't want
21 them to hurt from that for somebody that was out
22 of their control. And so I will move that it be

1 waived and that they be given ballot access. And
2 that is for, I'll put the names, Aaron Brown,
3 Harold Cunningham, Nikia Cunningham, Shameka
4 Hayes, Iesha Marks, and Jeffrey Young-Bey.

5 MS. STROUD: Okay.

6 MEMBER GREENFIELD: I so move and I
7 accept, and I vote aye for the record.

8 MS. STROUD: Okay. Thank you. And so
9 that resolves this matter. The preliminary
10 determination provided with respect to this
11 matter from the executive director is overruled,
12 and the candidates will be allowed ballot access,
13 given the Board's waiver of the noncompliance
14 with 1605.3(b).

15 I will note again for the record that
16 the candidates are all in compliance, having
17 submitted on August 8th the required affidavits.
18 And so their submission is complete.

19 MEMBER GREENFIELD: Okay.

20 MS. STROUD: And with that, this
21 matter is complete. Thank you, Ms. Alexander,
22 for your appearance today, and the candidates'

1 petitions will be posted for review and they will
2 proceed along the ballot access process.

3 MS. ALEXANDER: Okay. Thank you very
4 much.

5 MEMBER GREENFIELD: Thank you.

6 MS. STROUD: Thank you. The next item
7 on my agenda has to do with, as I indicated
8 previously, the request that the candidates be
9 allowed to use their names that they have been
10 known by on the ballot, as opposed to their given
11 name. As I indicated -- one moment -- 1203.2 in
12 Title 3 of the DCMR provides restrictions for how
13 candidates' names can be placed on the ballot.
14 The regulation provides that candidates are to
15 use their given names. However, they can use
16 names that are modified versions of their given
17 names. And so per regulation, the executive
18 director indicated that they would not be allowed
19 to use their preferred names on the ballot. And
20 so the individuals who were the subject of the
21 next two matters timely appealed the executive
22 director's statement of designation as to how

1 their names would appear on the ballot.

2 And so they are here today. Well, Mr.
3 Thach is here today to state his case with
4 respect to how his name should appear on the
5 ballot, and so we are prepared to hear from Mr.
6 Thach.

7 I will say that he submitted a
8 statement in support of his -- one moment. I'm
9 bringing up so I can read into the record the
10 statement that was provided by Mr. Thach. It
11 reads: Dear BOE Office of General Counsel, I just
12 received by ANC preliminary determination letter,
13 and I'm excited to participate in the upcoming
14 election. My one concern is that, as indicated
15 by the letter, my name will appear on the ballot
16 as James Otis Thach. That is my correct birth
17 name, but I have gone by the name Scott since I
18 was 12 years old. That is the name my neighbors
19 all know me by. It's been my professional name
20 my entire life, and my close friends and family
21 also call me Scott. As you'll notice from my
22 email, Scott is the name I use in all the daily

1 functions of my life. The only time I ever use
2 James is on legal documents. It would be hard to
3 launch a campaign with my neighbors using a name
4 they haven't heard before, and, if I won, I would
5 have to explain to everyone who got to know me as
6 James that I actually go by Scott. Given all
7 this, I hope you can use your discretion to let
8 me continue to campaign and appear on the ballot
9 as Scott Thach. Thank you for your
10 consideration, and please reach out if you have
11 any questions. Yours sincerely, Scott.

12 Mr. Scott also submitted a screenshot
13 of his LinkedIn profile which indicates Scott.
14 And Mr. Scott is present and he can state his
15 name and address for the record and present his
16 case for the Board at this time.

17 MR. THACH: Thank you very much. And
18 thank you for giving me the opportunity to put
19 forward this request. So my legal name is James
20 Otis Thach, and I've gone by Scott, again, since
21 I was 12 years old, actually since I moved From
22 St. Louis to Bethesda years and years ago. My

1 address is 1226 Pleasant Street, S.E.,
2 Washington, D.C. 20020.

3 And the presentation you just gave
4 pretty much sums up the story behind the
5 difference between those two names. Just with a
6 little more context, it's when my parents split
7 up and my mom moved us to Maryland that I changed
8 my name to Scott, and it just came out of a game
9 in the car that we were going around saying that,
10 you know, so-and-so is a Mike but they look like
11 a Roger, and so my family, I was known as Jim at
12 the time, they said I looked like a Scott. I got
13 to the new school, and, when they asked me what
14 my name was, I said Scott because I thought it
15 was funny that nobody would know the difference.
16 And then it stuck, and I've been Scott ever since
17 in every facet of my life, except for, you know,
18 when I'm filling out forms and legal documents.
19 So kind of like on legal identification it's
20 James, but that's literally the only place that
21 it is.

22 So all my neighbors, I've been in the

1 community for eight years, and everybody that
2 I've gotten to know knows me as Scott and really
3 has no idea about James Otis. So, you know, I
4 was listening to your introduction, and thank you
5 for the context. The intent of the law is not to
6 confuse or mislead voters, but I think presenting
7 myself as Scott is in accordance with that intent
8 because I think it would only lead to confusion
9 if I were to throw James Otis into the mix.

10 And I'm happy to respond to more
11 questions, but that's basically it.

12 MEMBER GREENFIELD: Okay. I don't
13 have any questions.

14 MS. STROUD: Okay. Would you like my
15 recommendation?

16 MEMBER GREENFIELD: Yes, I would.

17 MS. STROUD: Okay. I recommend that,
18 in light of the context that Mr. Thach provided,
19 as well as his statement of appeal and his other
20 proof that he has long and consistently gone by
21 the name of Scott with respect to how he is
22 identified or identifies himself in public, I

1 recommend that the Board, you, permit him to use
2 -- waive the requirement set forth in 1203.2 and
3 permit him to use a name which is not a
4 modification of his given name, but he has
5 provided context. I don't believe that it would
6 mislead the voters, and I think that the matter
7 of Rodney Grant that the Board heard with respect
8 to a candidate who was seeking office in the 2024
9 primary election where he sought to use Red, a
10 nickname that is not a modified version of his
11 given name, but he was allowed to use it because
12 he had long been known by that name, I believe
13 that matter serves as precedent and I would ask
14 that the Board take that matter into account with
15 respect to this matter and, similarity, allow Mr.
16 Thach to use Scott as opposed to his given name
17 James Otis.

18 MEMBER GREENFIELD: Okay. Yes. So I
19 will go ahead, as the Board, and move that we go
20 ahead and allow Mr. Thach to use his name Scott
21 Thach on the ballot in lieu of James Otis Thach.
22 All in favor? Aye. So moved and approved.

1 MS. STROUD: Thank you. And with that
2 oral ruling, Mr. Scott Thach, you will be allowed
3 to use the name Scott Thach on the ballot and you
4 may proceed with that designation through the
5 ballot access process, and that name will appear
6 on the ballot.

7 MR. THACH: Thank you so much. I
8 really appreciate that.

9 MS. STROUD: You're welcome. And with
10 respect to each of these matters and the one that
11 follows, a written order will issue as soon as
12 possible. Thank you, Mr. Thach, for appearing
13 today.

14 MEMBER GREENFIELD: Thank you.

15 MR. THACH: Thanks again for your
16 consideration.

17 MS. STROUD: And the final matter on
18 the agenda is with respect to Yi Yang, and she is
19 another candidate for advisory neighborhood
20 commissioner, and she has submitted an affidavit.
21 She is not present today because she is
22 traveling. She could not be here today, but she

1 has submitted an affidavit. She has also
2 submitted, and I will read into the record an
3 email that she submitted where she provided
4 several forms of evidence as to her use of the
5 name May Yang, which she requests be used as the
6 designated name on the ballot.

7 She sent this email to staff attorney,
8 Christine Pembroke, and it reads: Hi, Christine.
9 I have included the following information in
10 support of my case to use May Yang as the
11 designated name on my ballot instead of my legal
12 name Yi Yang. And she lists the signature block
13 from her work, Ropes & Gray, LLP; her workplace
14 profile; her LinkedIn profile; an article that
15 she published in Law 360; her profile as a board
16 member of the Asian Pacific American Law Students
17 Association at Georgetown Law; and an affidavit,
18 as well as an affidavit from her friend who she
19 has known since 2007.

20 She also included the in re: Grant
21 order for Rodney Grant, a candidate, as an
22 example where the Board granted an appeal to

1 include a nickname that is neither the
2 candidate's actual name, nor a modified version
3 of it. I believe this case shares similar facts
4 with my situation. Both Candidate Grant and I
5 have used our monikers since early childhood and
6 neither of us is attempting to use the ballot to
7 convey a prohibited political message. Similar
8 to Candidate Grant's case, the inclusion of May
9 is unlikely to confuse voters but will actually
10 help them identify me, especially those in the
11 neighborhood who know me as May Yang.

12 And she submitted these items, as well
13 as her affidavit, to the Board for their review.

14 MEMBER GREENFIELD: Okay.

15 MS. STROUD: I can read, if you would
16 like --

17 MEMBER GREENFIELD: Yes.

18 MS. STROUD: Okay. One moment. So
19 the first email that she sent, which was filed on
20 August 14th, 2024, she said: Good afternoon. I
21 am appealing and seeking a hearing for the
22 placement of my name on the ballot. Since

1 elementary school, I have been using the name May
2 Yang and have been using that name
3 professionally, as well. And in it, she includes
4 a link to her firm profile, which identifies her
5 as May Yang.

6 And if you would bear with me one
7 moment. Okay. I will read into the record first
8 the email from her friend, Rachel Gertler: To
9 Whom it May Concern, my name is Rachel Gertler,
10 and I was born and raised in Ellicott City,
11 Maryland. After receiving my bachelor's degree
12 and master's degree in engineering and
13 engineering management, I worked and lived in
14 several cities, including New York, Washington,
15 D.C., and Pittsburgh as a young professional
16 working in the electrical engineering industry.
17 I have personally known May Yang since we met one
18 another in 2007 during our freshman year of high
19 school in Ellicott City, Maryland. May and I
20 continued to attend the same high school,
21 Centennial High School, until we both graduated
22 in spring 2011, where we went off to different

1 colleges but still kept in touch. We have
2 continued to stay extremely close friends all
3 these years, and I have always known her as May
4 Yang in both personal and professional settings.
5 Whenever I encounter her friends or colleagues,
6 they have always referred to her as May Yang in
7 both personal -- they have always referred to her
8 as May Yang, as well. I'm aware that Yi Yang is
9 her legal name but have never seen it used
10 outside of a purely legal administrative setting.
11 Sincerely, and it's signed Rachel Gertler.

12 MEMBER GREENFIELD: Okay.

13 MS. STROUD: And a statement from Ms.
14 Yang herself reads as follows: To Whom it May
15 Concern, I am writing this affidavit to support
16 my request to use my preferred name, May Yang,
17 instead of my legal name, Yi Yang, on my ballot.
18 I have consistently used the name May Yang since
19 elementary school in all areas of my life,
20 including personal, academic, and professional
21 settings. Most people in my life are not aware
22 that my legal name is Yi Yang, which can cause

1 confusion when it appears on the ballot. May
2 Yang is the name I use professionally. It
3 appears on my LinkedIn profile, my law firm
4 profile, my published articles, and was the name
5 I used during my time at Georgetown University
6 Law Center, among many other instances. Being
7 able to use the name I have been known by since
8 third grade on my ballot for my first public
9 election would mean a great deal to me. Thank
10 you for your consideration. Best regards, May
11 Yang. And that was submitted on August 14th.

12 MEMBER GREENFIELD: Okay.

13 MS. STROUD: Do you have any questions
14 for me?

15 MEMBER GREENFIELD: No. You want to
16 go ahead and make your recommendation?

17 MS. STROUD: Sure. I recommend for
18 the same reasons that we discussed with respect
19 to Mr. Thach and previously in the matter of in
20 re: Rodney Red Grant, that the Board allow Ms. Yi
21 Yang to use her moniker, May, on the ballot
22 instead of her given name, Yi, based on all of

1 the evidence supporting her consistent and
2 longstanding use of that moniker. I think that
3 the case has been made that it would cause
4 confusion in terms of her identity on the ballot,
5 as she has indicated and has provided strong
6 support for the fact that she has gone by May
7 Yang consistently since the third grade. In
8 light of that, I would recommend that the Board
9 waive the provision in 1203.2 that requires that
10 only a modified version of a candidate's given
11 name may be used on the ballot. I would
12 recommend that the Board allow the use of the
13 moniker May with respect to Ms. Yang.

14 MEMBER GREENFIELD: Okay. So the
15 Board shall move that we waive 1203.2 and that we
16 allow Ms. Yang to use her name May Yang on the
17 ballot. I shall second it, and I shall also vote
18 aye in favor. And so that has been approved.

19 MS. STROUD: Okay. In light of the
20 Board's oral ruling, the moniker May Yang will be
21 allowed to be used on the ballot for candidate Yi
22 Yang, and she will be designated on the ballot as

1 such for the 2024 general election.

2 MEMBER GREENFIELD: Okay.

3 MS. STROUD: And that concludes this
4 matter, and, there being no further business
5 before the Board, Madam Chair, for the day.

6 MEMBER GREENFIELD: So as chair, I
7 shall move that we go ahead and adjourn this
8 special meeting. I shall second it, and I shall
9 vote aye and approve. And we are adjourned.
10 Thank you.

11 MS. STROUD: Thank you. And thank
12 you, everyone, for attending the meeting today.

13 (Whereupon, the above-entitled matter
14 went off the record at 10:32 a.m.)

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C E R T I F I C A T E

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In the matter of: Special Board Meeting

Before: DC BOE

Date: 08-15-24

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