GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

SPECIAL BOARD MEETING

THURSDAY

AUGUST 28, 2014

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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(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.
MS. HAMILTON: Hi, madam, and sir.

I'm Rhonda Hamilton, Chief of Staff, sitting on behalf of --

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

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

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

CHAIRMAN NICHOLS: Okay.

Yes, sir, and please identify yourself for the record.

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

CHAIRMAN NICHOLS: All right.

Madam Registrar, would you please

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

Challenger, Ben Foshager, filed challenges to a total of 229 signatures enumerated by line and page number on individual challenge sheets filed for each petition page. Petition signatures were challenged pursuant to Title 3, DCMR, Section
1607.1 of the Board's Regulation on the following grounds:

The signer's voter registration was designated as inactive on the voter roll at the time the petition was signed; the signer is not a duly registered voter; the signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed; provide that the address on the petition, which is found -- which is different than the address which appears on the Board's records shall be deemed valid if the signer's current address is within the boundary for which the candidate's nomination and the signer filed a change of address form with the Board during the first ten days from the date on which the challenger's nominating petition was filed.

The petition does not include the address of the signer; the petition does not include the name of the signer where the
signature is not sufficiently legible for identification; the signature is not made by a person whose signature it's supposed to be. And, my review of the challenge indicates that a total of 213 of 229 challenges are valid. This leads the candidate's nominated petition with 3,000 signatures, the required number of valid signatures for ballot assess.

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

CHAIRMAN NICHOLS: All right.

MR. MCGHIE: All right. The candidate review the findings in the Registrar of Voters?
MS. HAMILTON: We did.

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

MR. FOSHAGER: Yes, I am.

MR. MCGHIE: Okay, so --

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

MR. MCGHIE: Both, everything.

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

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

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

CHAIRMAN NICHOLS: Hold on a second. We got to find -- it's going to take
us a second to -- 7 of 11.

MR MCGHIE: Sheet 7 of 11. What number?

MR. FOSHAGER: Line number 15.

And, my issue is that the printed name is not the claimed individual. The printed name is indecipherable and illegible.

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

You say 15.

MR. FOSHAGER: That one, line 15.

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

MR. FOSHAGER: Okay.

CHAIRMAN NICHOLS: We will take them under consideration, but what evidence do you have that it is not the actual signature? You know, because what we're doing -- what we end up doing is hearing the same argument that you made at the pre-hearing, but you have to
come up with some evidence, but we -- but we will look at it. We will look at it.

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

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

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

CHAIRMAN NICHOLS: Illegible, okay.

All right.

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

MR. MCGHIE: 4 of 150?

MR. FOSHAGER: 4 of 150, line 11 just to kind of frame this. That one was ruled illegible when some of the address was legible and maybe some of the name was
legible, but the first letter of the first
name, for example, and perhaps the first
letter of the last name, but it was ruled
illegible.

CHAIRMAN NICHOLS: Which number?

Which line is that?

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

CHAIRMAN NICHOLS: Eleven.

MR. FOSHAGER: -- sheet 4 of 150.

CHAIRMAN NICHOLS: Okay.

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

CHAIRMAN NICHOLS: Okay, so --

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

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

MR. MCGANN: He's not challenging.

He's using that as for a reference --

CHAIRMAN NICHOLS: Well, let's
stick to the ones -- no. Let's stick to the ones that you have an issue with.

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

CHAIRMAN NICHOLS: 4 of 115 --

MR. FOSHAGER: As I said --

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

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

CHAIRMAN NICHOLS: Okay.

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

CHAIRMAN NICHOLS: I got you.

MR. FOSHAGER: -- when both I see are definitely illegible. And, I mean, I don't know, do you jump to the address and --
I mean, do you look at the first name and say, "Oh, well?" Do you create a theory?

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

I think you have to look at the names itself and say, "Can I read that name?"

And, clearly, in the one that was ruled illegible, you can't read the name, which is the same case in line number 15, which you said was a particular individual and I'm arguing it's not because I -- those letters, I cannot -- are illegible. I cannot make those out.

CHAIRMAN NICHOLS: Okay.

MR. FOSHAGER: Okay. Going to the next one, sheet 6 of 150, line number 14.
Again, the printed name cannot be sure to be this individual that's -- to be this individual with only a letter for the first name, and it's -- I mean, I can make out, like it looks like a first, first letter for the first name, but then, I mean, the last name is indecipherable, so I mean that's -- it's indecipherable.

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

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

MR. MCGHIE: Is that a signature that you're challenging?
MR. FOSHAGER: No, that's just some backup for the number 14. You want that, okay. All right.

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

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

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

MR. FOSHAGER: Yes. Yes.
MR. MCGHIE: -- that you're directing us to?

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

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

MR. MCGANN: The name?

MR. FOSHAGER: That's what I'm challenging. There is -- I can't -- can't tell you the name because it's indecipherable. The third letter is not what is being claimed.

If you -- if you want to go to --

CHAIRMAN NICHOLS: Brian Austin.

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

CHAIRMAN NICHOLS: Brian Austin.

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

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

CHAIRMAN NICHOLS: We'll check that.

MR. MCGANN: This one right here,
correct? Brian Austin.

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

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

MR. FOSHAGER: Both that neither --

CHAIRMAN NICHOLS: Okay.

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

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

CHAIRMAN NICHOLS: Okay.

MR. FOSHAGER: I -- that can't be
parsed out. Deciphered, yes.

CHAIRMAN NICHOLS: Okay. All right.

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

CHAIRMAN NICHOLS: Okay.

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

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

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

PARTICIPANT: Yes.

CHAIRMAN NICHOLS: We do?

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

PARTICIPANT: You have them.

CHAIRMAN FOSHAGER: Is that what this is?

PARTICIPANT: Yes.

MR. FOSHAGER: I don't know if they need a copy.

CHAIRMAN NICHOLS: Okay. Yes, I got it.

MR. FOSHAGER: Yes, I -- I looked at them yesterday and -- and on -- I saw 12 that were given to me late -- that I read late afternoon yesterday, and on 11 out of 12 of them, the -- these individuals did not affirm that they are District residents, which you can see in box 13 of the Voter Registration application.

They affirmed that they're U.S.
citizens. You know, the instructions on the
voter declaration, "Read, check, and sign
below. I swear or affirm that I am U.S.
citizen; I live in the District of Columbia at
the address number above; I am at least 16
years old."

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

MS. HAMILTON: I'm prepared to go
on record and sign an affidavit that says I
physically visited these individuals, and in
the effort of collecting the data, if there
was an error in terms of them checking a box,
I'm prepared to do an affidavit that says that
we physically visited each one of these
individuals in these homes and put before them
the understanding of why we would be there.

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

MR. FOSHAGER: Yes, I understand

that, but --

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

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

CHAIRMAN NICHOLS: This was a
change of address, so at some point, that has
been confirmed because they are already
registered voters in the District, and we have
a rigorous confirmation process for voters who
register here in the District. They are
simply saying that they move from address A
within the District to address B within the
District.

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

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

CHAIRMAN NICHOLS: Well, okay, Mr.

--

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

CHAIRMAN NICHOLS: Yes, well --

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

CHAIRMAN NICHOLS: Well, sir.
Well, then why wouldn't they offer it to -- 16
years old --
MR. FOSHAGER: You'd have to ask them.

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

MR. FOSHAGER: Yes, I'm --

CHAIRMAN NICHOLS: But anyway,

thank you so much.

MR. FOSHAGER: Okay.

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

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

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

MR. FOSHAGER: I understand that,

but --

CHAIRMAN NICHOLS: And, there's
people --

MR. FOSHAGER: -- they did not

affirm this --

CHAIRMAN NICHOLS: Yes, I got you.

I'm not disputing that. I'm not disputing that. I'm thanking you for your service and even, you know, reviewing these nominating petitions --

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

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

MR. FOSHAGER: Okay.

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

MS. HAMILTON: I sure will. And, I'm not adding that to the record. I don't have anything else to offer. And, I would
also like to thank you. The last 48 hours have been very challenging for myself, but I will definitely sign that affidavit.

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

MS. HAMILTON: Thank you.

CHAIRMAN NICHOLS: This case is completed.

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

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

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

Our next case is Green v. Gaston.

Where's Ms. --
MR. MCGHIE: Brooks?

CHAIRMAN NICHOLS: Brooks.

All right, we have the candidate and the challenger before us. Will the parties at the table identify themselves?

We'll start with the challenger, then go to the candidate, and the staff.

MR. GREEN: My name is Anthony Lorenzo Green.

MR. GASTON: Darrell Gaston.

CHAIRMAN NICHOLS: Please identify yourself for the record?

MS. BROOKS: Karen Brooks, Registrar of Voters.

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

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

MS. BROOKS: Okay. That's okay.

CHAIRMAN NICHOLS: It only took me
three words to realize I was going down the wrong path.


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

Challenger, Anthony Lorenzo Green, filed challenges to a total 30 signatures enumerated by line and page number on
individual challenge sheets filed for each petition page. Petition signatures were challenged pursuant to Title 3, DCMR, Section 1607.1 of the Board's Regulations on the following grounds:

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

The petition does not include the name of the signer where the signature is not sufficiently legible for identification; the
signature is not made by the person whose
signature it purports to be; and the signer is
not a registered voter in the Ward or Single
Member District from which the candidate seeks
nomination at the time the petition was
signed.

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

The Registrar of Voters received
two change of address forms -- two change of
address and five affidavits for Mr. Gaston.
After validating two change of addresses and
given credit for one that had been initially
determined to be invalid, if the five
affidavits are accepted, the candidate would
have a nominated petition with 25 signatures,
valid signatures, the number required for
ballot access.
CHAIRMAN NICHOLS: Okay, so, Mr. Green, what are -- what are your issues at this point?

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

CHAIRMAN NICHOLS: Okay.

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

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

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

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

MR. GREEN: Page 1, line 16. If you notice on the documents that Ms. Brooks
pulled from the records in regards to the last
time Ms. Carpenter voted, which was on
November 6, 2012, the signature is completely
different than the signature that's on this
notarized letter.

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

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

CHAIRMAN NICHOLS: Okay.

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

MR. MCGHIE: What number is that?

MR. GREEN: I'm sorry.

MR. MCGANN: Page 2, line 12.

MR. MCGHIE: Page 2, line 12?

MR. MCGANN: That's correct.

MR. GREEN: It looks similar to
the voter registration, but when you look at
the petition itself, that's not the same
person that signed this notarized letter or
register to vote. It's a completely different
person that signed this petition.

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

CHAIRMAN NICHOLS: All right.

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

CHAIRMAN NICHOLS: Okay.

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

CHAIRMAN NICHOLS: Okay.

MR. GREEN: And, Eloise Simmons,
that is page 2, line 19, that signature does
not match the voter registration at all nor
does it match the petition. Just looks like
three different signatures.

CHAIRMAN NICHOLS: All right.
MR. MCGHIE: So, it's those four?
MR. GREEN: That's correct.

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

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

And, as it relates to Ms. Flo, Ms.
Flo did in fact, and if you were to give her
a call at the number on the notarized letter,
will contest to actually signing the petition
as it relates to him saying that the F or the
name doesn't, doesn't match.
As you know, Madam Chair, when you're collecting signatures and you're in front of, i.e., a Safeway or a Giant, the people normally want to get you out of your face, so if you look at my signature today and my signature when I first signed two, three years ago, updating my address, my Gs, which are now in lowercase, it's capitalized on the Board.

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

If you look at the last name that, on the top of that, and you look at the last name where it say, "Print," those are two different separate signatures on the notarized letter, two different signatures, so why was Mr. Green not fishing about -- about throwing this one out when the Eugene Robertson is
different from the Eugene Robertson in the
middle and the Eugene Robertson on the left?

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

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

When you look at Lequacious --
when you look at Lequacious Wiggins, which is
page 2, line 12, if you look at the L-E on the
petition, there's a curve in the L one and to
the E. If you look at the L on the notarized
letter, there's a curve going onto the E, and
when you look at the L-E on the actual
registration, there's a curve.

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

When you look at -- when you look
at Eloise Simmons, Eloise Simmons, the E and
everything is -- the E -- if you look at E on
the notarized letter, if you look at the E on
the, on the Voter Registration, and if you
look at the E on the petition, they are the
same.

The only time that a person signs
100 percent is when you have enough time and
you're sitting down at a desk and you don't
want the people to get out of your face, and
so these notarized letters should be accepted
by the Board because they are legal, binding
documents that these people contest, contest
to being legit and they provided not only
their name, but their phone number in case the
Board wants to call them and verify that they
did in fact sign these petitions.

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

That's all, Madam Chair.

MR. GREEN: Madam Chair.

CHAIR NICHOLS: Yes, sir.

MR. GREEN: The reason I'm not
challenging Mrs. Simmons is because this
signature does look similar to the signature
on the record. Let's keep focused on the
signature itself, not the printed name. You
know, it does look similar even though the E
looks slightly different, but I'm not going to
make an A out of, you know, out of that.
He brought up Ms. Watson. I do want to point out that the address that Ms. Watson wrote on this notarized letter is not the same address on the Voter Registration. On the Voter Registration, her apartment number is 303, but on this letter, she's 102.

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

But when the signature is completely different, like Ms. Simmons, I should have the opportunity to see Ms. Simmons, her present before the Board in person with her identification saying that,
"Yes, that is my signature, something happened that day, I'm not quite sure."

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

CHAIRMAN NICHOLS: The basic address is the same?

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

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

MR. GREEN: That's understandable.

CHAIRMAN NICHOLS: I mean, they can move from apartment to apartment within the building that that really is not -- I think there is a presumption that as long as we don't focus on apartment and apartment number
or the lack thereof, the lack of of those --
or differences --

MR. GREEN: Okay.

CHAIRMAN NICHOLS: -- as long as

there are no two streets in different
quadranst with the same name.

MR. GREEN: And as it relates to --

I'm sorry.

CHAIRMAN NICHOLS: And range of

numbers -- so this is more complex than it --

MR. GREEN: Right, and that's

understandable.

CHAIRMAN NICHOLS: And, yet it --

and yet it in some regard it's simplistic, but

I don't want to get under this anymore. I

understand the arguments. We will take it

under submission and we will issue an order.

Thank you so much for coming.

MR. GREEN: Thank you.

CHAIRMAN NICHOLS: I appreciate it.

You all take care.

MR. GREEN: You too.
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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CERTIFICATE

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.

was duly recorded and accurately transcribed under my direction; further, that said transcript is a true and accurate record of the proceedings.

[Signature]
Court Reporter

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