

GOVERNMENT  
OF  
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

THURSDAY

MARCH 24, 2022

+ + + + +

The District of Columbia Board of Elections convened via Videoconference, pursuant to notice at 10:00 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair  
MIKE GILL, Member

KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director

KENNETH MCGHIE, General Counsel

TERRI STROUD, General Counsel

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

(10:10 a.m.)

1  
2  
3 CHAIR THOMPSON: Okay. I see a lot of  
4 people out there. Good morning, everybody.  
5 Hopefully everybody can hear me. Well, can I get  
6 some thumbs up from around out there? Okay.  
7 Hey, good morning. My name is Gary Thompson.  
8 I'm the chair of the Board of Elections. And  
9 I'll let the other two board members introduce  
10 themselves. Karyn?

11 MEMBER GREENFIELD: Hi. Karyn  
12 Greenfield, board member.

13 MEMBER GILL: Hello. Mike Gill, board  
14 member.

15 CHAIR THOMPSON: Okay. So, we've got  
16 all three board members here, which means we have  
17 a quorum. And we're here today on March 24,  
18 2022, to hold a special meeting to take a look at  
19 the Certification of Petition Verification  
20 Results for Initiative Measure Number 82,  
21 otherwise known as the District of Columbia Tip  
22 Credit Elimination Act of 2021. Petitions with

1 signatures were submitted, I believe on February  
2 22, 2022.

3 And with that, I will turn it over to  
4 the Executive Director, Monica Holman-Evans to  
5 give us a report.

6 MS. HOLMAN-EVANS: Thank you. Good  
7 morning. I'm going to provide a status report of  
8 the Petition Verification Process of Initiative  
9 Measure 82, District of Columbia Tip Credit  
10 Elimination Act of 2021. Pursuant to 3 DCMR  
11 1009.11, the District of Columbia Board of  
12 Elections is required to complete signature  
13 verification of the randomly sampled names  
14 appearing on the petition filed in support of  
15 Initiative Measure 82. The Petition Verification  
16 Process has four steps.

17 First, the Board staff verifies if the  
18 circulator is a resident of the District of  
19 Columbia or a resident of another jurisdiction  
20 who registered as a petition circulator with the  
21 Board prior to the circulation of the Petition  
22 sheet, and if the petition does not have a

1 completed circulator's affidavit. This  
2 determination is based solely on the information  
3 provided in the circulator's affidavit.

4 Second, the name and address of each  
5 petition signer is checked against the voter  
6 registration system to determine if the  
7 petitioner was registered to vote at the  
8 residence address listed on the petition at the  
9 time the petition was signed as required by law.  
10 Only those petition signers whose names and  
11 addresses are found to match the Board's  
12 registered voter file are entered into the  
13 petition tracking program as verified  
14 registrants.

15 Third, the totals of verified  
16 registrants are compiled by registration system  
17 to determine whether the petition contains a  
18 sufficient number of registered voters to proceed  
19 to this signature of verification stage and which  
20 the actual signatures on the petition are  
21 examined.

22 Fourth, with a total number of

1 verified registrants is determined to have met  
2 the minimum signature requirement, a random  
3 sample of signatures is drawn for comparison to  
4 the original voter signatures on file and the  
5 Board's records.

6 The validity rate of the random sample  
7 or selected signatures and the sample is then  
8 used to make a statistical determination of the  
9 sufficiency of the petition as a whole and by  
10 ward as required -- at a confidence level of 95  
11 percent. The Data Management Division or DMD of  
12 the Office of Planning determines, one, whether a  
13 ward equals or exceeds the required number of  
14 authentic signatures with 95 percent confidence,  
15 whether a ward does not equal or exceed the  
16 required number of authentic signatures with 95  
17 percent confidence, and should be rejected or  
18 whether a larger sample should be drawn, since no  
19 decision could be made with 95 percent confidence  
20 from the sample used.

21 The initial statistical summary  
22 findings from DMD indicated acceptance for three

1 of the eight wards with no decision in two wards  
2 and rejection of three wards. As a whole, the  
3 District met the 95 percent confidence threshold.  
4 Wards 1, 3 and 4 were accepted. Wards 5, 6 and -  
5 - I'm sorry 5, 7 and 8 were rejected and there  
6 was no decision in Wards 2 and 6.

7 Therefore, DMD indicated a larger  
8 sample should be drawn for Wards 2 and 6, since  
9 no decision could be made. The statistical  
10 summary and findings based on the larger sample  
11 will be ready today. At that time, we will  
12 provide a determination as to whether Initiative  
13 Measure 82 meets the statutory requirements for  
14 certification to the ballot. And that concludes  
15 my report.

16 CHAIR THOMPSON: Okay. And I know  
17 anybody that's attending here today I think has a  
18 pretty specialized interest in what's happening.  
19 But just in case somebody out there didn't quite  
20 follow all -- the import of all that, our DC  
21 checker summarizes the requirements when there's  
22 a barter initiative like Initiative 82 that the

1 signatures of registered qualified electors must  
2 be equal in number to 5 percent of the registered  
3 electors in the District of Columbia as a whole,  
4 which I understand Director Evans to have just  
5 reported that that's been met provided that in  
6 addition, you also have to meet the 5 percent  
7 threshold in this at least five of the eight  
8 wards of the city.

9 And as we've heard from the initial  
10 review, there's a yes so far for three of the  
11 eight wards with Wards 2 and 6 are pending,  
12 because the random sampling process takes place,  
13 but I believe is defined more specifically in R-3  
14 of the DC Municipal Regulations at Section 1000  
15 et cetera, is a process laid out for how that  
16 random sampling works. That was done, it seemed  
17 conclusive at least as of 10:17 a.m. this morning  
18 with respect to Wards 2 and 6.

19 But as I understand from Director  
20 Evans, that data is being reviewed as we speak  
21 and we will be able to issue a final report  
22 today. And so hopefully I summarized that

1 correctly, if Director Evans maybe can correct me  
2 if I've misspoken in some way.

3 MS. HOLMAN-EVANS: Yes. That was an  
4 accurate summary. Thank you.

5 CHAIR THOMPSON: So -- and our  
6 apologies, we issued the notice for this meeting  
7 at 10:00 a.m. thinking it would be -- the data  
8 would be fully available at this time. And as  
9 information rolled in yesterday from the DC  
10 Office of Planning, which plays a role in looking  
11 at the data, it became apparent by late yesterday  
12 afternoon that it wouldn't be ready by 10:00 a.m.  
13 and it was too late to re-notify.

14 So we -- we're just holding this  
15 meeting to give everybody this status report and  
16 then we plan to reconvene as soon as we have the  
17 information from the Office of Planning and our  
18 own Board staff, check over everything, so we can  
19 give everybody the results from Wards 2 and 6 as  
20 well. Other board members have any comment?  
21 Karyn or Mike?

22 MEMBER GILL: I do not have a comment.

1 CHAIR THOMPSON: Okay. Director Evans  
2 or General Counsel Terri Stroud, anything else  
3 that you all would like to say at this time?

4 MS. HOLMAN-EVANS: Well, what we  
5 planned to do is the -- the office is working now  
6 on -- we have the report -- we are working on the  
7 signature comparison now using the samples that  
8 we were provided with from the Office of  
9 Planning. And so we expect that we will be done  
10 within 2 hours. And then we can return the  
11 information back to the Office of Planning. And  
12 once we do that, we will provide updated notice  
13 with respect to when we can reconvene based on  
14 the Board members' availability.

15 CHAIR THOMPSON: And I take it that  
16 notice goes up on the BOE websites, so everybody  
17 here and other members of the public can catch  
18 that information and then we can reconvene it.  
19 I'm just guessing 2:00 p.m. or something like  
20 that or 3:00 p.m.

21 MS. HOLMAN-EVANS: Yes. We're going  
22 to put it on our website and tweet it out and

1 we're going to issue be -- whoever subscribes to  
2 receive notices from the Board will receive it as  
3 well. And we will certainly notify the  
4 interested parties directly as to when the work  
5 is done and we will be meeting again.

6 CHAIR THOMPSON: Okay. So just so  
7 everybody knows, there is a statutory period of  
8 30 days from submission of the petitions for the  
9 BOE to make a determination about validity of  
10 signatures, and I believe that's today. So, we  
11 intend and hope to meet that 30-day deadline, you  
12 know, barring some, you know, emergency  
13 circumstance that has yet to emerge, but we'll  
14 keep everybody closely informed.

15 So at this time, we also want to hear  
16 from you as well about anything that anyone would  
17 like to chime in on. And I think I'm going to  
18 call first on I believe Christopher LaFon, an  
19 attorney with various law firms, sent us a letter  
20 that raises an issue that has to do with exactly  
21 what is the "latest official count date for the  
22 voter registry list?" Is it one that was

1 published and reported as of December 31, 2021,  
2 or perhaps another date?

3 I just read this letter this morning  
4 myself. So I'm just sort of starting to grasp  
5 the issue. And of course I think you have to  
6 know from the data whether that would be an  
7 outcome determinative, you know, sort of footnote  
8 issue whether we have to toggle between one or  
9 the other whether that would check an overall  
10 pass or fail. So I'm not sure if this is going  
11 to matter, but it was an interesting letter and I  
12 really appreciate receiving it. So I think I'll  
13 let Mr. LaFon speak to that if he would like.

14 MR. KLINE: I will actually. Andrew  
15 Kline of Veritas Law Firm and counsel to Valerie  
16 Graham and also the 82 Initiative Committee. The  
17 two issues before we get to that. One is notice  
18 of this meeting wasn't proper and that DC 1-  
19 1001.05 requires that there be at least 48-hour  
20 notice of meetings, you know, regular meetings.  
21 That was not done.

22 I don't know how that will be done if

1 next meeting is 2:00. But I raise that as of the  
2 preliminary issue. Second is I'm very troubled  
3 to hear that the sampling has begun and that  
4 process has begun, because we had requested the  
5 ability to be watchers as allowed in the statute,  
6 had several conversations with the office and we  
7 were assured that we would be given that  
8 opportunity. So I'm quite troubled to learn that  
9 that process has started.

10 We were not advised, we're not given  
11 our statutory right on behalf of the Initiative  
12 Committee to observe that process and we would  
13 request that the process begin (inaudible)  
14 because it's part of our right and it's a right  
15 that we have under the statute on behalf of the  
16 Initiative Committee. The other issue is  
17 important because as this Board knows  
18 redistricting proof of fact as of January 1.

19 It is our understanding, although it  
20 hasn't been discussed during this meeting, but it  
21 is our understanding that it is intended that the  
22 reference point for determining minimum number of

1 signature to be 4 percent to 5 percent. The  
2 total will be in the number of registered voters  
3 that is derived from the statistics that were  
4 published in the D.C. register in the third week  
5 of January and reflecting their roles as of  
6 December 31st of 2021, which would be the all  
7 districts rather than the district that this  
8 directs.

9           And we would point the Board to -- in  
10 the letter, and I think it's spelled out pretty  
11 clearly in the letter by Chris LaFon in our  
12 office under 1-1001.05. The first duty listed  
13 for the Board is to maintain a uniform,  
14 interactive, computerized, voter registration  
15 list which serves as the official voter  
16 registration list. And it is our understanding  
17 that the statistics that were published at the  
18 end of each month are derived directly from that  
19 computerized list as they must be under the  
20 relevant statute and under the Help America Vote  
21 Act, pursuant to which the statute was passed,  
22 which contemplates that the computer system, the

1 list of voters maintained there is the official  
2 list.

3 We don't know and we've checked that  
4 anything published isn't different than that.  
5 And if you look down in duties, it's interesting  
6 that the obligation to publish, it's in the same  
7 section and it's down in 1-1001.05 (a)7  
8 (phonetic), which requires the publication in the  
9 D.C. register in the third Friday of each month,  
10 the total number of five registered -- letters  
11 registered on the last day of the preceding  
12 month.

13 But nowhere in that subsection does  
14 the word official appear. And it was  
15 contemplated in the Help America Vote Act was  
16 passed that we move away from these paper ballots  
17 and we would have sophisticated computer systems  
18 from which one can run a report any minute, any  
19 hour, any day and that certainly could and needs  
20 to be done with respect to this tally, because  
21 the statute provides that was to be considered is  
22 the voter list or voter role at least 30 days

1 prior to -- or 30 days prior to the submission of  
2 the positions, which by our calculations should  
3 be January 22.

4 And in looking at -- we don't have  
5 January 22, we're not able to run that before the  
6 office is able to run it formally or not. But it  
7 looking at January 31 as just sort of a reference  
8 point, it would seem that this is a very trivial  
9 distinction in terms of which role to use  
10 specifically with respect to Ward 2. So we would  
11 ask that the Board use the proper role as  
12 required by the statute, as we've argued in the  
13 letter, we would request we allow to be watchers  
14 as allowed by the statute as reflected on our  
15 request to do so and is acknowledged by the  
16 office that we had the right to do so and our  
17 promise that we've had that opportunity.

18 And number three, we request that the  
19 Board comply with its requirements of notice in  
20 the meeting at least 48 hours in advance and I  
21 know this in discussion for emergencies. I've  
22 seen a sign in government offices many times that

1 your failure to plan does not constitute an  
2 emergency on our part. And I think that's what  
3 we're looking at here. This 24th day has been  
4 known for quite some time. So why it was not  
5 properly noticed, I can't answer, but there may  
6 be folks and I also understand just as an aside  
7 that the notice was given on the Board's website,  
8 which I'm told was down much of yesterday.

9 So if there are other members of the  
10 public out there aside from those of us who  
11 managed to be here today who might have an  
12 interest in this matter, they've been almost  
13 utterly deprived of getting noticed in any way to  
14 participate.

15 Some of you may recall that these  
16 notice and meetings issues can be very important  
17 as evidenced by result with respect to the  
18 referendum that was filed concerning Initiative  
19 77, where Superior Court held the wards' failure  
20 to give the required notice that is described in  
21 the statute and the D.C. register was fail. So I  
22 don't think that that's where we want to go

1 again. And we'd respectfully request that the  
2 statute that will be compliance with the statute  
3 in all its sense. Thank you.

4 CHAIR THOMPSON: Yes. Thank you very  
5 much, Mr. Kline. Really appreciated your  
6 comments in the letter, something we will look at  
7 carefully and thoughtfully as we work through  
8 these issues. Okay. Anybody else who's with us  
9 at this moment, would like to make a comment?  
10 You can raise your hand or just unmute yourself.

11 Okay. Seeing none -- hearing none,  
12 I'd ask either Director Evans or General Counsel  
13 Stroud, any final comments before we close for  
14 now?

15 MS. STROUD: I have no additional  
16 comments.

17 MS. HOLMAN-EVANS: I don't either at  
18 this moment. Yes. I don't have any at this  
19 time.

20 CHAIR THOMPSON: Okay. It is 10:30.  
21 I don't think we could accurately predict when  
22 we'll reconvene at this point. Yes, if I'd

1 guess, I would say either 2:00 or 3:00, but, you  
2 know, we will make that decision ASAP and get  
3 notice out to everybody here and on the website  
4 as soon as we can. And see everybody in a couple  
5 of hours. So with that, I would move we adjourn  
6 at this time.

7 MEMBER GILL: Second.

8 CHAIR THOMPSON: There you are. All  
9 in favor of adjournment, aye.

10 MEMBER GREENFIELD: Aye.

11 MEMBER GILL: Aye.

12 CHAIR THOMPSON: Okay. Thank you  
13 everybody. We'll talk to you soon.

14 (Whereupon, the above-entitled matter went off  
15 the record at 10:31 a.m. and resumed at 3:10  
16 p.m.)

17 CHAIR THOMPSON: Hey, good afternoon  
18 everybody. We are Zooming our meeting from  
19 earlier this morning. It's now 3:10 p.m. on  
20 March 24, 2022, and we are continuing to report  
21 on the signature verification process relating to  
22 Voter Initiative Number 82. Thank you for

1 bearing with us. The results are incredibly  
2 close.

3 It's seemingly changing, you know, by  
4 the hour as new data is coming in and being  
5 analyzed. When we spoke earlier at about 10:10  
6 and this morning Initiative 82 had already  
7 cleared with 95 percent confidence, the overall 5  
8 percent threshold needed for the District of  
9 Columbia as a whole. And it had already cleared  
10 with 95 percent confidence in Wards 1, 3 and 4  
11 and not with respect to Wards 5, 7 and 8. And  
12 undetermined at the time were Wards 2 and 6 and  
13 obviously you need five of eight wards, so  
14 everybody is eagerly awaiting to hear what are  
15 the results of the data analysis for Wards 2 and  
16 6.

17 And with that I will turn over to  
18 Executive Director Evans for an updated report.

19 MS. HOLMAN-EVANS: Thank you, Chair.  
20 Good afternoon. At this point, I'm going to  
21 provide an updated status on the Petition  
22 Verification Process of Initiative Measure Number

1 82, District of Columbia Tip Credit Elimination  
2 Act of 2021. As previously mentioned, the  
3 initial statistical findings from the data  
4 management division of the Office of Planning  
5 indicated acceptance of three of the eight wards  
6 and rejection of three of the eight wards and  
7 then no decision on 2 Wards.

8 At that time, DMD indicated a larger  
9 sample would be drawn for Wards 2 and 6, since no  
10 decision could be made. And we did receive the  
11 larger sample. Based on that second sample, Ward  
12 2 was accepted. There is still no decision on  
13 Ward 6. DMD has indicated they will do another  
14 and larger sample. And the statistical summary  
15 and findings based on that larger sample should  
16 be ready shortly, I thought we were about to get  
17 that. So we are still waiting on final results  
18 for Ward 6. And that is my report.

19 CHAIR THOMPSON: Okay. This is Chair  
20 Gary Thompson again. Sorry, I didn't reintroduce  
21 myself earlier. Thank you, everybody. So as I  
22 understand it, there's been a challenge made with

1 respect to Wards 2, 5, 7 and 8. The 5, 7 and 8  
2 have been rejected, 2 has now been accepted. And  
3 I believe is right there with -- therefore with  
4 respect to such a challenge, this is little  
5 timing difference here because today, what we're  
6 trying to do is certify or not certify the  
7 petition with a ballot challenge itself is now  
8 teed up for March 28, is it 1:00 p.m., I think?

9 MS. HOLMAN-EVANS: Yes. Correct.

10 CHAIR THOMPSON: 1:00 p.m. and at that  
11 time, we'll take up any remaining issues if there  
12 are any that I believe will focus on the Ward 2  
13 acceptance, among other things, but, you know, as  
14 we found out this morning, this issue was raised  
15 as to what is the correct denominator, is it  
16 driven by the voter registration list in place as  
17 of December 31, 2021, as published register? Or  
18 is it more dynamic and is it notable and is it  
19 fixed as of January 22, 2022, it's 30 days prior  
20 to the submission of the petitions.

21 Is -- does it even matter? Is that  
22 outcome determinative? But the issue has been

1 raised and we appreciate that and certainly it is  
2 something that, you know, we -- we're  
3 considering. So we're glad to have a little  
4 extra time to think about that in here. Further  
5 in that regard on March 28. And in the meantime,  
6 what we're trying to do, at least what I was  
7 trying -- one thing I'm trying to do is get an  
8 exact count on the voter registration list  
9 numbers as of January 22 as opposed to December  
10 31 to see if that is -- even as an outcome  
11 determinative issue.

12           It was mentioned in the letter that if  
13 you've used the numbers from January 31, "as a  
14 proxy for January 22, therefore, therefore." But  
15 my immediate question after the earlier hearing  
16 was that not use anything as a proxy and try to  
17 get that actual January 22 number, so we know  
18 whether it even matters. So I just -- I wanted  
19 to put that on the record as a follow-up from  
20 earlier and kind of part for now any further  
21 discussion about the challenge to more two  
22 results, which we know to be an affirmative.

1                   And by affirmative being with 95  
2                   percent confidence on the signatures that were  
3                   selected, the random sampling. So that's where  
4                   we are with respect to Ward 6. It remains at no  
5                   decision because the 95 percent confidence  
6                   threshold is neither above or below the  
7                   statistical range, which either determination as  
8                   of this time. And, you know, if anybody really  
9                   needs to drill down on this, as I'm sure many of  
10                  you have, most pertinent provision is DC  
11                  Municipal Regulations in Title 3, Section 1009,  
12                  which goes through the litany of how this random  
13                  sampling process works.

14                   And the end result of it all is in  
15                  1009.9, where one of three things can happen.  
16                  Sub A of ward or the District as a whole, and in  
17                  this case, we're talking about Ward 6, does it  
18                  equal or exceed the required number of authentic  
19                  signatures with 95 percent confidence and  
20                  accepted. Or b), whether it does not equal or  
21                  exceed 95 percent confidence (inaudible). Or sub  
22                  C whether a larger sample should be drawn since

1 no decision would be made with 95 percent  
2 confidence from the sample use.

3 That's where we are. We're in the we  
4 don't know stage. And I mean, just kind of  
5 everybody is in slack. This is totally  
6 unprecedented. You know, when I study these  
7 regulations in preparation for being on this  
8 ward, this is the very last provision I thought  
9 would be the hinge on something like this. I --  
10 but I see that underlying that at the time, so I  
11 don't know.

12 But you know, I've read and reread and  
13 reread this thing and we're sort of stuck right  
14 now as of 3:19 p.m. in this we don't know  
15 universe waiting for further data from the Office  
16 of Planning and so we can give everybody clarity  
17 and whatever that ultimate determination is, no,  
18 we're working on an ASAP basis to reach it.  
19 We're aware that this is the 30th day since the  
20 petitions are filed, and we're trying to reach  
21 that determination by the end of the day.

22 If we can't, we believe the

1 regulations, because of this mere we don't know  
2 outcome is specifically articulated in the sub-  
3 provision that there could be an extension of  
4 time needed to reach a final determination. But  
5 the key finding samples and samples, more samples  
6 and that's just kind of where we are. So  
7 hopefully, I haven't misstated or mis-summarized  
8 anything. I just was trying to really make sure  
9 everybody understands exactly where we are as of  
10 this moment. And finally ask that either Board  
11 members or Director Evans or General Counsel  
12 Stroud to tell me if you'd like at this time.

13 MS. STROUD: Thank you, Chairman.

14 Yes. I think you have summarized that adequately  
15 and at this point we are waiting for one  
16 additional statistical report from Planning. At  
17 that time, I think we will have the information  
18 we need that will determine how we move forward.  
19 And essentially it's Department of Planning.  
20 They make the determination whether a larger  
21 sample should be drawn based on what they're  
22 seeing and based on the statistics they have

1 available. And so we're just waiting for that  
2 report with that information included.

3 MS. HOLMAN-EVANS: And to be clear,  
4 the report should allow us to make a  
5 determination as to whether or not to accept or  
6 reject, not, you know, it's an up or down  
7 determination that, you know, we are looking at  
8 and if we can, you know, look at this next report  
9 and get that information, then, you know, that's  
10 what we'll go on. Yes. So that's what we're  
11 looking for, an upper data on accept or reject  
12 based on the sample that's reviewed.

13 CHAIR THOMPSON: Yes. And to add to  
14 that, I think if we're not able to certify Ward 6  
15 signatures as numerically sufficient, then there  
16 can't be a certification of the overall  
17 initiative based on that, if that's what happens.  
18 That's obviously subject to challenge as well.  
19 And as I'm sure the proposers are well aware, so,  
20 you know, whether we allow ourselves a little  
21 more time to try to be definitive and certain  
22 with everybody, you know, we appreciate that the

1       proposers themselves may call such a result into  
2       question or vice versa the challengers may  
3       challenge, you know, either way, we're going to  
4       be continuing to work on this with as much  
5       precision as possible into next week.

6                       Looking obviously towards that on  
7       March 28 hearing, we address the challenge  
8       specifically, but I mean, they call us to get it  
9       right. I mean the signatures either are matching  
10      or not. And there's ways to do that quickly in  
11      reaching 95 percent certainty threshold. But if  
12      you've got to do it the long way, you've got to  
13      do it the long way and, you know, that's just  
14      where we are, so. I see Mr. Kline has his hand  
15      up and invite him to comment. Although you're  
16      muted. Make sure you're unmute --

17                      MR. KLINE: Yes. Well, I thought I  
18      did. As I was saying, thank you, and we  
19      certainly appreciate your efforts to get it  
20      right, but, you know, a couple of questions. And  
21      also, we renew our objection that we were  
22      deprived of the opportunity to be watchers with

1       respect to this statistical sampling which has  
2       been completed. That was never done at this  
3       morning. There's been no change with respect to  
4       that. I do want to clarify the Ward 2  
5       acceptance. I'm assuming it's based on  
6       12/31/2021 voter statistics. Is that a fair  
7       assumption?

8                   MS. HOLMAN-EVANS: That is correct.

9                   MR. KLINE: Okay. And then second is  
10       may we have access to the calculations that were  
11       done with respect to the statistical sampling so  
12       that we can verify those?

13                   MS. HOLMAN-EVANS: I don't see an  
14       issue with that.

15                   MR. KLINE: Okay. And then the third  
16       is when will the Ward 2 numbers be available? I  
17       note that there hasn't been an announcement as to  
18       what it was, what the margin is, how many  
19       signatures were determined?

20                   MS. HOLMAN-EVANS: We'll provide that.  
21       What we did was, you know, we're looking at the  
22       universe of signatures that we disagree with the

1 challenger on. So we're looking at the  
2 signatures that Graham challenged that the Board  
3 accepted and that's the universe of signature  
4 that we would be considering and we will provide  
5 that to you this evening or, you know, as soon as  
6 we're done compiling that information. So you'll  
7 have that today.

8 MR. KLINE: Okay. That's all I have.  
9 Thank you.

10 MS. HOLMAN-EVANS: You're welcome.

11 CHAIR THOMPSON: Anybody else is  
12 listening in, would anyone else like to comment  
13 at this time? This is happening in real time, I  
14 mean, we literally just sort of got this no  
15 determination information and Ward 2 information.

16 MS. STROUD: Yes. Mr. Chair, someone  
17 indicated there may be some questions in the  
18 chat, so if you'll just allow us to check that.  
19 Let's start with the top. Just -- okay.

20 CHAIR THOMPSON: I can read it. It's  
21 -- it helps with the record. The question is  
22 signatures were gathered from mid-October 2021

1 through mid-February 2022 and the ward lines from  
2 Wards 2, 6, 7 and 8 changed considerably  
3 beginning January 1, 2022. The ward residents of  
4 any individual sign-in should apply on the date  
5 they signed. Is the DC BOE verifying the ward  
6 address for signers who listed Wards 2, 5, 6, 7  
7 or 8 in conjunction with the date they signed,  
8 and then cross-checking the old ward maps with  
9 the newly established wards?

10 MS. STROUD: I'd say yes. Yes. I  
11 think that pretty much captures the process. We  
12 are looking at where they were when they sign,  
13 but we are using the wards as of December 31. So  
14 we're -- not exactly sure I understand the full  
15 question, but we are checking to see where they  
16 were. We do realize that some people who signed  
17 moved and essentially where they were when they  
18 signed should be the information that we're  
19 using. But as far as this list go, so the  
20 decision of this list.

21 CHAIR THOMPSON: Yes. (Inaudible) on  
22 top of all this is the ward boundaries changed in

1 the middle of this process. And the proposers  
2 went out there on the streets in October and  
3 often November and often December based on the  
4 voter registration lists that were being  
5 published on October 31 to November 30 and  
6 December 31. And from the signatures collected,  
7 quite obviously targeted in their signature  
8 effort around those numbers.

9 And as the director mentioned, and I  
10 think as everybody here heard earlier, the  
11 denominator is indeed defined by the December 31,  
12 2021, voter registration list as published for  
13 purposes of defining the 5 percent threshold.  
14 And so that's driving the 5 percent signatures  
15 needed. Specifically with respect to Ward 6,  
16 that's 4,534 signatures needed. And so they're  
17 looking to verify that those who signed at the  
18 time, they sign from Ward 4 -- I'm sorry from  
19 Ward 6 qualify.

20 My understanding is that if they sign  
21 in October or November and December, some people  
22 who were in Ward 6 might not be anymore in Ward

1 6, that that would count towards that threshold.

2 MS. STROUD: So is that it for the  
3 chat?

4 CHAIR THOMPSON: Yes.

5 MS. STROUD: I believe that's as far  
6 as what's in the chat.

7 CHAIR THOMPSON: So I mean, we're  
8 moving here in real time as data is coming in. I  
9 don't -- I just asked a question because I don't  
10 know the answer, we're going to be convened today  
11 at a later time. What is the suggestion or  
12 recommendation of general counsel?

13 MS. STROUD: We are expecting the  
14 additional information in the new report from DMD  
15 Office of Planning shortly. I think it would --  
16 it'd probably be reasonable to say that we will  
17 have everything by 5:00. If that gives everyone  
18 an opportunity to reconvene. And I don't know,  
19 maybe 5:30, but just to be on the safe side,  
20 maybe we should reconvene, that will allow us  
21 just to gather everything and make sure we go  
22 through the full report that is provided by

1 Office of Planning. So it will be my  
2 recommendation that 5:30, if that works with your  
3 schedule and with Ms. Greenfield. And, yes, I  
4 don't know what Mike Gill's schedule is.

5 MEMBER GREENFIELD: (Inaudible).

6 MEMBER GILL: Yes. I'm free for the  
7 rest of the day.

8 CHAIR THOMPSON: Okay. I guess with  
9 that we make a motion that we adjourn for now.  
10 And Zoom at 5:30.

11 MEMBER GREENFIELD: Second.

12 MEMBER GILL: Aye.

13 MEMBER GREENFIELD: Aye.

14 MEMBER GILL: Aye.

15 CHAIR THOMPSON: Thank you everybody  
16 for bearing with us. Appreciate your patience.

17 MEMBER GREENFIELD: Thank you.

18 MS. STROUD: Thank you.

19 CHAIR THOMPSON: That's all right.

20 (Whereupon, the above-entitled matter went off  
21 the record at 3:31 p.m. and resumed at 5:51 p.m.)

22 CHAIR THOMPSON: All right. Well,

1 good evening now. 5:51 p.m. My name is Gary  
2 Thompson, the chair of the Board of Elections.  
3 I'm here with the other two board members, Karyn  
4 Greenfield and Mike Gill. And we once again have  
5 a quorum to proceed with part 3 of our  
6 consideration of Initiative 82's signatures. And  
7 without repeating state of plan, we're basically  
8 looking at Ward 6 to see if the 5 percent  
9 threshold is met. Namely are there 4,534 ballot  
10 signatures in Ward 6. And we basically are at  
11 the point where we feel I have a determination,  
12 so I'll turn it over to Director Evans to give  
13 any update and then I'll come back and discuss  
14 them.

15 MS. HOLMAN-EVANS: Thank you, Mr.  
16 Chair. Pursuant to 3 DCMR 1009.11, the District  
17 of Columbia Board of Elections has -- is in the  
18 process of completing signature verification of  
19 the randomly selected names appearing on the  
20 petition filed in support of Initiative Measure  
21 Number 82, the District of Columbia Tip Credit  
22 Elimination Act of 2021.

1           As far as summary of findings, the  
2           petition for Initiative Measure 82, containing  
3           7,966 pages was filed on February 22, 2022. The  
4           petition containing 33,228 signatures. After  
5           completing the procedures for verifying voter  
6           registration status of petition circulators and  
7           signers, the total number of eligible signatures  
8           counted for qualifying the Initiative for the  
9           ballot was found to be 26,935.

10           As noted earlier, the random sample  
11           procedure is conducted to determine with the  
12           required level of confidence whether or not a  
13           sufficient number of ballot signatures of  
14           registered voters are contained in the petition.  
15           And to help facilitate the sampling procedure,  
16           the Office of Planning randomly selects a sample  
17           of 100 petition signatures from each ward. The  
18           initial statistical summary findings from  
19           Planning indicated acceptance for three of the  
20           eight wards with no decision in two wards and  
21           rejection of three wards.

22           As a whole, the District met the 95

1 percent confidence threshold, or its 1, 3 and 4  
2 Wards accepted, Wards 5, 7 and 8 were rejected  
3 and there is no decision in Wards 2 and 6.  
4 Therefore, DMD indicate a larger sample would be  
5 drawn for Wards 2 and 6, since no decision could  
6 be made. The DMD statistical summary findings  
7 from the larger sample resulted in the acceptance  
8 of Ward 2, with still no decision with respect to  
9 Ward 6.

10 Consistent with our regulations, DMD  
11 determined a third or even larger sample should  
12 be drawn for Ward 2. The finals, that's  
13 statistical summary findings provided no decision  
14 for Ward 2. At this point -- oh, I'm sorry of  
15 Ward 6. At this point, it is the recommendation  
16 that the Board -- or at this point, the Board  
17 will continue to review data that is coming from  
18 Planning in order to make a recommendation as to  
19 whether or not this measure meets and qualifies  
20 for ballot access.

21 CHAIR THOMPSON: All right. So  
22 basically they're still unable to determine 95

1 percent confidence that the total number of  
2 authentic signatures with respect to Ward 6  
3 equals or exceeds signature requirements. The  
4 regulation clearly allows for larger samples to  
5 be taken. There's that third option if you don't  
6 get a yes or no to keep taking larger samples.  
7 And I'll just speak for myself at the moment,  
8 it's not a determination of anything, it's just  
9 wanting to see a definitive answer with respect  
10 to that.

11 But this is all simply because  
12 apparently it is so close that no matter how many  
13 times they get back into the well to sample  
14 signatures, they're not able to get to a  
15 confidence level of rejecting or accepting,  
16 they're still coming back undetermined or  
17 undecided. And the statute or regulation is  
18 silent as to how long you do this. You know, how  
19 many times you go, at what point do you give up  
20 and say it can't be reached, this 95 percent  
21 signature threshold.

22 And I'm just frustrated because I

1 wanted -- I'd like there to be for everyone's  
2 sake an answer with certainty before we, you  
3 know, call it a day and declare that the 95  
4 percent confidence level just can't be reached.  
5 So we keep asking them to go back and keep at it.  
6 And that's just kind of where I am right now.

7 Other than it being 5:57, a logical  
8 answer is, you know, take a larger sample size,  
9 take 500, take 1,000. Those are just my  
10 thoughts. So I think, I'll pass on the mic to  
11 when I started for Member Karyn Greenfield and  
12 you heard her comments.

13 MEMBER GREENFIELD: Well, I agree. I  
14 think we need to do at least -- we need to do  
15 another sample size, because it's not in either  
16 direction and I'm not sure it's fair to determine  
17 -- just make a determination just so we can stop  
18 the sampling. We do need to get another sample  
19 so that we can know that this is accurate. The  
20 one thing -- and I'm not sure in terms of -- does  
21 in terms of the timeframe or whether we just  
22 continue this today and meet again in a few

1 hours. But I do think we need -- I do think we  
2 need to do that. I don't know how else really  
3 effectively to make a determination when they  
4 didn't come out either way as of yet, so.

5 MEMBER GILL: Hey, Gary. So Gary,  
6 it's Mike. Sorry. I agree with you and Karyn.  
7 I maybe just, I mean common sense says you count  
8 and people are expecting that there's a -- as  
9 you've made reference to a numerator and  
10 denominator, at some point we should count. You  
11 know, if you're doing this right, you're counting  
12 them all. Now, I guess just one thing I want to  
13 just be clear on, because there's a sense that  
14 the Office of Planning is like, you know, we're  
15 done, and, you know, that was brought to us as a  
16 board, them saying we're done, we just can't  
17 figure it out. And we're asking them to go back.

18 And I just want to give, you know,  
19 let's determine now that if they take another  
20 sample size and they don't get it, that the  
21 answer from the Board is, go back, go back. I  
22 mean, at some point you can count every one of

1 these votes. I think what we're learning is that  
2 that's not how they do it. They don't actually  
3 count the votes. They take a sample size and  
4 then they take another sample size. At some  
5 point, we're going to run out of samples sizes.  
6 I mean, there's a finite amount of times you can  
7 go back because you run out of samples.

8 But can we as a board say keep  
9 counting till you come to a determination or you  
10 run out of the ability to go back and get sample  
11 sizes? They may come back -- Office of Planning  
12 may come back and say we're not going to do it.  
13 But I think that's for them to say and make and  
14 sort of own that. From the Board of Elections'  
15 standpoint, we would say, you know, keep  
16 counting, right? So I just want make sure we're  
17 clear on that.

18 CHAIR THOMPSON: Now, that's a good  
19 point. I think each time they do it, they take a  
20 sample of 100 or 150. It moves those signatures,  
21 samples from whom, they want to do another 100 or  
22 150, those are the new ones. So we're starting

1 to see pattern. But, you know, I think I would -  
2 - I guess I'll file that together and make a  
3 motion that we the Board request that the Office  
4 of Planning through the Data Management Division,  
5 the DMD, proceed with a larger sample size.

6 Larger is the word that you see in the  
7 regulation, doesn't say how large. And I would  
8 suggest for their consideration a sample size of  
9 500. And try to get back to us this evening if  
10 they can, see if we can get to a definitive  
11 answer.

12 MS. STROUD: I am happy to ask them to  
13 do that as long as we are clear that their work-  
14 day is done. So, I don't know that we'll be able  
15 to get anything else this evening. I can ask. I  
16 don't have a problem with doing that, but I just  
17 want to be realistic about our expectations as  
18 far as getting anything else this evening.

19 CHAIR THOMPSON: Let me make sure --  
20 Mike, we're preparing here a second, passing my  
21 motion. Any second to what I put on the table.

22 MEMBER GILL: Sorry, Gary, I couldn't

1 hear you there. Can you repeat that?

2 CHAIR THOMPSON: Yes. I mean a motion  
3 that we request the Data Management Division at  
4 Office of Planning, we can talk a sample of 500  
5 more ballots, see if they need (inaudible).

6 MS. STROUD: Signatures.

7 MEMBER GILL: Signatures.

8 CHAIR THOMPSON: Signatures. I'm  
9 sorry.

10 MS. STROUD: Mr. Chair, if I may just  
11 for a moment, with certain numbers, it's hard for  
12 them to get a sample. So for instance, when they  
13 try to use 100, they could not use that number as  
14 a sample because it would provide a situation  
15 where it can never be achieved because the higher  
16 end was 100 and you can't get 101 out of 100.  
17 150 worked because it came to 149, so you could  
18 get 150 above the 149. They tried 200, 200  
19 didn't work because again, that was an  
20 impossibility.

21 So I don't know if you want to be very  
22 specific with that 500 number, because that may

1 also create a scenario where it's impossible to  
2 achieve.

3 CHAIR THOMPSON: Okay. Well, I guess  
4 in that case, approximately or -- because this  
5 number that's practical from --

6 MS. STROUD: Yes. Thank you for  
7 entertaining my ask --

8 MEMBER GILL: Yes. So I -- Gary, I  
9 get the gist of your motion. A larger sample  
10 size, but one that proved, but not so locked in,  
11 and I second that motion.

12 CHAIR THOMPSON: Okay. All in favor?

13 MEMBER GREENFIELD: Aye.

14 MEMBER GILL: Aye.

15 CHAIR THOMPSON: That passes. And  
16 we're, you know, we're aware of the time of the  
17 evening and maybe they're not going to be able to  
18 get through it this evening. If that's the case,  
19 then we're running up against the time provision  
20 that otherwise requires that this Board determine  
21 by today whether the petition contains the number  
22 of ballot signatures necessary in terms of

1 percentage and ward distribution requirements to  
2 be certified for ballot access and we're not  
3 there yet.

4           They're still stuck in this limbo.  
5 But hoping that this round of sampling will yield  
6 more certainty and if it doesn't today, I assume  
7 they understand that, you know, people can make  
8 the argument since they're aware about what that  
9 means in terms of us asking that 30-day window.  
10 But that's the least of my concerns right now. I  
11 think we're concerned that we want them to really  
12 tell us the answer.

13           I mean, at some point you can count  
14 every single one of the signatures or inspect  
15 every single one of the signatures to see if  
16 there's a pass. So, you know, giving them the  
17 task of looking in front where they're about 550,  
18 475, whatever it is, will hopefully yield enough  
19 of another sample size I guess a confidence  
20 answer. Hopefully, if not tonight, hopefully by  
21 tomorrow. Tomorrow is Friday. If not Friday, by  
22 Monday.

1           We still -- this 30-day issue aside,  
2           there is still time, ample time to run this to  
3           ground and get the right answer. There's an  
4           absolute drop that they -- by which it is going  
5           to be certified and included on the ballot. It  
6           certainly has to be decided by that day, but I  
7           think that starts somewhere in April.

8           MS. HOLMAN-EVANS: We will the ballot  
9           lottery as tentatively scheduled for April 29,  
10          and the ballots have to be mailed out to overseas  
11          -- military overseas voters by the 45th day  
12          before the election, which I think is about a  
13          week or so after that, May 6.

14          CHAIR THOMPSON: In other words  
15          there's no prejudice --

16          MS. HOLMAN-EVANS: No.

17          CHAIR THOMPSON: -- no concern waiting  
18          another week, if that's what it takes to get the  
19          right answer. And it's going to be what it's  
20          going to be. I mean, and ultimately it's a  
21          number, the numerator is a number. We can debate  
22          the denominator I guess separately. But that's

1 where we are.

2 MS. HOLMAN-EVANS: Okay. I'm just  
3 confirming the ballots will have to go out to  
4 yield (inaudible) voters on, let's see, May 6.

5 CHAIR THOMPSON: So we see a question  
6 in the chat. Have any counts come in below 5  
7 percent specifically for Ward 6? And the answer  
8 is, it's not -- I don't think it's that simple,  
9 it's a calculation from these samples. There's a  
10 range to get to the 95 percent certainty  
11 threshold in one direction or another, have to be  
12 below or above the range, get the certainty  
13 point.

14 Then all three samples we've seen  
15 today, it's within the brackets. So I think the  
16 latest one we saw is 150 sample for Ward 6. And  
17 have 146 signatures in the sample. The range to  
18 define, fiscal range was 95 percent certainty was  
19 between 142 and 149. So it's in middle, 146 is  
20 not definitive enough.

21 Those who've got a calculator, 146 out  
22 of 150 looks to be 97.3333 percent of ballots

1 sampled pass. But smaller number do not pass.  
2 So it's not enough -- not enough of the sample  
3 size to be determined with confidence whether all  
4 signatures are 46, 56 is going to be minus the  
5 ones that aren't going to qualify, it's going to  
6 be enough to pass, ultimately pass the prior  
7 number of 45, 34. That's just me talking as I've  
8 been trying process the math behind this and  
9 impress lawyers. We all took math in, you know,  
10 junior, high school. So we're doing our best.  
11 So I think that -- I don't know if that answers  
12 your question, but it doesn't come back and that  
13 data doesn't come back in terms 5.1 percent or  
14 5.3 percent.

15 And another chapter. So there's  
16 roughly a 94 to 98 percent chance that 5 percent  
17 of eligible voters signed the Ward 6. I don't  
18 think that's the way to express it either. It's  
19 not how the data comes back. But I see Mr. Kline  
20 has his hand raised and going to him.

21 MR. KLINE: Yes. Just going to  
22 register our continuing objections in this

1 process taking place without the Initiative  
2 Committee (inaudible) i.e. to being allowed to  
3 observe as required by the statute.

4 CHAIR THOMPSON: Yes. Thank you for  
5 that. I was reviewing that language and it's so  
6 far to me unclear where that requirement includes  
7 certainly during the 30 days that BOE was  
8 reviewing signatures, the qualification in many  
9 respects, whether the -- whether it's -- et  
10 cetera. There were observers present on both  
11 opposer and challenger or they were allowed to be  
12 present, I think on most days were present. But  
13 at a certain point under the reg, there's this  
14 delegation to the data management division  
15 providing these random sample -- random sampling  
16 process which takes place outside the BOE.

17 And I wasn't sure whether you were  
18 referring to not being able to observe that over  
19 at the data management division, or whether you  
20 meant at BOE. Any other comments or questions?

21 MS. STROUD: Yes, Mr. Chair.

22 CHAIR THOMPSON: Yes.

1 MS. STROUD: I apologize for stepping  
2 away. Dr. Phyllis (phonetic) at DMD called back  
3 with another possible solution to move us to a  
4 path of decision. She indicated that the formula  
5 does allow for after we do at least two samples,  
6 we can use the entire universe as a sample. And  
7 that would be 4,656 will be our universe for Ward  
8 6. And we would just have to do a verification  
9 of each of those signatures. And if we reach the  
10 4,534, that require -- that is part of the  
11 formula that is allowed when you reach a  
12 situation where you can't come to decision based  
13 on her process.

14 SPEAKER: That makes sense.

15 CHAIR THOMPSON: Yes, enormously.  
16 She's saying that doctor is saying -- the doctor  
17 of statistics is saying that they can proceed the  
18 sample off 4,656 signatures?

19 MS. STROUD: That would be the  
20 alternative to sample the entire universe -- I  
21 mean, to check the entire universe. And come up  
22 to the 4,534 that are required. And the sampling

1 process keeps you from having to test the entire  
2 universe. But the alternative is to test the  
3 entire universe.

4 CHAIR THOMPSON: I mean, that changes.  
5 You know, I think our direction I -- she's  
6 confirming that that's something that she can do.  
7 I'm very much in favor of them proceeding to do  
8 that, to sample the entire universe. I guess  
9 I've denied if possible, I'll put in quotes, but  
10 I would much, much rather them do that and come  
11 back with the absolutely definitive answer that  
12 we all just know. And so I would amend my prior  
13 motion and ask for a second that we pick up -- if  
14 I could somehow offer to receive the sample of  
15 the entire universe.

16 MS. STROUD: And that clarification  
17 with the signature process that actually occurs  
18 here, not with Planning, as far as verifying  
19 those signatures of the entire universe.

20 MEMBER GILL: And folks will be able  
21 to watch that process?

22 MS. STROUD: Yes.

1 MEMBER GILL: Okay.

2 MS. STROUD: And individuals  
3 representing the proposers and any political  
4 committee that exists in opposition to the  
5 initiative could be present during that counting,  
6 during that validation process.

7 MEMBER GILL: Okay. I'm happy to  
8 second.

9 MEMBER GREENFIELD: Okay. I just have  
10 a question. So to do the entire one, that gets  
11 done by BOE, not by Planning? Is that what she's  
12 saying, or just gets done there?

13 MS. STROUD: They provide -- they do  
14 the sampling --

15 MEMBER GREENFIELD: Okay.

16 MS. STROUD: -- to get sampled and  
17 then we do the signature comparisons.

18 MEMBER GREENFIELD: Okay. Okay.

19 MS. STROUD: They wouldn't create the  
20 sample because the sample would be the universe.

21 MEMBER GREENFIELD: Okay.

22 MS. STROUD: And we will have to do

1 the comparisons.

2 MEMBER GREENFIELD: Okay.

3 CHAIR THOMPSON: Okay. Well, having  
4 a second I guess I'll file the motion. All in  
5 favor say aye.

6 MEMBER GREENFIELD: Aye.

7 MEMBER GILL: Aye.

8 CHAIR THOMPSON: Aye. So, you know,  
9 other than time and effort, I think that's the  
10 perfect solution at this point because take the  
11 entire universe and all of the 12 (phonetic)  
12 sample. And they delegate back to BOE the  
13 literal task of observing each signature and  
14 doing the comparison. We'll just have to do long  
15 division here and see how many of these  
16 signatures add up to 4,534 or more. See if, you  
17 know, yes can be obtained. I think we owe that  
18 to the people who took the time and put in the  
19 effort, you know, to get on the streets and  
20 collect these signatures.

21 We owe to the people who stopped and  
22 signed because comparing signatures is I got to

1 believe not easy. Kind of have a front history  
2 where we all obviously draw a line when we sign  
3 up, that signatures like we do it, you know, pay  
4 stations. So it's not the way we used to sign 30  
5 years ago where I felt like signing my signature  
6 was like a far more important thing, you know.  
7 So I think we owe it to everybody to, you know,  
8 take on this extra burden of confirming the whole  
9 universe. And if the only thing that is out of  
10 sync here, when all is said and done, is it took  
11 us 32 days instead of 30 days or 35 days instead  
12 of 30 days, that would be a minor point in the  
13 larger scheme of what we're dealing with here.  
14 And that's I think --

15 MR. KLINE: Mr. Chairman, this works  
16 maybe bad, I mean, beating it unnecessarily, but  
17 the rule that we're talking about is 1008, which  
18 says that three persons representing proposer and  
19 three persons representing any political  
20 committee or committee registered with the Office  
21 of Campaign Finance and organize the amount of  
22 assistance proposed in this initiative or

1 referendum measure may be present during the  
2 counting and validation procedures and shall be  
3 deemed watcher.

4 We registered for that. We were sure  
5 that that would happen. It has not happened at  
6 all throughout this process and we, again, renew  
7 our objection to this having proceeded in this  
8 fashion and completely ignored.

9 CHAIR THOMPSON: Thank you. I'll --  
10 you know, I'll check on that and certainly try to  
11 run aground. If the organizing political  
12 committee or committees register and are  
13 organized in our position, submitted those  
14 requests and have that opportunity that they  
15 didn't and they had and still have that  
16 opportunity.

17 We'll also run to ground here shortly  
18 logistically how is this going to work without  
19 going to sample the whole universe, especially at  
20 BOE doing signature comparison, how do we  
21 continue to allow observation to take place? I'm  
22 pretty sure the proposers were present for a lot

1 of this, so I'll just leave to a follow-up after  
2 this call how the logistics of that are going to  
3 work.

4 And if you're -- you know, I hear your  
5 point that you've made that you never -- you  
6 applied and you never received permissions, I  
7 don't know whether that's true or not, but the  
8 objection is noted, you know, for the record.

9 MR. KLINE: Please check with Ms.  
10 Brooks (phonetic) because we were sure repeatedly  
11 that we contacted at the appropriate time for  
12 that to happen. We followed up, it has never  
13 happened. And I'm very disturbed if the  
14 proposers were present because we were completely  
15 deprived of that opportunity despite complying  
16 with your rules and despite following up. And we  
17 were advised that we were going to be told when  
18 that was going to happen on at least three  
19 occasions.

20 MR. O'LEARY: To be clear, Andrew, I  
21 was present for their individual validation of  
22 names and addresses. I have not been in the

1 Board of Elections Office during this random  
2 sampling procedure.

3 MR. KLINE: We haven't been accorded  
4 the privilege of attending any of them.

5 CHAIR THOMPSON: We'll check on that.

6 MS. STROUD: We register our voters.  
7 But when we had a discussion today, she indicated  
8 that at one point one of the individuals  
9 representing the opposition was present. So, we  
10 can confirm that. But I think that what we are  
11 saying going forward is that we will establish  
12 that we are going to do a signature comparison  
13 with respect to the whole universe. And  
14 certainly that's going to take some time over a  
15 course of days, and if you are an individual who  
16 is assigned as a watcher, that you can come into  
17 the office and be a part of that process.

18 MR. KLINE: All right. Well, that's  
19 when that is. I mean, certainly want to be  
20 present when determinations are made as to  
21 whether signatures are valid or not.

22 CHAIR THOMPSON: Okay. Well, I really

1 appreciate everybody bearing with us in a long  
2 day, especially for those at the BOE, though not  
3 as much in the Office of Planning. And so thank  
4 you to them. Especially, thank you to everybody  
5 on this Zoom meeting. I think most everybody's  
6 names I see, you've probably been here for all  
7 three. So thank you so much for bearing with us  
8 today. And --

9 MS. STROUD: Mr. Chair, we have  
10 another hand up, Nikolas Schiller. I don't know  
11 if you wanted to entertain.

12 MR. SCHILLER: Yes, I'm just curious.  
13 The sample -- a global sample size for Ward 6,  
14 what is that exact number that the Board of  
15 Elections found Ward 6 to be okay or to be a  
16 qualified registered voters signed the petition?  
17 How many -- what is that total number?

18 MS. HOLMAN-EVANS: The number of  
19 registrants and the random sampling universe  
20 4,656. The signatures require of registered  
21 voters, 4,534.

22 MR. SCHILLER: Okay. My records

1 indicate when we were doing our own validation  
2 within the campaign that we actually have 5,284  
3 valid signatures in Ward 6. In the process of  
4 the watching of the petitions being validated,  
5 there appears to be about nearly 600 signatures  
6 that were deemed not valid either for the person  
7 was seen to be not registered to vote or wrote  
8 the wrong address on the petition or some other  
9 discrepancy.

10 The random sampling universe that is  
11 being discussed here is strictly what the Board  
12 of Elections found to be valid out of all of the  
13 petitions, correct?

14 MS. HOLMAN-EVANS: That is correct.

15 MR. SCHILLER: Okay. Thank you. And  
16 we look forward to watching.

17 MS. HOLMAN-EVANS: Thank you.

18 CHAIR THOMPSON: Okay, well, with  
19 that, we adjourn and have some dinner.

20 MEMBER GILL: Second.

21 CHAIR THOMPSON: All in favor.

22 MEMBER GILL: Aye.



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In the matter of: Special Board Meeting

Before: DC BOE

Date: 03-24-22

Place: teleconference

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Court Reporter

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