

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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THURSDAY

AUGUST 28, 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 10:02 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 BROOKS, Office of the Registrar

RUDOLPH MCGANN, Staff Attorney

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

(10:02 a.m.)

CHAIRMAN NICHOLS: Good morning.

It is Thursday, August 28, 2014. The time is 10:04 a.m. This is a Special Board Meeting to conduct petition nominating challenge hearings. I'm Deborah K. Nichols, Chairman of the Board.

With me this morning on the dais is Mr. Kenneth McGhie, the Board's General Counsel. We are at 441 4th Street, Room 280 North.

We will -- our first case for this morning is the challenge to the nominating petition of Mr. Djokham, Candidate for Mayor for the District of Columbia.

Mr. Djokham, would you come forward?

Who is the challenger?

MR. MCGHIE: Mr. Ben Foshager.

CHAIRMAN NICHOLS: Mr. Foshager, please come forward. Have a seat here.

1 MS. HAMILTON: Hi, madam, and sir.
2 I'm Rhonda Hamilton, Chief of Staff, sitting
3 on behalf of --

4 CHAIRMAN NICHOLS: Okay. We'll get
5 you to identify yourself for the record in
6 just a second.

7 All right. Okay. Now, would the
8 representative for the candidate identify
9 themselves for the record? And, then we will
10 have the challenger identify themselves for
11 the record.

12 MS. HAMILTON: Yes, ma'am. Good
13 morning. I'm Rhonda Hamilton, and I am the
14 chief of staff for Mr. Nestor Djokham's 2014
15 campaign.

16 CHAIRMAN NICHOLS: Okay.
17 Yes, sir, and please identify
18 yourself for the record.

19 MR. FOSHAGER: Challenger, Ben
20 Foshager, for -- in the District.

21 CHAIRMAN NICHOLS: All right.
22 Madam Registrar, would you please

1 read into the record your findings from the
2 challenge.

3 MS. BROOKS: On August 6, 2014,
4 Nestor Djokham submitted a nominating petition
5 to appear on the ballot as a candidate in the
6 November 4, 2014, General Election for the
7 Office of Mayor of the District of Columbia.
8 That petition was posted for public inspection
9 for ten days as required by law and challenged
10 on August 16, 2014, by Ben Foshager, a
11 registered voter in the District of Columbia.

12 My preliminary review of the
13 petition challenged indicates that Mr. Djokham
14 submitted a total of 3,213 signatures. The
15 minimum requirement to obtain ballot access
16 for this office is 3,000 signatures.

17 Challenger, Ben Foshager, filed
18 challenges to a total of 229 signatures
19 enumerated by line and page number on
20 individual challenge sheets filed for each
21 petition page. Petition signatures were
22 challenged pursuant to Title 3, DCMR, Section

1 1607.1 of the Board's Regulation on the
2 following grounds:

3 The signer's voter registration
4 was designated as inactive on the voter roll
5 at the time the petition was signed; the
6 signer is not a duly registered voter; the
7 signer, according to the Board's records, is
8 not registered to vote at the address listed
9 on the petition at the time the petition was
10 signed; provide that the address on the
11 petition, which is found -- which is different
12 than the address which appears on the Board's
13 records shall be deemed valid if the signer's
14 current address is within the boundary for
15 which the candidate's nomination and the
16 signer filed a change of address form with the
17 Board during the first ten days from the date
18 on which the challenger's nominating petition
19 was filed.

20 The petition does not include the
21 address of the signer; the petition does not
22 include the name of the signer where the

1 signature is not sufficiently legible for
2 identification; the signature is not made by
3 a person whose signature it's supposed to be.

4 And, my review of the challenge
5 indicates that a total of 213 of 229
6 challenges are valid. This leads the
7 candidate's nominated petition with 3,000
8 signatures, the required number of valid
9 signatures for ballot assess.

10 The Registrar of Voters received
11 12 change of address forms for Mr. Djokham.
12 After validating six of the address changes
13 and given credit to one that had been
14 initially determined invalid, the candidate
15 now has a nominated petition for 3,007 valid
16 signatures. Mr. Djokham now has a total of
17 seven valid signatures more than the said
18 3,000 signatures required for ballot access.

19 CHAIRMAN NICHOLS: All right.

20 MR. MCGHIE: All right. The
21 candidate review the findings in the Registrar
22 of Voters?

1 MS. HAMILTON: We did.

2 MR. MCGHIE: Okay. And, the
3 challenger, I believe, you're taking exception
4 to our findings?

5 MR. FOSHAGER: Yes, I am.

6 MR. MCGHIE: Okay, so --

7 MR. FOSHAGER: Now, are you -- are
8 you speaking with regard to the address
9 changes or the initial findings or both or
10 any?

11 MR. MCGHIE: Both, everything.

12 MR. FOSHAGER: Okay, yes, with
13 both. For -- in the initial petitions I'm
14 taking exception with --

15 MR. MCGHIE: Okay. Well, you have
16 the burden of proof, so which signatures are
17 you taking exception to?

18 MR. FOSHAGER: First one, sheet 7
19 of 11 in the supplementals, line number 15.
20 The printed name is not --

21 CHAIRMAN NICHOLS: Hold on a
22 second. We got to find -- it's going to take

1 us a second to -- 7 of 11.

2 MR MCGHIE: Sheet 7 of 11. What
3 number?

4 MR. FOSHAGER: Line number 15.
5 And, my issue is that the printed name is not
6 the claimed individual. The printed name is
7 indecipherable and illegible.

8 CHAIRMAN NICHOLS: All right. What
9 is your next objection? Wait, wait, wait.
10 Hold on a second.

11 You say 15.

12 MR. FOSHAGER: That one, line 15.

13 CHAIRMAN NICHOLS: Okay. Yes,
14 okay. What is your next? I'm not going to
15 sit here and rule on these.

16 MR. FOSHAGER: Okay.

17 CHAIRMAN NICHOLS: We will take
18 them under consideration, but what evidence do
19 you have that it is not the actual signature?
20 You know, because what we're doing -- what we
21 end up doing is hearing the same argument that
22 you made at the pre-hearing, but you have to

1 come up with some evidence, but we -- but we
2 will look at it. We will look at it.

3 MR. FOSHAGER: Yes. Well, I
4 disagree with the argument made.

5 CHAIRMAN NICHOLS: Okay. All
6 right. We will look at that.

7 MR. FOSHAGER: I disagree with
8 their arguments. Yes, I'm not objecting to
9 the signature. Well, yes, that's why I'm
10 objecting to the signature because that's
11 illegible. Now, I'm going to the name, which
12 is also illegible.

13 CHAIRMAN NICHOLS: Illegible, okay.
14 All right.

15 MR. FOSHAGER: And, I mean, I have
16 some, some other -- I mean, some backup, like
17 I can direct you to sheet 4 of 150 --

18 MR. MCGHIE: 4 of 150?

19 MR. FOSHAGER: 4 of 150, line 11
20 just to kind of frame this. That one was
21 ruled illegible when some of the address was
22 legible and maybe some of the name was

1 legible, but the first letter of the first
2 name, for example, and perhaps the first
3 letter of the last name, but it was ruled
4 illegible.

5 CHAIRMAN NICHOLS: Which number?
6 Which line is that?

7 MR. FOSHAGER: That's line 11 on --

8 CHAIRMAN NICHOLS: Eleven.

9 MR. FOSHAGER: -- sheet 4 of 150.

10 CHAIRMAN NICHOLS: Okay.

11 MR. MCGANN: For the record,
12 Rudolph McGann, Staff Attorney. That
13 challenge went in the candidate's favor -- I
14 mean, the challenger's favor.

15 CHAIRMAN NICHOLS: Okay, so --

16 MR. MCGANN: And the challenger is
17 illustrating the --

18 MR. MCGHIE: So, he's not -- he's
19 not challenging that signature?

20 MR. MCGANN: He's not challenging.
21 He's using that as for a reference --

22 CHAIRMAN NICHOLS: Well, let's

1 stick to the ones -- no. Let's stick to the
2 ones that you have an issue with.

3 MR. FOSHAGER: Okay. Well, that --
4 that is the one I have an issue with. That's
5 under line 15.

6 CHAIRMAN NICHOLS: 4 of 115 --

7 MR. FOSHAGER: As I said --

8 CHAIRMAN NICHOLS: Okay. So, what
9 were you saying about this one?

10 MR. FOSHAGER: Well, I'm saying
11 that's -- that was ruled illegible when some
12 of the address is legible and maybe some of
13 the name, some of the name is legible. I'm
14 creating a parallel, like that was one ruled
15 illegible.

16 CHAIRMAN NICHOLS: Okay.

17 MR. FOSHAGER: That one went in my
18 favor, but number 15 did not --

19 CHAIRMAN NICHOLS: I got you.

20 MR. FOSHAGER: -- when both I see
21 are definitely illegible. And, I mean, I
22 don't know, do you jump to the address and --

1 I mean, do you look at the first name and say,
2 "Oh, well?" Do you create a theory?

3 I mean, I think, when you, you
4 kind of go that route, it's just raising a
5 subjectivity and, "Oh, let me see if we can
6 look up the address, and then, okay, we have
7 the first name -- we have the first name, then
8 maybe you have the last name, maybe I can
9 see..." I don't think you can, you can do
10 that.

11 I think you have to look at the
12 names itself and say, "Can I read that name?"
13 And, clearly, in the one that was ruled
14 illegible, you can't read the name, which is
15 the same case in line number 15, which you
16 said was a particular individual and I'm
17 arguing it's not because I -- those letters,
18 I cannot -- are illegible. I cannot make
19 those out.

20 CHAIRMAN NICHOLS: Okay.

21 MR. FOSHAGER: Okay. Going to the
22 next one, sheet 6 of 150, line number 14.

1 Again, the printed name cannot be sure to be
2 this individual that's -- to be this
3 individual with only a letter for the first
4 name, and it's -- I mean, I can make out, like
5 it looks like a first, first letter for the
6 first name, but then, I mean, the last name is
7 indecipherable, so I mean that's -- it's
8 indecipherable.

9 I mean, you can't -- if -- okay.
10 If we can make out the first letter, the first
11 name, we can't say, "Oh, okay, that must be
12 this person," because there could be several
13 with the first letter of the first name
14 residing at that address with, with that last
15 name, but with the last name that you, you
16 claim to be, but I'm challenging it to be
17 indecipherable.

18 And, for some evidence, some case
19 for that, I would direct you to sheet 51 of
20 50, line number 4.

21 MR. MCGHIE: Is that a signature
22 that you're challenging?

1 MR. FOSHAGER: No, that's just some
2 backup for the number 14. You want that,
3 okay. All right.

4 Next one is sheet 6 of 11,
5 supplementals, line number 14. I am claiming
6 that the printed name is not the claimed
7 individual, the individual that has been
8 claimed, that it is indecipherable and
9 illegible.

10 I can -- I can like parse out the
11 first name, but the, like the last name is
12 just -- I -- I can't -- I just can't like --
13 I can't agree that that is -- that the claim's
14 name -- it's just -- it's just not there.
15 And, like the -- the third letter is not
16 related to the one I see in the one you claim
17 it to be. And, I can -- I can direct you to
18 the original -- yes, to the, the sheets where
19 it is in fact where you rule on that.

20 MR. MCGHIE: Is that -- is that one
21 of the signatures you're challenging --

22 MR. FOSHAGER: Yes. Yes.

1 MR. MCGHIE: -- that you're
2 directing us to?

3 MR. MCGANN: For clarification, are
4 we referring to page 6, line 14?

5 MR. FOSHAGER: Sheet 6 of 11, it's
6 in the supplementals, line 14.

7 MR. MCGANN: The name?

8 MR. FOSHAGER: That's what I'm
9 challenging. There is -- I can't -- can't
10 tell you the name because it's indecipherable.
11 The third letter is not what is being claimed.
12 If you -- if you want to go to --

13 CHAIRMAN NICHOLS: Brian Austin.

14 MR. FOSHAGER: The third letter is
15 not -- that is not matching up.

16 CHAIRMAN NICHOLS: Brian Austin.

17 Well -- well -- okay, let's move on.

18 MR. MCGANN: Mr. Brian Austin -- I
19 just -- going through the record --

20 CHAIRMAN NICHOLS: We'll check
21 that.

22 MR. MCGANN: This one right here,

1 correct? Brian Austin.

2 MR. FOSHAGER: Yes, right. I mean,
3 no, I'm not agreeing with you that -- it's
4 line 14, but I'm not agreeing with you that
5 it's --

6 CHAIRMAN NICHOLS: So which part of
7 this are you challenging? That's what I don't
8 understand. Are you challenging the printed
9 -- the printed thing or the signature?

10 MR. FOSHAGER: Both that neither --

11 CHAIRMAN NICHOLS: Okay.

12 MR. FOSHAGER: Because the
13 signature is illegible, then, of course, we
14 have to jump to the name, okay, but on, you
15 know, 167.1(f), the petition does not include
16 the name of the signer where the signature is
17 not sufficiently legible for identification.

18 Okay, the signature is not
19 sufficiently legible for identification and I
20 am claiming that it does not include the name.

21 CHAIRMAN NICHOLS: Okay.

22 MR. FOSHAGER: I -- that can't be

1 parsed out. Deciphered, yes.

2 CHAIRMAN NICHOLS: Okay. All
3 right.

4 MR. FOSHAGER: And, lastly, for
5 these is sheet 11 of 11, supplementals, line
6 number 9. Again, the signature and name are
7 illegible. Signature is illegible and --
8 again, I just can't agree that -- I just can't
9 see the name there that they are claiming it
10 to be.

11 CHAIRMAN NICHOLS: Okay.

12 MR. FOSHAGER: And -- but that one
13 there is a signature card provided, and even
14 with the signature card, I am -- I'm just
15 claiming -- even with that, I don't see them
16 matching up, so --

17 CHAIRMAN NICHOLS: Oh, you have a
18 signature -- okay. All right. We'll take a
19 look at that.

20 MR. FOSHAGER: Okay. And, then I
21 have some concerns with the address changes
22 too. I don't know if you have a copy of

1 those.

2 MR. MCGHIE: The address changes?

3 PARTICIPANT: Yes.

4 CHAIRMAN NICHOLS: We do?

5 MR. FOSHAGER: I don't know if I --

6 PARTICIPANT: You have them.

7 CHAIRMAN FOSHAGER: Is that what

8 this is?

9 PARTICIPANT: Yes.

10 MR. FOSHAGER: I don't know if they

11 need a copy.

12 CHAIRMAN NICHOLS: Okay. Yes, I

13 got it.

14 MR. FOSHAGER: Yes, I -- I looked

15 at them yesterday and -- and on -- I saw 12

16 that were given to me late -- that I read late

17 afternoon yesterday, and on 11 out of 12 of

18 them, the -- these individuals did not affirm

19 that they are District residents, which you

20 can see in box 13 of the Voter Registration

21 application.

22 They affirmed that they're U.S.

1 citizens. You know, the instructions on the
2 voter declaration, "Read, check, and sign
3 below. I swear or affirm that I am U.S.
4 citizen; I live in the District of Columbia at
5 the address number above; I am at least 16
6 years old."

7 On 11 out of 12 of them, only one
8 affirms that -- and that's Bernita Graham,
9 2321 Hartford Street, S.E., Number 1102. She
10 was the only one that affirmed she lives in
11 the District of Columbia at the address above
12 and that she is at least 16 years old, so
13 that's actually what I have with the address
14 changes. And, I mean --

15 MS. HAMILTON: I'm prepared to go
16 on record and sign an affidavit that says I
17 physically visited these individuals, and in
18 the effort of collecting the data, if there
19 was an error in terms of them checking a box,
20 I'm prepared to do an affidavit that says that
21 we physically visited each one of these
22 individuals in these homes and put before them

1 the understanding of why we would be there.

2 And, the only understanding for
3 these individuals that they were changing
4 their address to correct where they actually
5 are residing. In many of those cases, sir,
6 they did indicate that they had moved at least
7 in that time and possibly hadn't taken care of
8 doing this, so if there is going to be a
9 technicality for in the effort of collecting
10 this data in the time period that was given,
11 I would be more than happy to sign the
12 affidavit because I physically went out on
13 this data collecting effort as the chief of
14 staff of this campaign. And, I hope that's --

15 MR. FOSHAGER: Yes, I understand
16 that, but --

17 CHAIRMAN NICHOLS: That's not a
18 basis for -- that's not a basis disallowing
19 this anyway, so that would not be --

20 MR. FOSHAGER: That they -- or they
21 -- that they didn't affirm that --

22 CHAIRMAN NICHOLS: This was a

1 change of address, so at some point, that has
2 been confirmed because they are already
3 registered voters in the District, and we have
4 a rigorous confirmation process for voters who
5 register here in the District. They are
6 simply saying that they move from address A
7 within the District to address B within the
8 District.

9 So -- but that's neither here or
10 there. That's just a technicality.

11 MR. FOSHAGER: I don't -- I don't
12 think so.

13 CHAIRMAN NICHOLS: Well, okay, Mr.
14 --

15 MR. FOSHAGER: Because why -- why
16 is it included in the application then?

17 CHAIRMAN NICHOLS: Yes, well --

18 MR. FOSHAGER: I mean, why don't
19 you just -- if it's just a technicality.

20 CHAIRMAN NICHOLS: Well, sir.
21 Well, then why wouldn't they offer it to -- 16
22 years old --

1 MR. FOSHAGER: You'd have to ask
2 them.

3 CHAIRMAN NICHOLS: But that would
4 be just as if this is a disqualification --

5 MR. FOSHAGER: Yes, I'm --

6 CHAIRMAN NICHOLS: But anyway,
7 thank you so much.

8 MR. FOSHAGER: Okay.

9 CHAIRMAN NICHOLS: Are there any
10 other arguments that you have? We'll take
11 this under advisement and issue an order
12 accordingly, but thank you so much --

13 MR. FOSHAGER: All right. Yes,
14 that's all.

15 CHAIRMAN NICHOLS: -- for bringing
16 these to our attention, and we do appreciate
17 it because we do have to maintain the
18 integrity of these signatures that access to
19 the ballot.

20 MR. FOSHAGER: I understand that,
21 but --

22 CHAIRMAN NICHOLS: And, there's

1 people --

2 MR. FOSHAGER: -- they did not
3 affirm this --

4 CHAIRMAN NICHOLS: Yes, I got you.
5 I'm not disputing that. I'm not disputing
6 that. I'm thanking you for your service and
7 even, you know, reviewing these nominating
8 petitions --

9 MR. FOSHAGER: Well, I'm a
10 candidate myself, so that's part of the -- I'm
11 a candidate, so that's part of the --

12 CHAIRMAN NICHOLS: To us, to the
13 Board, but we do appreciate it. Thank you so
14 much.

15 MR. FOSHAGER: Okay.

16 CHAIRMAN NICHOLS: Does the
17 candidate's counsel have anything to offer?
18 And, we would appreciate if you would do a
19 statement.

20 MS. HAMILTON: I sure will. And,
21 I'm not adding that to the record. I don't
22 have anything else to offer. And, I would

1 also like to thank you. The last 48 hours
2 have been very challenging for myself, but I
3 will definitely sign that affidavit.

4 CHAIRMAN NICHOLS: Thank you so
5 much. Any other -- thank you so much.

6 MS. HAMILTON: Thank you.

7 CHAIRMAN NICHOLS: This case is
8 completed.

9 We'll move onto the next case,
10 which is the challenge two. Okay, we'll
11 recess for a couple of minutes to allow our
12 next parties come.

13 (Whereupon, the above-entitled
14 matter went off the record at 10:24 a.m. and
15 resumed at 10:35 a.m.)

16 CHAIRMAN NICHOLS: All right. We
17 will call to order the Special Meeting of the
18 Board of Elections to continue our hearing on
19 nominating petition challenges. Again, it is
20 August 28, 2014. The time is 10:36 a.m.

21 Our next case is Green v. Gaston.

22 Where's Ms. --

1 MR. MCGHIE: Brooks?

2 CHAIRMAN NICHOLS: Brooks.

3 All right, we have the candidate
4 and the challenger before us. Will the
5 parties at the table identify themselves?
6 We'll start with the challenger, then go to
7 the candidate, and the staff.

8 MR. GREEN: My name is Anthony
9 Lorenzo Green.

10 MR. GASTON: Darrell Gaston.

11 CHAIRMAN NICHOLS: Please identify
12 yourself for the record?

13 MS. BROOKS: Karen Brooks,
14 Registrar of Voters.

15 MR. MCGANN: Rudolph McGann, Staff
16 Attorney for the Board.

17 CHAIRMAN NICHOLS: All right. Mr.
18 Green, you have -- Ms. Brooks, I'm sorry. Ms.
19 Brooks, would you read into the record your
20 findings?

21 MS. BROOKS: Okay. That's okay.

22 CHAIRMAN NICHOLS: It only took me

1 three words to realize I was going down the
2 wrong path.

3 MS. BROOKS: Okay. On August 6,
4 2014, Darrell Gaston submitted nominating
5 petition to appear on the ballot as a
6 candidate in the November 4, 2014, General
7 Election for the Office of Advisory
8 Neighborhood Commission, Single Member
9 District 8B02. That petition was posted for
10 public inspection for ten days as required by
11 law, and challenged on August 16, 2014, by
12 Anthony Lorenzo Green, a registered voter in
13 the District of Columbia.

14 My preliminary review of petition
15 challenge indicates that Mr. Gaston submitted
16 a total of 38 signatures. The minimum
17 requirement for this Office is 25 signatures
18 of the District voters who are duly registered
19 in the same SMD as the candidate.

20 Challenger, Anthony Lorenzo Green,
21 filed challenges to a total 30 signatures
22 enumerated by line and page number on

1 individual challenge sheets filed for each
2 petition page. Petition signatures were
3 challenged pursuant to Title 3, DCMR, Section
4 1607.1 of the Board's Regulations on the
5 following grounds:

6 The signer is not a duly
7 registered voter; the signer, according to the
8 Board's records, was not registered at the
9 address listed on the petition at the time the
10 petition was signed; provided that the address
11 on the petition, which is different than the
12 address which appears on the Board's records,
13 shall be deemed valid if the signer's current
14 address is within boundaries which the
15 candidate seeks nomination; and the signer
16 filed a change of address form with the Board
17 during the first ten days filing date on which
18 the challenger's nominating petition was
19 filed.

20 The petition does not include the
21 name of the signer where the signature is not
22 sufficiently legible for identification; the

1 signature is not made by the person whose
2 signature it purports to be; and the signer is
3 not a registered voter in the Ward or Single
4 Member District from which the candidate seeks
5 nomination at the time the petition was
6 signed.

7 My review of the challenge
8 indicates that a total of 21 of 30 challenges
9 are valid. This leaves the candidate's
10 nominated petition with 17 signatures, 8
11 signatures below the number required for
12 ballot access.

13 The Registrar of Voters received
14 two change of address forms -- two change of
15 address and five affidavits for Mr. Gaston.
16 After validating two change of addresses and
17 given credit for one that had been initially
18 determined to be invalid, if the five
19 affidavits are accepted, the candidate would
20 have a nominated petition with 25 signatures,
21 valid signatures, the number required for
22 ballot access.

1 CHAIRMAN NICHOLS: Okay, so, Mr.
2 Green, what are -- what are your issues at
3 this point?

4 MR. GREEN: My issues at this point
5 have to do with, for the affidavit that he
6 submitted.

7 CHAIRMAN NICHOLS: Okay.

8 MR. GREEN: They are Floretta
9 Carpenter, Lequacious Wiggins, Kimberly
10 Watson, and Eloise Simmons. And, starting
11 with Floretta Carpenter, and that's on --
12 that's on the petition sheet 1, line 16.

13 The signature on the petition and
14 the signature on a notarized letter, as long
15 as the signature on the voter records, it's
16 not matching.

17 CHAIRMAN NICHOLS: And, what
18 evidence do you have on that?

19 MR. MCGHIE: What's the -- page
20 what?

21 MR. GREEN: Page 1, line 16. If
22 you notice on the documents that Ms. Brooks

1 pulled from the records in regards to the last
2 time Ms. Carpenter voted, which was on
3 November 6, 2012, the signature is completely
4 different than the signature that's on this
5 notarized letter.

6 CHAIRMAN NICHOLS: Well -- yes, so
7 do we have the registration card? Oh, no.

8 MR. MCGHIE: No, no, we got -- the
9 affidavits --

10 CHAIRMAN NICHOLS: Okay.

11 MR. GREEN: Okay. Lequacious
12 Wiggins, that completely does not match the
13 signature on the petition. It looks similar
14 to the signature on the voter registration.

15 MR. MCGHIE: What number is that?

16 MR. GREEN: I'm sorry.

17 MR. MCGANN: Page 2, line 12.

18 MR. MCGHIE: Page 2, line 12?

19 MR. MCGANN: That's correct.

20 MR. GREEN: It looks similar to
21 the voter registration, but when you look at
22 the petition itself, that's not the same

1 person that signed this notarized letter or
2 register to vote. It's a completely different
3 person that signed this petition.

4 If this notarized letter is
5 accepted, it's really giving Mr. Gaston a do-
6 over on his 30 days to collect 25 valid
7 signatures because it appears that he actually
8 went back to that voter and got their
9 signature, but it's still not the same person
10 that signed that petition.

11 CHAIRMAN NICHOLS: All right.

12 MR. GREEN: The next one is
13 Kimberly Watson, and that is page 2, line 17.

14 CHAIRMAN NICHOLS: Okay.

15 MR. GREEN: For Kimberly Watson,
16 her signature, it's not -- it's not similar to
17 the letter of registration name because of how
18 she's signing her Ks and her Ws. It's
19 completely different from the affidavit.

20 CHAIRMAN NICHOLS: Okay.

21 MR. GREEN: And, Eloise Simmons,
22 that is page 2, line 19, that signature does

1 not match the voter registration at all nor
2 does it match the petition. Just looks like
3 three different signatures.

4 CHAIRMAN NICHOLS: All right.

5 MR. MCGHIE: So, it's those four?

6 MR. GREEN: That's correct.

7 CHAIRMAN NICHOLS: Do you have
8 anything, Mr. Gaston?

9 MR. GASTON: Other than these
10 factitious statements, a notarized letter
11 tends to be a legal document that courts
12 accept. In order to have a notarized letter,
13 you must present your actual ID and you give
14 a statement of the fact. And, a notarized
15 letter, if purged, can get you into -- can
16 convict you of falsifying a legal document.

17 And, as it relates to Ms. Flo, Ms.
18 Flo did in fact, and if you were to give her
19 a call at the number on the notarized letter,
20 will contest to actually signing the petition
21 as it relates to him saying that the F or the
22 name doesn't, doesn't match.

1 As you know, Madam Chair, when
2 you're collecting signatures and you're in
3 front of, i.e., a Safeway or a Giant, the
4 people normally want to get you out of your
5 face, so if you look at my signature today and
6 my signature when I first signed two, three
7 years ago, updating my address, my Gs, which
8 are now in lowercase, it's capitalized on the
9 Board.

10 Mr. Green is fishing for anything,
11 anything to get me off the ballot, and so when
12 you look at, for example, if you look at, for
13 example, he didn't have an issue with Mr.
14 Eugene -- with Mr. Eugene Robertson, which is
15 one of the notarized letters.

16 If you look at the last name that,
17 on the top of that, and you look at the last
18 name where it say, "Print," those are two
19 different separate signatures on the notarized
20 letter, two different signatures, so why was
21 Mr. Green not fishing about -- about throwing
22 this one out when the Eugene Robertson is

1 different from the Eugene Robertson in the
2 middle and the Eugene Robertson on the left?

3 So this guy submitted three
4 different signatures on the same notarized
5 letter, but Mr. Green has an issue for that,
6 and so I ask this Board to take it to
7 consideration that these five notarized
8 letters, which are legal documents, and allow
9 me access to the ballot.

10 When you look at, for example,
11 Kimberly Watson, Kimberly Watson on the actual
12 petition, if you look at her K, the K on the
13 petition, that's page 2, line 17, on the
14 petition, her K, there's a curve on the
15 petition, there's a curve on the notarized
16 letter, and there's a curve on the actual, on
17 the actual registration for the Board.

18 When you look at Lequacious --
19 when you look at Lequacious Wiggins, which is
20 page 2, line 12, if you look at the L-E on the
21 petition, there's a curve in the L one and to
22 the E. If you look at the L on the notarized

1 letter, there's a curve going onto the E, and
2 when you look at the L-E on the actual
3 registration, there's a curve.

4 The only difference is that he
5 then when he signed rushed and put a lowercase
6 Q versus a capitalized Q. Everything else is
7 exactly the same.

8 When you look at -- when you look
9 at Eloise Simmons, Eloise Simmons, the E and
10 everything is -- the E -- if you look at E on
11 the notarized letter, if you look at the E on
12 the, on the Voter Registration, and if you
13 look at the E on the petition, they are the
14 same.

15 The only time that a person signs
16 100 percent is when you have enough time and
17 you're sitting down at a desk and you don't
18 want the people to get out of your face, and
19 so these notarized letters should be accepted
20 by the Board because they are legal, binding
21 documents that these people contest, contest
22 to being legit and they provided not only

1 their name, but their phone number in case the
2 Board wants to call them and verify that they
3 did in fact sign these petitions.

4 And, I ask the Board to accept
5 these five petitions and to also look at the
6 fact that he's not challenging that Eugene --
7 that the Eugene notarized letter that has
8 three separate signatures versus he's
9 challenging the other four based off nothing
10 but whatever the reason why he's challenging
11 that.

12 That's all, Madam Chair.

13 MR. GREEN: Madam Chair.

14 CHAIR NICHOLS: Yes, sir.

15 MR. GREEN: The reason I'm not
16 challenging Mrs. Simmons is because this
17 signature does look similar to the signature
18 on the record. Let's keep focused on the
19 signature itself, not the printed name. You
20 know, it does look similar even though the E
21 looks slightly different, but I'm not going to
22 make an A out of, you know, out of that.

1 He brought up Ms. Watson. I do
2 want to point out that the address that Ms.
3 Watson wrote on this notarized letter is not
4 the same address on the Voter Registration.
5 On the Voter Registration, her apartment
6 number is 303, but on this letter, she's 102.

7 And, also, let me remind the Board
8 of what took place two years ago when we were
9 before you, we had the same issue where the
10 signatures did not match. There was a
11 notarized, notarized letter presented with
12 some type of explanation, but the Board
13 decided not to accept that because I should
14 have a right to interrogate that letter if the
15 claim, if the person is going to say that his
16 signature doesn't match because his arm is
17 broken or whatnot.

18 But when the signature is
19 completely different, like Ms. Simmons, I
20 should have the opportunity to see Ms.
21 Simmons, her present before the Board in
22 person with her identification saying that,

1 "Yes, that is my signature, something happened
2 that day, I'm not quite sure."

3 And, if the Board is going to
4 contact them with the numbers on this
5 notarized letter, I also urge the Board to
6 contact them with the information on their
7 voter record as well. The phone number --

8 CHAIRMAN NICHOLS: The basic
9 address is the same?

10 MR. GREEN: Right, the basic is the
11 same, yes.

12 CHAIRMAN NICHOLS: Okay. That's
13 what we -- that's where we would depart from.
14 You know, and having some strict rule that it
15 has to match to the T as long as the basic
16 address is the same

17 MR. GREEN: That's understandable.

18 CHAIRMAN NICHOLS: I mean, they can
19 move from apartment to apartment within the
20 building that that really is not -- I think
21 there is a presumption that as long as we
22 don't focus on apartment and apartment number

1 or the lack thereof, the lack of of those --
2 or differences --

3 MR. GREEN: Okay.

4 CHAIRMAN NICHOLS: -- as long as
5 there are no two streets in different
6 quadrants with the same name.

7 MR. GREEN: And as it relates to --
8 I'm sorry.

9 CHAIRMAN NICHOLS: And range of
10 numbers -- so this is more complex than it --

11 MR. GREEN: Right, and that's
12 understandable.

13 CHAIRMAN NICHOLS: And, yet it --
14 and yet it in some regard it's simplistic, but
15 I don't want to get under this anymore. I
16 understand the arguments. We will take it
17 under submission and we will issue an order.

18 Thank you so much for coming.

19 MR. GREEN: Thank you.

20 CHAIRMAN NICHOLS: I appreciate it.
21 You all take care.

22 MR. GREEN: You too.

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CHAIRMAN NICHOLS: All right.
Okay. We got an eight minute recess coming.
(Whereupon, the above-entitled
matter went off the record at 10:50 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: BOE

Date: 08-28-2014

Place: Washington, D.C.

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my direction; further, that said transcript is a
true and accurate record of the proceedings.



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