

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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REGULAR BOARD MEETING

+ + + + +

WEDNESDAY

APRIL 1, 2020

+ + + + +

The District of Columbia Board of Elections convened telephonically, pursuant to notice, at 10:30 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MIKE GILL, Member
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
KAREN F. BROOKS, Registrar of Voters
CECILY E. COLLIER-MONTGOMERY, Director,
Office of Campaign Finance
RUDOLPH MCGANN, Attorney Advisor
WILLIAM SANFORD, General Counsel, Office
of Campaign Finance
TERRI STROUD, General Counsel

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

2 10:31 a.m.

3 CHAIR BENNETT: Okay. This is April
4 1st and this is the beginning of the meeting.
5 And we're going to have also here, four matters
6 regarding challenges to petitions -- to ballot
7 access petitions today as well.

8 So, what I want to do is first is,
9 call the meeting to order. The meeting is hereby
10 called to order virtually on April 1st at 10:30.

11 This is probably the only time I've
12 been on time. But we have a quorum. Board
13 Member Greenfield is present, and so am I,
14 Michael Gill is on his way and will be joining us
15 shortly. But we don't need but two to have a
16 quorum.

17 And so, Board Member Greenfield, would
18 you identify yourself please for the record?

19 MEMBER GREENFIELD: Yes, I am here.
20 Karyn Greenfield.

21 CHAIR BENNETT: Okay, great. When
22 Board Member Gill arrives I will announce him as

1 well.

2 Here also joining us is Terri Stroud,
3 General Counsel, Alice Miller, Executive Director
4 of the Board of Elections. I believe on the line
5 is also Ms. Cecily Montgomery. Ms. Montgomery,
6 are you there? Can you identify yourself please?
7 You may be on mute, Ms. Montgomery.

8 MS. COLLIER-MONTGOMERY: Yes, good
9 morning. Oh, I took it off.

10 CHAIR BENNETT: I heard you --

11 MS. COLLIER-MONTGOMERY: Okay, good
12 morning.

13 CHAIR BENNETT: -- when you said good
14 morning. Okay, great.

15 MS. COLLIER-MONTGOMERY: Okay.

16 CHAIR BENNETT: So, Cecily Montgomery
17 is here, Director of Office of Campaign Finance.

18 And I'm sure we have other members of
19 the public that are here. I'll call those
20 persons when it's time to hear the matters around
21 the challenges.

22 What I would like to do first is to

1 get a motion from Board Member Greenfield to
2 adopt the agenda for today, and then also at the
3 same time, approval of the minutes from our March
4 12th meeting. Ms. Greenfield?

5 MEMBER GREENFIELD: Yes. I move that
6 we adopt the agenda for today and also approve
7 the minutes from our March 12th meeting.

8 CHAIR BENNETT: Okay, great. Thank
9 you. And next on the agenda are board matters.
10 Board Member Greenfield, do you have any matters
11 for the Board?

12 MEMBER GREENFIELD: No, I don't.

13 CHAIR BENNETT: Okay. The only one I
14 have is that this is a -- consistent with the
15 Mayor's order for a person to stay at home, the
16 Board of Elections Office of Campaign Finance is
17 only operating with essential personnel focused
18 on the June elections, both the primary and the
19 special.

20 There is telework approved. People
21 are working consistent with CDC requirements of
22 social distancing and also disinfecting and

1 cleanliness.

2 So, with that, we are still hopefully
3 moving forward. On Friday, we had a press
4 conference with Mayor Bowser and Council Chair
5 Mendelson and Councilmember Allen where we
6 informed the public at that press conference that
7 we have a plan for the 2020, June 2020 elections,
8 both the primary and the special election.

9 And that plan included -- I'm going to
10 give Ms. Miller the opportunity to talk about
11 that plan, but that plan included vote centers as
12 well as pushing mail-out ballots. So there will
13 be lots of information coming out over the next
14 few days, tweets and everything else, radio ads
15 and television ads that will help provide
16 additional information.

17 But I'll let her -- I'm stealing some
18 of her thunder, but I will let her talk about
19 that more completely.

20 Next on the agenda is the report of
21 the Office of Campaign Finance. And Ms.
22 Montgomery will provide that report.

1 MS. COLLIER-MONTGOMERY: Okay, good
2 morning. Again, I would just like to reinforce
3 that OCF is operating under a modified status.
4 All services are being provided remotely by
5 email, and also by telephone, where the public,
6 at our public line, which is 202-671-0547, can
7 speak directly with Wesley Williams, who is our
8 Public Affairs Manager.

9 All candidate and committee financial
10 reports are continuing to be received online at
11 our website on the required deadline. Any
12 candidates who are seeking to register can
13 contact the office for instructions on how to do
14 so.

15 In lieu of the mandatory training
16 requirement, we are directing that our candidates
17 and treasurers familiarize themselves with our
18 training tutorials and brochures, which appear at
19 our website.

20 And I would just like to put on the
21 record the upcoming 2020 filing dates for our
22 candidates and committees -- the traditional

1 candidates and committees participating in the
2 June 2nd, 2020 primary election.

3 The next report is the eight-day pre-
4 primary report of receipts and expenditures,
5 which is due on Tuesday, May the 26th, 2020.

6 And for both the primary and the
7 special election candidates, June 10th, 2020 we
8 have a report of receipts and expenditures which
9 is due.

10 For our Fair Elections Program, our
11 next report is due on April the 10th. And also,
12 that is a Friday.

13 And also on May the 10th, which is a
14 Monday -- well, actually, the May 10th report
15 will fall on Monday, May the 11th, 2020. And the
16 eight-day pre-primary report for FEP candidates
17 is due on May the 26th.

18 Also, we have optional filing
19 deadlines for the FEP candidates. We just had
20 one on March the 30th. And the next one will
21 fall on April the 30th which is a Thursday.

22 I would also put on the record that

1 with our Fair Elections Program, the contract for
2 the development of phase two of the electronic
3 filing system was awarded on March the 13th. The
4 second phase will provide for public reports and
5 search features, as well as administrative
6 modules.

7 We also posted on the website the
8 updated list of the traditional candidates and
9 the FEP's candidates who are registered for the
10 program. And briefly, there are 43 candidates
11 who have registered in the FEP program. Fifteen
12 have been certified to participate in the primary
13 and general election, and three have been
14 certified to participate in the special election.

15 As far as our traditional program is
16 concerned, we have 23 who are registered as
17 candidates in the June primary election, three
18 registered in the general election, and two are
19 registered in the special election.

20 We also have 17 candidates who have
21 registered and claimed the \$500 exemption.

22 Now, also during the month of March,

1 I would just want to point out and put on the
2 record that we certified five additional
3 candidates in the Fair Elections Program.

4 And so with that, I will provide you
5 with the rest of the activities in the Office of
6 Campaign Finance. Just give me a second. One
7 second here. Okay.

8 All right. So the Fair Elections
9 Program, again, we have 43 candidates who are
10 currently registered in the program.

11 During the month of March, Ed Lazere
12 for DC Council At-Large registered with the
13 program on March the 17th, 2020. He is a
14 candidate in the general election.

15 With the certifications during the
16 month of March there were five in the primary
17 election. Kelvin Brown for DC Council Ward 7,
18 was certified on March the 16th, 2020.

19 Re-elect Trayon White 2020 was
20 certified on March the 16th, 2020.

21 Evans for DC 2020 was certified on
22 March the 19th, 2020.

1 For the General Election, Will
2 Merrifield for DC was certified on March the
3 19th, 2020.

4 And the Special Elections for Ward 2,
5 Patrick Kennedy for Ward 2 was certified on March
6 the 19th, 2020.

7 The Fair Elections Program also issued
8 nine status reports to candidates who are seeking
9 certification in the program who have not yet met
10 the threshold requirements. We also issued
11 deficiency notices to five programs.

12 With respect to the authorized base
13 amount and matching payments during the month of
14 March we issued a total of -- hold on one second.
15 I believe it was \$776,427.50.

16 And I would also indicate, I'm not
17 going to read each one, that our stats will be
18 posted at our website at the end of the day. And
19 the stats do in fact list each candidate to whom
20 the payments were made as well as the amount of
21 the payment.

22 We also issued, and I think this is

1 important to note, our second base amount
2 payments to candidates in the June 22nd, 2020
3 primary election who achieved valid access.

4 With respect to desk reviews in the
5 program, the program reviewed 55 reports of
6 receipts and expenditure, and also it issued nine
7 requests for additional information.

8 And again, as of March the 24th, 2020
9 the total sum of \$1,349,690 has been disbursed in
10 base amount and matching payments to the 19
11 candidates who have been certified under the Fair
12 Elections Program.

13 With our public information and
14 records management division during the month of
15 March, we did have a report which was filed by
16 the legal defense committees. And that was
17 actually their fourth report of receipts and
18 expenditures.

19 And although we may have reported at
20 the March meeting that February the 28th was the
21 due date, we did not have the number of actual
22 required filers at the time, and that was one.

1 And the filer did timely file, and
2 electronically filed as well.

3 March 10th was the deadline for the
4 filing of the report of receipts and expenditures
5 by several of our registrants. The first is the
6 Principal Campaign Committees and the Political
7 Action Committees.

8 We have 72 required filers, 53 timely
9 filed, and also electronically filed their
10 reports. We had two requests for extensions,
11 which were granted. And we had nine referrals to
12 the Office of the General Counsel for the failure
13 to file their reports.

14 With the Fair Elections Program, with
15 a March 10th filing deadline, we had 38 required
16 filers, 34 timely filed. And also, two of those
17 committees filed termination reports.

18 We had four referrals to the Office of
19 the General Counsel. We had two extensions which
20 were requested and granted, and all of the 34
21 committees that timely filed also electronically
22 filed their reports.

1 March 10th was also the filing
2 deadline for our Independent Expenditure
3 Committee. We had three required filers, all
4 three timely filed and electronically filed their
5 reports.

6 Again, with our new candidates and
7 committees who registered during the month of
8 March, again, Ed Lazere registered in the Fair
9 Elections Program on March the 17th.

10 With our Traditional Campaign Finance
11 Program we had seven candidates who are
12 registered. And again, the candidates are
13 Christopher Hawthorne, Christopher Hawthorne for
14 Ward 8 City Council, registered on March the 2nd.

15 Joyce Robinson-Paul, candidate for
16 U.S. Representative, registered on March the 3rd.

17 Charles Boston, candidate for State
18 Board of Education in Ward 7, registered on March
19 the 11th.

20 Karl Racine, Karl Racine 2022,
21 Attorney General, registered on March the 12th.

22 Robert Sinners, candidate DC

1 Republican Committee Ward 2, registered on March
2 the 18th. Mindi Walker, candidate DC Republican
3 Committee Ward 8, registered on March the 19th.

4 And Peter Bolton (phonetic), Peter
5 Bolton for Ward 2 City Council, registered on
6 March the 27th.

7 With respect to referrals through the
8 Office of the General Counsel, there were 13,
9 again, basically related to the failure to timely
10 file the March 10th report of receipts and
11 expenditures.

12 And the names of those committees,
13 again, will be posted at our website at the close
14 of business today.

15 With respect to the Reports Analysis
16 and Audit Division during the month of March, the
17 audit division is currently conducting desk
18 reviews of the Political Action Committees as
19 well as those other committees that filed their
20 March 10th report. And basically, they are
21 reviewing 78, and there are currently 43 which
22 are still under review.

1 And that's with the Political Action
2 Committee. I'm sorry, some of those are still
3 under review.

4 And also, with our Principal Campaign
5 Committees, there were 33 and some, as well,
6 remain under review.

7 The audit branch also issued state
8 requests for additional information. And
9 referred two cases to the Office of the General
10 Counsel.

11 With respect to our ongoing audits, we
12 have one field audit. And that is an
13 investigative audit, which was directed as a
14 result of a receipt of a complaint.

15 That is the DC Legal Defense Fund for
16 Jack Evans. The field work commenced upon the
17 receipt of additional documents which were
18 requested on March the 11th, 2020. And again,
19 the audit is ongoing.

20 We also had periodic random audits
21 with respect to the candidates in the upcoming
22 2020 election. Re-Elect Brandon Todd 2020, that

1 audit was initiated on September the 4th, 2019.
2 And that audit is complete at this point and is
3 under review.

4 Friends of Robert White, the audit
5 records were received March 16th.

6 Veda for Ward 7, that audit was
7 initiated March 2nd, 2020. And we are awaiting
8 the records.

9 Richard Campbell, Ward 8 City Council,
10 the audit is complete and is under review.

11 Committee to Elect Rogers for Council,
12 that audit was initiated on March the 2nd, 2020
13 and is ongoing.

14 With our periodic random audits of
15 Political Action Committee of the Report, which
16 was filed on January 31st, we have the Verizon
17 Communications, Inc., Good Government Club PAC,
18 that was initiated on March 2nd, the DC
19 Libertarian Party, which was initiated on March
20 the 2nd, the Firefighter's Committee on Political
21 Activity, which was initiated on March 2nd, and
22 the Greater Washington Board of Trade, that audit

1 has been completed and is under review.

2 I don't know whether Bill Sanford is
3 on the call, but if he is, he can give, at this
4 time, the report of the Office of the General
5 Counsel. If not, whenever he comes on to the
6 call he can give that report for the office.

7 And basically, that concludes my
8 report.

9 CHAIR BENNETT: Mr. Sanford, are you
10 on the call? Okay, I'll take that as a no.

11 What I'll also do now is to announce
12 that Board Member Michael Gill is also present
13 and on the line.

14 MEMBER GILL: In the house.

15 CHAIR BENNETT: And in the house. So
16 Court Reporter, if you could count Michael Gill
17 as a Board Member, as present, I'd appreciate
18 that.

19 The next item on the agenda is the
20 Executive Director of the Board of Elections, Ms.
21 Alice Miller, her report.

22 MS. MILLER: Thanks, Mr. Chair.

1 CHAIR BENNETT: Can you hear, Ms.
2 Miller? Ms. Miller, go ahead and talk.

3 MS. MILLER: Let me just begin by
4 starting where the Chair started -- or ended.
5 And that is, for the past month we have been
6 working very hard to try to put together a
7 feasible, workable plan for the June elections.

8 As we know, there are certain
9 restrictions that have been put in place as a
10 result of the public safety, or state of
11 emergency situation, that we find ourselves in
12 and therefore everything with respect to our
13 initial planning was not going to work, was not
14 feasible, with conducting these elections.

15 So, I want to first go on the record
16 and thank everyone who has worked extremely hard
17 to try to put this together. We know and we
18 appreciate that everyone has great and wonderful
19 ideas, but there is a reality to what we can do
20 and what we cannot do.

21 Where we have ended up is with the
22 best workable plan that we think we can fulfill

1 and do it in an environment of safety and concern
2 for both our workers and our staff and ensure
3 that all the ballots are sent out and received by
4 the voters, and also counted.

5 And if anyone did see the press
6 conference, which the Chairman had with the Mayor
7 and the Council on Friday, and he alluded to that
8 plan, and I'll just briefly go through that, what
9 we will do.

10 We will urge voters, through an
11 aggressive messaging, messaging, to ensure that
12 their voter registration status is, first,
13 accurate and up to date, urge voters to vote by
14 requesting a ballot.

15 We currently have a no-excuse absentee
16 mail ballot process in place and voters may
17 request a ballot for any reason, or no reason,
18 really, at all.

19 Once we get the request, the mail
20 ballot requests will be fulfilled and the ballots
21 will be sent on a rolling basis after receipt of
22 the request to the individual wherever they

1 request the ballot to be sent.

2 The voted ballots will then be, let me
3 just say, the ballots -- the ballots, once sent,
4 will have a postal return address, postage
5 prepaid. And the voted ballots, on their return
6 to the office, we will then first secure them and
7 eventually begin counting them.

8 If a ballot is not received once
9 requested or is damaged or lost, a replacement
10 ballot can be requested. And then at that point,
11 we will send that back out to the voter.

12 So we will start doing that once we
13 have our ballots. And the ballot will not be
14 defined until some point after the lottery. The
15 lottery takes place on April the 10th.

16 And then we have to actually send the
17 final ballot artwork, I guess for lack of a
18 better word, to the printer. We do not
19 anticipate receiving the ballots in our office,
20 the actual ballots, until around the 20th,
21 between the 20th and the 25th of April.

22 At that point we will begin mailing

1 ballots out based on the request that we have.
2 And we'll continue doing it on a rolling basis.

3 There have been some issues and
4 concerns about voters, how will they obtain an
5 application to request a ballot. There are a
6 number of ways to do that.

7 You can go on our website, fill out
8 the application, sign it and mail it in. You can
9 go on the mobile app. The app provides an
10 opportunity for voters to sign where they don't
11 have to print the application.

12 And we will also, in our voter guide,
13 which will be going out also, the first week of
14 May, have in the voter guide an application for
15 individuals to fill out, along with a postage
16 prepaid envelope to return it.

17 That voter guide will go to every
18 registered voter in the District of Columbia who
19 is qualified to vote in this election. So that's
20 anyone that's affiliated with a party.

21 And that, again, will give them an
22 opportunity to fill that application out. We'll

1 have an envelope in there, so all they have to do
2 is put it in the envelope and mail it back.

3 We've got that well on its way. But
4 again, that will not go out until the first week
5 of May.

6 Voters can also drop off their
7 ballots. They'll be able to drop them off either
8 in the office or at any vote centers.

9 The vote centers, we will operate 20
10 vote centers for an extended period of time.
11 Normally our vote centers throughout the city
12 only operate for seven days. We'll extend the
13 operation of the vote centers for 20 days.

14 Vote centers mean any voter can go to
15 anyone of the 20 locations at any time, during
16 that time, beginning May 22nd, up through and
17 including June 2nd. Centers will be open from
18 8:30 to 7:00.

19 We are going to encourage, in order to
20 respect the social distancing requirements that
21 are in place, we will encourage, although we will
22 not enforce, but encourage voters to respect an

1 alpha break, a suggestion that we'll put in
2 place.

3 And that will be beginning AM and PM
4 for A through L, M through Z. And we'll
5 alternate that every other day so that it gives
6 everyone an opportunity to have six mornings and
7 six afternoons to go until Election Day, everyone
8 with no alpha in place.

9 That's just a suggestion. Obviously
10 if anybody shows up in a time span that's not
11 within the alpha break that we suggest they will
12 not be turned away.

13 So, I want to just quickly put on the
14 record what the vote -- the vote centers are, and
15 I want to mention that the vote centers will be
16 closed on Memorial Day. We will not be opened
17 that day. But other than that, for the 12 days
18 from the 22nd through June 2nd, the ones that we
19 have are basically school gyms or recreation
20 centers because they can accommodate the voters.

21 We have two in Ward 1, that's Columbia
22 Heights and Prince Hall Center for the Performing

1 Arts. Ward 1, I'm sorry. That's Ward 1.
2 Columbia Heights Community Center and Prince Hall
3 Center for the Performing Arts.

4 Ward 2 is One Judiciary Square and
5 Hardy Middle School.

6 Three, Murch Elementary School, Oyster
7 -- and Oyster Bilingual School.

8 Ward 4, Coolidge High School, Emery
9 Heights Community Center, Raymond Recreation
10 Center.

11 Five, Turkey Thicket, McKinley Tech
12 High School.

13 Six, King Greenleaf, Sherwood
14 Recreation Center, and Kennedy Recreation Center.

15 Ward 7, Deanwood Recreation Center,
16 Benning Stoddert Community Center, Hillcrest
17 Recreation Center.

18 In Ward 8, Malcolm X Opportunity
19 Center, Barry Farms Recreation Center, and
20 Anacostia High School.

21 So those are the locations that we are
22 proposing. We are working now with the Mayor and

1 her administration to ensure that these places
2 are available.

3 Some of them are not our normal sites,
4 but we do need the spacing and that's why we've
5 altered the locations from some of the normal
6 sites to these so that we have enough space to
7 respect the social distancing and still be able
8 to accommodate for others.

9 We will also undergo a major messaging
10 campaign. We're working right now with a PR firm
11 to get some of this out.

12 We know there are a lot of questions
13 that are out there, Tweets and all of that. I
14 can just ask that everyone please be patient. We
15 announced this on Friday, we're getting it worked
16 on.

17 We'll have the information that you
18 need and everyone will have an opportunity to
19 take part in both the June primary election, on
20 June 2nd -- and for the June 16th election we'll
21 also do vote centers. There will be two in Ward
22 2, the same two that we will operate for the

1 primary.

2 And we will start our vote centers
3 operating the Friday before the election, which
4 is June 12th, up through and including June 16th.
5 Again, requesting that voters send us an
6 application or request a mail ballot.

7 And we will get that to you as well.
8 As soon as we have those ballots. And that is my
9 report. Do you have any questions or anything
10 you'd like to add?

11 CHAIR BENNETT: No. I appreciate the
12 -- just have some patience and it will be
13 rectified and I'm confident it will.

14 MS. MILLER: I just want to say one
15 other thing. I have, and I've said it before, we
16 have the best staff here ever.

17 You have no idea what I've had to do
18 to try to keep people to stay away from here and
19 keep the limits down to the ten, not only in the
20 main headquarters but also at our warehouse
21 operation where everyone just wants to do
22 something to help in putting the operation in

1 place.

2 At some point we will have a full
3 workforce in order to get this done. I --

4 (Telephonic interference.)

5 MS. MILLER: For the time being, the
6 staff has been minimized on site and it's been
7 hard to keep them out of here because they do
8 want to come in and help. It's almost like
9 incredible.

10 But until we get to that point, I need
11 them to stay home so they can be healthy for when
12 I need them to work. But they are super excited
13 in their initiatives to do this has just been
14 overwhelming and I appreciate it very much.

15 CHAIR BENNETT: Okay, thank you.

16 (Off record comments.)

17 MS. MILLER: Could you all please mute
18 your phones, we're hearing background
19 conversations. Thank you.

20 CHAIR BENNETT: So, Member Greenfield,
21 do you have any questions? I would ask for
22 (telephonic interference) do you have any

1 questions for Ms. Montgomery or Ms. Miller?

2 MEMBER GREENFIELD: No, I don't have
3 questions for either one of them. Very good
4 reports. And there's a lot of work already been
5 done towards the election and keeping on target.
6 So I want to thank everybody for that.

7 CHAIR BENNETT: Great, thank you. Mr.
8 Gill? Board Member Gill.

9 MEMBER GILL: No questions.

10 CHAIR BENNETT: Okay, great. Next on
11 the agenda is the General Counsel, Ms. Terri
12 Stroud. If you would go through both the
13 litigation status and then we will go to the
14 nominating petitions.

15 Well, actually, after the litigation
16 status what I'll do is I'll ask for public
17 commitment or public matters. We'll begin with
18 the litigation, with the nominating petitions,
19 okay?

20 MS. STROUD: And again, if you can put
21 your phones on mute until addressed by either the
22 Chair or one of the other Board Members or

1 myself, that would be great. Thank you.

2 Good afternoon. (Telephonic
3 interference.) My litigation, the first item on
4 my agenda is the litigation status.

5 The first case is Graham v. the Board
6 of Elections. This matter involves the Board's
7 appeal of permanent injunction entered by the DC
8 Superior Court which prohibits the Board from
9 taking any action on Referendum 8.

10 As you might recall, Referendum 8
11 sought to subject the Tipped Wage Workers
12 Fairness Amendment Act of 2018 to referendum.

13 The permanent injunction had been
14 entered on the basis that the Board has failed to
15 provide adequate public notice of the meeting at
16 which the Board formulated the referendum short
17 title and summary statement.

18 All pleadings in this matter have been
19 filed. The oral argument had been set for April
20 21st.

21 But due to the public health
22 emergency, all oral arguments in the DC Court of

1 Appeals have been either cancelled or postponed
2 in accordance with an order of the Chief Judge of
3 the DC Court of Appeals. So the Court will
4 decide that matter without oral argument on the
5 pleadings.

6 The second matter is Philip Hammond v.
7 the Board of Elections, which has been
8 consolidated with Robin Marlin v. the Board of
9 Elections.

10 These matters were filed in the DC
11 Court of Appeals. And they are appeals of board
12 orders upholding the resolutions of ANC 7B that
13 found no vacancies in single-member districts
14 7B04 and 7B05 respectively.

15 The petitioners filed their brief in
16 this matter on December 16th, 2019 and their
17 appendix on March 4th. And the Board will file
18 its response electronically by April 5th.

19 And that's the litigation status, and
20 so now we will move on to the nominating petition
21 challenges.

22 CHAIR BENNETT: Now we're going to do

1 --

2 MS. STROUD: Oh, public comments.

3 CHAIR BENNETT: -- public matters.

4 Then we'll come back to the nominating status.

5 So I'm going to do that at the end.

6 And if there is anyone in the public
7 on the line, I'm not sure how to, since I can't
8 see you, how to go one at a time. But if I could
9 get any identification of anybody who would like
10 to make a statement from the public that's open.

11 (Simultaneous speaking.)

12 MS. BRIZILL: This is Dorothy Brizill
13 and I'd like to make a public matter.

14 CHAIR BENNETT: Okay, can we, let me
15 see how many -- so, any A, B, C's --

16 MS. BRIZILL: Dorothy Brizill.

17 CHAIR BENNETT: Okay. Would you
18 please identify --

19 MS. SEEGARS: Sandra Seegars.

20 CHAIR BENNETT: -- yourself and also
21 to you name and address please.

22 MS. BRIZILL: Dorothy Brizill, 1327

1 Girard Street Northwest, D.C. Watch. I'd like to
2 ask Ms. Miller a question.

3 Do you just want me to identify the
4 matter or do you want me to state the question?

5 CHAIR BENNETT: You can state the
6 question please.

7 MS. BRIZILL: I'd like Ms. Miller to
8 detail any additional staff that has been added
9 to the Board of Elections, given the number of
10 vacancies that was put on the record at the
11 performance hearing the Council held a couple of
12 months ago regarding the Board of Elections and
13 what steps she has taken to fill those vacancies
14 now and in the future?

15 CHAIR BENNETT: Okay, thank you, Ms.
16 Brizill.

17 MS. MILLER: Okay. Since the hearing
18 on the 12th, middle of February, there has not
19 been any additional staff added.

20 (Simultaneous speaking.)

21 MS. BRIZILL: Ms. Miller, have you not
22 hired someone in the IT fields?

1 CHAIR BENNETT: Questions back and
2 forth.

3 MS. MILLER: I'm sorry? Could you
4 repeat your question?

5 CHAIR BENNETT: Ms. Brizill, go ahead.

6 MS. BRIZILL: Ms. Miller just said
7 that no additional staff has been added, my first
8 response is, didn't she indicate that there were
9 at least seven vacancies in her current makeup at
10 the Board of Elections?

11 And what is she doing to fill the
12 critical position in the IT field?

13 MS. MILLER: There's nothing that's
14 been added at this time. And actually, the focus
15 has been trying to get things organized for the
16 election, not that that hasn't been an issue.
17 But this kind of kicked in and our focus got
18 redirected.

19 MS. BRIZILL: But isn't organizing for
20 the elections isn't a critical position, IT
21 cybersecurity and that senior staff in IT, isn't
22 that a critical position that needs to be filled

1 in order to --

2 MS. MILLER: Yes.

3 MS. BRIZILL: -- prepare for the
4 elections versus the primary as well as the
5 general election in November?

6 MS. MILLER: I agree with you.

7 CHAIR BENNETT: Okay, next question.

8 MS. BRIZILL: At the performance
9 hearing you indicated that if you didn't hire
10 someone in staff you might contract out that
11 service in IT. Have you decided to contract out
12 that service?

13 MS. MILLER: It's not being contracted
14 out at this point. We had a contract out for it,
15 actually, but going through OCF, no one -- the
16 ones that applied for it were not qualified.

17 MS. BRIZILL: So, am I correct to
18 understand that no one is fulfilling the duties
19 and responsibilities in terms of our
20 cybersecurity, our IT security at the Board of
21 Elections even though we have three upcoming
22 elections?

1 MS. MILLER: We have partners that we
2 are working with on the federal level and our
3 staff in-house are working as well with the
4 current cyber issues. So, I --

5 MS. BRIZILL: How long has that IT
6 position been vacant?

7 MS. MILLER: I'm sorry?

8 MS. BRIZILL: How long has that IT
9 senior position been vacant?

10 MS. MILLER: It was just recently
11 created just before the, well, I'm not even sure,
12 I'd have to go back and look at it to know what
13 you're talking about.

14 MS. BRIZILL: Hasn't that IT position
15 been vacant for more than a year, probably going
16 on two years?

17 MS. MILLER: I would have to look at
18 the timestamp, I don't really know offhand. But
19 I need to look at it, honestly.

20 MS. BRIZILL: Honestly. Thank you.

21 MS. MILLER: Yes, honestly.

22 CHAIR BENNETT: Okay, next after Ms.

1 Brizill.

2 MS. SEEGARS: Sandra Seegars.

3 CHAIR BENNETT: Okay, thank you.

4 MS. SEEGARS: Hello?

5 CHAIR BENNETT: Yes, Sandra Seegars.

6 MS. SEEGARS: Hello?

7 CHAIR BENNETT: Speak.

8 MS. MILLER: Sandra Seegars, if you

9 could identify your --

10 CHAIR BENNETT: Is there anybody else

11 --

12 MR. SINDRAM: Hello?

13 CHAIR BENNETT: Mr. Brannum, are you

14 available?

15 MR. SINDRAM: Hello?

16 CHAIR BENNETT: Yes. Mr. Brannum, are

17 you available?

18 MR. BRANNUM: Yes.

19 MR. SINDRAM: Hello?

20 MS. COLLIER-MONTGOMERY: Mr. Chairman?

21 CHAIR BENNETT: Yes.

22 MS. COLLIER-MONTGOMERY: Mr. Chairman,

1 I'm sorry, this is Cecily Montgomery, I just
2 wanted to let you know that William Sanford is on
3 the line whenever you want to hear the Report of
4 the General Counsel for the Office of Campaign
5 Finance.

6 CHAIR BENNETT: Okay, we're going to
7 move to public matters and then I'll come back to
8 Mr. Sanford, thank you.

9 MS. SEEGARS: I'm Sandra Seegars and
10 I have something to --

11 (Simultaneous speaking.)

12 MS. SEEGARS: I have something to add.

13 CHAIR BENNETT: And who is speaking?

14 MS. SEEGARS: It's Sandra Seegars,
15 1107 Savannah Street Southeast.

16 CHAIR BENNETT: Okay, thank you.

17 MS. SEEGARS: Okay. One issue, yes,
18 one issue is, during the challenge period at the
19 Board of Elections, is it possible that you all
20 could contract out a handwriting expert for 30
21 days?

22 CHAIR BENNETT: Is it possible we can

1 contract out somebody for that long?

2 MS. SEEGARS: Yes.

3 PARTICIPANT: Handwriting expert.

4 CHAIR BENNETT: No, I don't think so.
5 No, we don't, no, we wouldn't do that.

6 MS. SEEGARS: You wouldn't do that?

7 CHAIR BENNETT: No.

8 MS. SEEGARS: So when we have a
9 challenge of the handwritings, you all do not
10 make it official because you don't have a
11 handwriting expert?

12 CHAIR BENNETT: Well, we have a, we
13 used our registered voters and our staff to do
14 the checking, yes.

15 MS. SEEGARS: Yes, they're not very
16 accurate. They're not as accurate as the public.

17 CHAIR BENNETT: Okay. Is there a
18 question?

19 MS. SEEGARS: I'll --

20 CHAIR BENNETT: I appreciate --

21 MS. SEEGARS: I'll bring it up again.
22 I'll bring it up again in the future when I can

1 see you all.

2 CHAIR BENNETT: Okay.

3 MS. SEEGARS: And the other one is,
4 and the other one is, during the signature
5 gathering for the candidates and during the
6 challenge, a system of computer that they let us
7 use does not have information on all of the
8 information, it's missing quite a bit of
9 information. And it is not fair for the
10 candidates and it's not fair for the challengers.

11 Is there any way you all can make sure
12 that the information that they use in the back is
13 also out there for the public?

14 CHAIR BENNETT: Okay, I'm not --

15 MS. SEEGARS: Don't have anyone?

16 CHAIR BENNETT: I understand your
17 point, I'm not quite familiar with the specific
18 situation. But if, and I apologize for the
19 awkwardness of the virtual meeting, but it's
20 required.

21 MS. SEEGARS: I see.

22 CHAIR BENNETT: But if you could

1 provide that in writing, the specifics, it may be
2 a little easier to respond. To your concern in
3 terms of what you're (telephonic interference).

4 MS. SEEGARS: And who should I address
5 it to?

6 MS. STROUD: Mr. Chair, I believe that
7 what Ms. Seegars is referring to is the fact that
8 all of the voter signatures are not captured in
9 the database. Most of them are, but some of them
10 are not.

11 CHAIR BENNETT: Okay. So we need to
12 make sure that --

13 MS. SEEGARS: And --

14 CHAIR BENNETT: -- public --

15 MS. SEEGARS: And --

16 CHAIR BENNETT: -- has access to this.
17 I'm sorry, go ahead.

18 MS. SEEGARS: And all the registered
19 voters are not listed on the system. Because we
20 found some that wasn't registered and we got the
21 challenge back that you all said they were
22 registered.

1 CHAIR BENNETT: Okay. If we could get
2 that and point that out, so we'll try and make
3 sure that gets corrected if that's the case.

4 MS. SEEGARS: Okay. And who should I
5 address this to?

6 CHAIR BENNETT: You can direct it to
7 the Office of General Counsel, Ms. Terri Stroud.
8 Or to Ms. Miller.

9 MS. SEEGARS: Okay. All right, thank
10 you.

11 CHAIR BENNETT: Okay, thank you. Is
12 --

13 MR. WHITE: This is Johnny White.

14 CHAIR BENNETT: -- Mr. Brannum --

15 MS. MILLER: Mr. Robert Brannum, are
16 you on the line?

17 MR. BRANNUM: Yes.

18 CHAIR BENNETT: Okay. My
19 understanding was that you had a comment above
20 the Board. We can deal with it in public
21 matters.

22 MR. BRANNUM: I have a statement, yes,

1 that I was designed that would be heard during
2 the public comments.

3 CHAIR BENNETT: Okay. Well, if you
4 could, we're more than happy to hear that so if
5 you could identify yourself with the name and
6 address and then make your statement we would
7 certainly capture it here.

8 MR. BRANNUM: Thank you. My name is
9 Robert Vinson Brannum. My address is 158 Adams
10 Street Northwest, Washington, D.C.

11 And I want -- for the record, let me
12 say that I filed a challenge to the nominating
13 petition created by Mr. Bernie Sanders. And for
14 the comfort of the Board, I have emailed my
15 statement concerning my objections to his name
16 being placed on the ballot to you just now.

17 So, if you received it you may be able
18 to follow along with me. I will do my best not
19 to read it in its entirety but to present certain
20 highlights for the sake of the public and the
21 Board and for the process which we're forced to
22 undergo.

1 CHAIR BENNETT: Thank you. I do have
2 it, Mr. Brannum, thank you.

3 (Off record comments.)

4 PARTICIPANT: Could you put yourself
5 on mute if you're not speaking?

6 CHAIR BENNETT: If you're not
7 speaking, please put yourself on mute.

8 PARTICIPANT: Go ahead, Mr. Brannum.

9 MR. BRANNUM: Okay, thank you.
10 There's still someone talking.

11 MS. STROUD: Excuse me, if you are not
12 speaking or have not been directed to speak by
13 the Chair or a Board Member, or the Staff, please
14 mute your phones. Thank you. Go ahead, Mr.
15 Brannum.

16 MR. BRANNUM: Thank you. I timely
17 filed a challenge to the presidential primary
18 petition of Mr. Sanders to be placed on the
19 ballot as a Democrat.

20 As we all know, DC primaries are
21 closed primaries and Mr. Sanders is not a
22 Democrat.

1 I also assert also at this time that
2 my procedural and due process rights in this
3 matter have compromised by the Board of
4 Elections, which in my view causes me irreparable
5 harm as a registered Democrat. And I feel that
6 this error would be reversible on judicial review
7 by the D.C. Court of Appeals.

8 Under the rules of the Board -- in
9 published primary election deadlines and I
10 complied with that deadline. Also, others
11 complied with that deadline.

12 However, the Board only -- the Board
13 scheduled a review of a challenge submitted by
14 Ms. Fernandez Whitney against Congresswoman
15 Delegate Norton. And that challenge was heard in
16 a special hearing. And subsequently the Board
17 acted on that.

18 Unfortunately, my hearing was never
19 scheduled to challenge Mr. Sanders until today
20 and is being heard in a different process than
21 that which was accorded to the challenge for Ms.
22 Norton.

1 In addition, this process reduces the
2 amount of time that I would have to appeal over a
3 negative decision that would come, or may come,
4 or did come from the Board to the Court of
5 Appeals from the 15 days that were accorded to
6 Ms. Fernandez -- to Ms. Whitney's challenge. But
7 mine, as of today, because I'm just being heard
8 today, will be downgraded to just eight days.

9 And I feel that all challengers should
10 have the same number of days to appeal to the
11 D.C. Court of Appeals, in as much as they all
12 were required to submit their challenge by a
13 particular date. And this is unfair and creates
14 an inequity in the process and in my view does
15 not follow the Board's own rules of procedures.

16 Moreover, by the Board publishing a
17 list of candidates for the elections already, it
18 has, in essence, made moot this particular
19 hearing for an opportunity for public concerns
20 regarding a petitioners challenge to a particular
21 candidate's petition. Because the Board has
22 already decided, in the matter preceding Ms.

1 Norton, that was not the case.

2 So, again, the Board exhibited unfair
3 and disparate treatment to petitioners who
4 challenged the -- or challenges a particular
5 petition of a particular candidate, and thus the
6 Board is not following its own rules,
7 administrative procedures, customs, and
8 practices.

9 I will reserve the essence of my
10 comments concerning the status of Mr. Sanders as
11 a Democrat. And let me close with this, that
12 notwithstanding the analysis of the D.C. State
13 Democratic Committee or the Democratic National
14 Committee, there is no basis in D.C. law for an
15 independent, as Mr. Sanders is, to run in a D.C.
16 Democratic Party primary.

17 And for those who feel that they are
18 not in a position to determine whether or not Mr.
19 Sanders -- whether or not Mr. Sanders or anyone
20 is or is not a Democrat, there is a test. There
21 was a clear litmus test. And that is party
22 registration for a closed primary. That's the

1 test on whether or not you should be able to
2 vote, and that's the test whether or not you
3 could run in a closed primary. You should be a
4 member of the party for which you are running.

5 So with that, Mr. Chairman, and
6 members of the Board, I would end by saying that
7 my challenge is straightforward and it
8 demonstrates common sense. And that if Mr.
9 Sanders seeks not to identify, speak for, and
10 walk in the Democratic partnership, he should not
11 receive the right hand of partnership access to
12 the DC Democratic Party primary ballot. Thank
13 you.

14 CHAIR BENNETT: Thank you, Mr.
15 Brannum. I believe Ms. Stroud already responded
16 to your concern. And I will, you know, consult
17 with the other Board members, but I believe the
18 Board will be standing by Ms. Stroud's response.
19 But I haven't had a chance to have those
20 conversations about that.

21 (Simultaneous speaking.)

22 CHAIR BENNETT: Yes, sir?

1 MR. BRANNUM: If I may?

2 CHAIR BENNETT: Yes, sir.

3 MR. BRANNUM: Briefly. My concern is
4 that the timeline for the -- I understand, got
5 the opinion from Ms. Stroud, but the Board made a
6 determination before even hearing from me, but it
7 did not do that for the challenge process for --
8 in the Whitney-Norton matter. So the treatment
9 and the process is not consistent.

10 MS. STROUD: Mr. Brannum, the
11 challenges that are being heard today, and the
12 challenge that was heard last week with respect
13 to Whitney v. Norton all involved challenges to
14 nominating petitions that were filed. Mr.
15 Sanders filed his ballot access documentation in
16 accordance with the Democratic State Committee's
17 party plan which was submitted to the Board. And
18 it did not involve the filing of a nominating
19 petition. So these are two different matters.
20 And so I -- even though I wasn't required to
21 respond by March 27th --

22 (Simultaneous speaking.)

1 MR. BRANNUM: Mr. Sanders submitted
2 petitions to the Board. To the Board. There is
3 nothing on the record that indicates that it was
4 --

5 MS. STROUD: Yes.

6 MR. BRANNUM: There's nothing in the
7 record that was published by the Board that said
8 that Mr. Sanders's submission was other than the
9 petition signatures gathered. And it was by the
10 date. There's nothing in the record that says
11 that. It --

12 MS. STROUD: He actually -- as I
13 indicated in my response to you, Mr. Sanders
14 forwent the petition, nominating petitions
15 process, and offered to file with the Democratic
16 State Committee fee of \$2,500 in accordance with
17 their party plan.

18 MR. BRANNUM: That is not in
19 accordance with what was submitted to the public
20 and on the record. That's not what the statement
21 says. It says petition filed by Mr. Sanders; it
22 does not say petition filed by the D.C. State

1 Democratic Committee.

2 MS. STROUD: I'm not sure what
3 documentation you're referring to, Mr. Brannum,
4 but that is the case. And I can provide that
5 documentation to you that he submitted.

6 MR. BRANNUM: I concede that there is
7 that issue, but that's not the point. The issue
8 is that your certification list states that Mr.
9 Sanders submitted petitions with a -- on behalf
10 of himself. It does not say that the D.C. State
11 Democratic Committee submitted petitions on
12 behalf of Mr. Sanders. It says Mr. Sanders
13 submitted petitions. And so the challenge was to
14 what you supplied, what the Board supplied, based
15 on this public document. Isn't that correct?

16 MS. STROUD: Please, we're going to
17 check, Mr. Brannum. Okay.

18 CHAIR BENNETT: So what are document
19 are you referring to, Mr. Brannum?

20 MR. BRANNUM: The certification that
21 lists the candidates for the D.C. the primary on
22 June 2nd. It lists Mr. Sanders as a candidate.

1 It lists a representative, the date petition was
2 picked up, and the date filed. It does not say
3 by the D.C. State Democratic Committee.

4 CHAIR BENNETT: Mr. Brannum, let me do
5 this. Since this is still a part of public
6 matters, we will go onto the next person. And
7 let me take a look at that when we go into
8 executive session and have a response based on
9 what we have. So --

10 MR. BRANNUM: Thank you. I appreciate
11 your efforts. You are working very tirelessly
12 during this public process, and I as a citizen
13 commend your steadfastness. And over the years,
14 I will concede that everyone who I have been in
15 contact with, or come in contact with, in your
16 office has been gracious and polite and cordial
17 and I appreciate the service that you all render.
18 And you all do a fantastic -- you are doing a
19 fantastic job under the difficult circumstances
20 that we are facing, and I appreciate that.

21 CHAIR BENNETT: Okay, Mr. Brannum,
22 thank you so much. And I promise you, we will

1 review this and try to get a response to you
2 later today. Okay?

3 Are there any other public matters for
4 the Board?

5 MR. SINDRAM: Michael Sindram --
6 (Simultaneous speaking.)

7 CHAIR BENNETT: I'm sorry. Mr.
8 Sindram, I think I heard you, if you don't mind.
9 And then I'll go to whoever --

10 MR. SINDRAM: Yes, Mr. Chair, may I
11 speak?

12 CHAIR BENNETT: Yes, please.

13 MR. SINDRAM: May I please --

14 CHAIR BENNETT: Yes, sir, please
15 identify yourself accordingly.

16 MR. SINDRAM: Yes. Michael Sindram,
17 disabled veteran, served our country more than
18 most. 6645 Georgia Avenue, Northwest,
19 Washington, D.C., Ward 4. A bona fide District
20 of Columbia resident and citizen of these United
21 States.

22 Number 1, it's problematic for me to

1 weigh in on this new phone exchange, 1650. It's
2 just not working. I've dialed it repeatedly.
3 Not only 1650 but then 650, as well. It doesn't
4 connect. I had to phone Ms. Jennings direct, who
5 patched me through. Previously you had a number
6 1-844-844-0065, which worked splendidly. But
7 this current number is just not cutting it, for
8 me. And so you all want me to weigh in, I do
9 want to weigh in. I can't do that if the phone
10 is not connecting.

11 Issue Number 2 is, with a number of
12 litigation cases pending, previously and future,
13 there is a constructive bar, constructive
14 phone-block with the D.C. Court of Appeals. They
15 are extremely mean spirited, vindictive. I'm
16 putting it mildly. It's like they've barred me
17 from the D.C. courthouse. The point is, I have
18 need to go down there to research case, which
19 deals with the Board and candidates. I have need
20 to make inquiry by phone. Particularly, I'm a
21 crippled disabled veteran, I can't do that.

22 So what I'm asking, Mr. Chair, on my

1 behalf, is to have a letter of inquiry to the
2 good Chief Judge Anna Blackburne-Rigsby to say,
3 what gives? There is a citizen, me, who is being
4 muzzled and I have no inroad, no way to even
5 file, if you will.

6 Now, while it is true, the D.C. Court
7 of Appeals have after-hours filing, the bar in
8 place -- and I might add, I've never been
9 afforded due process or fairness to contest it,
10 it's merely because someone doesn't like me. But
11 that ought not be. I'm not running a popularity
12 contest.

13 The point is, I can't go there when
14 they have normal business hours to file because
15 the filing after-hours is precisely after-hours.
16 So what I'm asking, Mr. Chair, not to belabor the
17 point, is that you, maybe your general counsel,
18 Ms. Jennings, could make an inquiry on my behalf
19 to say what gives, where we're at, or, even
20 better, would be to have a sit down with the
21 Chief Judge, or the clerk there, Julio Castillo,
22 because this is not good.

1 When the rights of one are violated,
2 the rights of all are in danger. An injustice
3 anywhere is a threat to justice everywhere. And
4 it affects this disabled veteran directly; Mr.
5 Chair, it affects us all indirectly.

6 So this is a very, very dangerous tack
7 that's been undertaken by the Court of Appeals.
8 We need to get it remedied so that I can weigh in
9 and I can participate in Board issues before the
10 Court.

11 If there is any questions, queries.
12 It's good that we have an elephant in the room,
13 too, Mr. Gill. Good to hear you.

14 CHAIR BENNETT: Is there any other
15 questions of Mr. Sindram?

16 Are there any other matters that you
17 have for the Board?

18 (Simultaneous speaking.)

19 MS. WHITTAKER: This is Michelle
20 Whittaker.

21 CHAIR BENNETT: Can I have next
22 person? I think I heard Whittier.

1 MS. WHITTAKER: Michelle Whittaker.

2 CHAIR BENNETT: Yeah, Michelle
3 Whittaker, would you please state your name and
4 address for the Board, for the record?

5 MS. WHITTAKER: Yes. Michelle
6 Whittaker. My address is 3203 University
7 Boulevard. I am calling on -- I have two
8 questions related to the voting centers.

9 When will the official 20 voting
10 centers be officially available for people to
11 know which centers are in their ward?

12 And what are we doing to ensure that
13 folks who have access issues, whether they have a
14 physical disability or other issue, how can we
15 still assist them to make sure that they can vote
16 during the elections?

17 So, just what are the vote centers and
18 when will that information officially be
19 available? And then, how do we assist voters
20 with access issues?

21 MS. MILLER: Okay. Thank you. I'm
22 not sure that you heard what I just read. It's

1 the list of the 20 vote centers that we will
2 operate beginning May 22nd. We will have it on
3 our website. We'll also publish it in the
4 Register. And we will have a media blast about
5 the centers continuously between now and the June
6 2nd and June 16th elections.

7 Is there any particular ward that
8 you're interested in? I'm happy to read them
9 again. But did you have a particular ward that
10 you wanted to know about?

11 MS. WHITTAKER: I wanted to know Ward
12 4. And I was listening to the list. And I had
13 Coolidge High School, Emery Rec Center, and
14 Raymond Rec Center. Is that correct?

15 MS. MILLER: Yes, that's correct.
16 Emery Heights and Raymond Recreation Center.

17 MS. WHITTAKER: Yes. So ---

18 MS. MILLER: And all of these centers
19 are accessible. So, individuals with
20 disabilities will be able to access them at the
21 center itself, or either through curbside voting.

22 CHAIR BENNETT: And that said, though,

1 we are really encouraging people to vote -- to
2 request their ballots by mail, and fill it out
3 and to mail that ballot in.

4 If, indeed, there are persons that
5 don't have access to the internet or online, if
6 there are large facilities where there are
7 seniors and somebody needs to get a copy of a
8 bunch of ballot requests, we'll make sure that
9 they get that. We'll do whatever we can to help
10 people vote, to request their ballot by mail.

11 We are hoping that the vote centers
12 are the location of last resort. Now, there's a
13 recognition that everybody will not be able to
14 request their ballot and vote by mail. So,
15 that's why we have the vote centers. But if
16 there is any way possible for persons to vote by
17 mail, and to request their ballot by mail, that's
18 what we would prefer.

19 MS. WHITTAKER: And if somebody needs
20 assistance, like at home, how would somebody, if
21 they need assistance filling out the ballot, is
22 it still the person assisting them needs to fill

1 out an affidavit? Or what's the process for, if
2 someone does need assistance, and then how we
3 would handle that if they're voting from home?
4 Because I think there just might be some people,
5 whether it's a disability or other issues, that
6 they need assistance filling out the ballot, you
7 know, that they're giving somebody directions to
8 say vote for, you know, I'm voting for this
9 person and marking this. How do you do that when
10 you're voting from home?

11 MS. MILLER: Yes, the voters there --
12 you can indicate that you provided assistance to
13 the voter and return that with the ballot.
14 That's perfectly acceptable. And put your name
15 and address if there's a reason to contact you.

16 MS. WHITTAKER: Okay.

17 CHAIR BENNETT: All right. Are there
18 any other questions?

19 MS. WHITTAKER: Thank you very much.
20 And when will the list be published?

21 MS. MILLER: The list will be on our
22 website probably before the end of the week. And

1 we'll put it in the Register. It takes a week
2 for it to go in the Register.

3 MS. WHITTAKER: Okay, thank you very
4 much.

5 CHAIR BENNETT: Thank you. Any other
6 members of the public?

7 MR. HILL: This is Fred Hill.

8 CHAIR BENNETT: Mr. Hill?

9 MR. HILL: Yes.

10 CHAIR BENNETT: Okay.

11 MR. HILL: Okay. My name is Fred
12 Hill. I am a resident of Ward 8, 1425 Bangor
13 Street, Southeast, Washington, D.C.

14 CHAIR BENNETT: Yes, sir. And your
15 question or comment?

16 MR. HILL: Okay. The question that I
17 have is in reference to the Board sending out the
18 letter, a congratulatory letter, on me making the
19 ballot. And then a notice that the position on
20 the ballot would be made April the 10th. Why is
21 that done before the challenge period has ended?
22 And it does not say preliminary --

1 MS. MILLER: Well, our --

2 MR. HILL: It does not preliminary on
3 the letter. It says, congratulations, you have
4 made the ballot.

5 MS. MILLER: That is a preliminary
6 determination that goes to the candidates who
7 have, basically, submitted signatures that amount
8 to the qualifying number required for the
9 position that they are a candidate. Those
10 positions are still subject to challenge, which
11 says that in the letter, that they will be posted
12 for challenge. And if a challenge is filed, then
13 we move forward from there. But it is a
14 preliminary determination.

15 MR. HILL: So the Board does not
16 actually validate those initial petitions?

17 MS. MILLER: No. All we do is a
18 cursory count. And if your count minimally
19 reaches the number that is required, then you are
20 preliminarily qualified for the ballot, along
21 with your being a qualified registered voter and,
22 you know, all those other things. But we do not

1 actually review the nominating petitions for
2 veracity. That's why they're posted for
3 challenge.

4 MR. HILL: Right. So the letter
5 should say that it is a preliminary letter,
6 because mine does not say it's preliminary. And
7 there's a lot of money that has been invested in
8 my campaign, because the Board ---

9 MS. MILLER: Let me -- okay ---
10 (Simultaneous speaking.)

11 MR. HILL: Let me finish. Let me
12 finish. Because the Board sent a letter stating
13 that after the date of the challenge. I got my
14 letter after the date of the challenge. It
15 should be ---

16 MS. MILLER: Okay, I'm going to check
17 right now and see what letter you were talking
18 about.

19 MR. HILL: It should be sent certified
20 so that someone can sign for it and that you have
21 proof of the date of when it was delivered. Not
22 send it to me after the date of challenge.

1 MS. MILLER: Mr. Hill, I'm going to
2 check into that and see when the letter was sent.
3 So we can come back to that if you want to.

4 MR. HILL: Okay.

5 CHAIR BENNETT: I appreciate the
6 comment, Mr. Hill. And we'll certainly take note
7 of that as a Board.

8 MR. HILL: I'm here for the hearing
9 today, as well.

10 CHAIR BENNETT: Yeah, I understand.
11 Is there anybody else, any other public comment
12 today?

13 Okay, hearing none ---

14 MR. SINDRAM: I'm still here, Mr.
15 Chair. Michael Sindram.

16 CHAIR BENNETT: Mr. Sindram, we've
17 already heard from you, sir. I'm sorry, we're
18 trying to get through this.

19 MR. SINDRAM: Yeah, but I didn't hear
20 an acknowledgment and that you'd follow up,
21 either in executive session or otherwise.

22 CHAIR BENNETT: Mr. Sindram, I don't

1 have the capability nor the authority to connect
2 with the courts on your behalf.

3 MR. SINDRAM: You're telling me you
4 can't write a letter? Stop it.

5 CHAIR BENNETT: No, sir, I cannot.

6 MR. SINDRAM: Sure you can. Or your
7 General Counsel. Come on, stop it. I'm not
8 stupid.

9 CHAIR BENNETT: Mr. Sindram, I cannot
10 write a letter. And that's ---

11 MR. SINDRAM: You mean you won't write
12 a letter. You mean you won't write a letter.
13 You have a citizen who's being muzzled, who's
14 being raped of my constitutionally guaranteed
15 rights. You yourself say you want us to weigh
16 in, and yet I'm bringing to you directly an issue
17 where I can't do that. It's a chilling effect.
18 I'm being muzzled, and you're telling me you're
19 not going to do anything. Shame on you. You've
20 got to do better.

21 (Simultaneous speaking.)

22 CHAIR BENNETT: Thank you, Mr.

1 Sindram. We're going to move on.

2 We are now going to move to the
3 hearing on the various challenges that we have.
4 So I'll turn the meeting over to Ms. Stroud to
5 walk through these five challenges.

6 MS. STROUD: Okay. So we are going to
7 ---

8 CHAIR BENNETT: Excuse me, Ms. Stroud.
9 Once we hear from each of the matters, we're
10 going to take a vote to go into executive
11 session, take probably -- we'll see once we get
12 through these; it'll probably take about a half
13 hour, maybe 45 minutes, and give them time to
14 come back on the line to give decisions from the
15 various challenges.

16 So, what we're going to do is hear all
17 five challenges, take a vote to go into executive
18 session, and then set a time for our reconvening.
19 Okay? Ms. Stroud.

20 MS. STROUD: Okay. So ---

21 CHAIR BENNETT: Just for the record,
22 and I'll take a vote, I want to amend the agenda

1 to change the order of the challenges. First
2 will be Tori Fernandez Whitney versus Eleanor
3 Holmes Norton. Second will be Sandra Seegars
4 versus Frederick Hill. Third will be Absalom
5 Jordan versus Frederick Hill. Fourth will be
6 Morgan Finkelstein versus Daniel Hernandez. And
7 the fifth will be Amos Cheeseboro versus Susana
8 Baranano.

9 Can I get a motion to accept the
10 change in the agenda, Mr. Gill?

11 MS. STROUD: Please identify yourself
12 for the record.

13 MEMBER GILL: This is Mike Gill, Board
14 member. And I make a motion as proposed by the
15 Chairman.

16 CHAIR BENNETT: Can I get a second?
17 Ms. Greenfield?

18 MS. GREENFIELD: I second the motion.

19 CHAIR BENNETT: Okay. And it's been
20 properly moved and seconded. And I vote yes to
21 change to the agenda. Mr. Gill is nodding his
22 head yes.

1 MR. GILL: Aye.

2 CHAIR BENNET: And Ms. Greenfield?

3 MS. GREENFIELD: Yes.

4 CHAIR BENNETT: Okay. So it's
5 unanimous and we're going to change the agenda
6 accordingly. Back to Ms. Stroud.

7 MS. STROUD: So the first challenge
8 that we will hear is the matter of Tori Fernandez
9 Whitney v. Eleanor Holmes Norton. Ms. Whitney,
10 are you present?

11 MS. FERNANDEZ-WHITNEY: Yes, Ms.
12 Fernandez-Whitney, and I'm present.

13 MS. STROUD: Fernandez-Whitney, thank
14 you. Delegate Norton, are you present?

15 DELEGATE NORTON: Present.

16 MS. STROUD: Do either of you have
17 representatives present?

18 MR. TOURE: Yes, Attorney Toure for
19 Fernandez-Whitney.

20 MS. STROUD: And, Delegate Norton, do
21 you have representation or will you be
22 representing yourself?

1 DELEGATE NORTON: I'm an attorney. I
2 represent myself.

3 MS. STROUD: Okay, thank you. So if
4 you -- what's going to happen is that we will
5 have the Registrar of Voters first read into the
6 record her preliminary determination regarding
7 the challenge.

8 Then Ms. Fernandez-Whitney, who has
9 the burden of proof in this matter, will have
10 five minutes to present her case. The candidate
11 will have five minutes to respond. The
12 challenger will have two minutes to present a
13 closing argument. And then the candidate will
14 have two minutes to present a closing argument.

15 And that will proceed for all of the
16 hearings that will be heard by the Board today.

17 So, Ms. Fernandez-Whitney, if you
18 could state your name and address for the record.
19 And then, Delegate Norton, if you would do the
20 same.

21 MS. FERNANDEZ-WHITNEY: My name is
22 Tori Fernandez-Whitney. My address is 2523 17th

1 Street, Northeast, Washington, D.C. 20018.

2 MS. STROUD: Thank you. Delegate
3 Norton?

4 DELEGATE NORTON: Congresswoman
5 Eleanor Holmes Norton, Number 10 9th Street,
6 Southeast, Washington, D.C. 20003.

7 MS. STROUD: Thank you. And we'll
8 have the Registrar of Voters identify herself for
9 the record and then present her report.

10 MS. BROOKS: Karen Brooks, Registrar
11 of Voters.

12 On February 10th, 2020, Eleanor Holmes
13 Norton submitted a nominating petition to appear
14 on the ballot as a candidate in the June 2nd,
15 2020, primary election for the office of Delegate
16 to the House of Representatives from the District
17 of Columbia.

18 The petition was posted for public
19 inspection for ten days as required by law. The
20 petition was challenged on March 15th, 2020, by
21 Tori Fernandez-Whitney, a resident voter in the
22 District of Columbia.

1 My preliminary petition challenge
2 indicates that Ms. Norton submitted a total of
3 2,912 signatures. The minimum requirement to
4 obtain ballot access for this office is 2,000
5 signatures.

6 Challenger Tori Fernandez-Whitney
7 filed challenges to a total of 858 signatures
8 enumerated by line and page numbers on individual
9 challenge sheets filed for each petition page.
10 Petition signature challenges are pursuant Title
11 3 DCMR Section 1607.1 of the Board's regulations.

12 My review of these challenges
13 indicates that, even if every one of the 858
14 challenges were valid, Ms. Norton would still
15 meet the requisite number to qualify for ballot
16 access, Title 3 DCMR Section 1606.2.

17 However, this is what the Board's
18 findings are. A review of the petition
19 challenges indicates that a total of 100 of the
20 858 signatures challenges are valid. Of the 116
21 valid challenges, 39 are change of address, two
22 are not are not legible, 17 not dated, 23 are not

1 registered, eight changes of party, 20
2 unqualified circulator, and seven are valid
3 challenges missing address. That concludes my
4 report.

5 MS. STROUD: And so based on your
6 report, Ms. Brooks, how many valid signatures
7 will be remaining even after all of the
8 challenges?

9 MS. BROOKS: 2,796.

10 MS. STROUD: Okay, thank you. Ms.
11 Whitney, Ms. Fernandez-Whitney, if you could
12 present your opening.

13 MS. FERNANDEZ-WHITNEY: Yes, thank
14 you. And there are a couple of objections I
15 would like to state just for the record.

16 The first is that the DC BOE
17 regulations require that hearings be public and
18 transcribed. The teleconference platform limits
19 public participation and makes it difficult for a
20 stenographer to accurately document the
21 proceeding.

22 The teleconference platform provided

1 by the DC BOE for the March 20th pre-hearing
2 conference -- I'm sorry, the March 25th hearing
3 and the March 26th pre-hearing conference on this
4 matter, including today's hearing forum, is
5 inadequate for the conduct of official business.
6 It is inaudible at times and subject to static.
7 The teleconference platform does not allow for
8 the visual observation of witness demeanor and
9 could conceal coaching of witnesses as they
10 respond to questions from the Board.

11 And the final objection that I'd like
12 to state on record today is the inadequate notice
13 of hearing provided by the Board of Elections.
14 This meeting was posted today -- or posted on
15 your website as a regular Board meeting. As of
16 2:00 p.m. yesterday, the agenda had not been
17 added to confer to the public that a hearing
18 would be taking place during the regular Board
19 meeting.

20 Thank you. Those are the objections
21 for the record.

22 The review conducted by Karen Brooks

1 provides no analysis and/or description of the
2 processes undertaken by the Registrar of Voters
3 in its concluding determinations, and it fails to
4 demonstrate a credible and comprehensive review.

5 The challenge filed on March 15th
6 specifically references the signature validity
7 rules set forth in the Board's rules and
8 regulations. I will not read the pertinent rules
9 and regulations, but they are enumerated in the
10 documents that I provided for the Board to
11 review.

12 My challenge is in all ways specific
13 and supported by a careful and diligent review of
14 the Holmes Norton nominating petitions and
15 includes an analysis by a forensic document
16 examiner. And I would like to just add, for
17 emphasis, an internationally renowned and
18 courts-qualified forensic document examiner.

19 The Registrar's review includes no
20 criteria or evidence that the DC BOE either
21 procured or has the staff expertise to validate
22 disputed signatures.

1 And, for the Board, I would like you
2 to refer to the exhibits that I also included in
3 my documents that Mr. McGann assures me are
4 available to you today. So can you, as a Board,
5 please let me know if you have Exhibit 4 and
6 Exhibit 3 in front of you.

7 MS. STROUD: Mr. McGann is pulling it
8 up.

9 CHAIR BENNETT: Pulling it up now.

10 MS. FERNANDEZ-WHITNEY: Please let me
11 know when you have the document before you.

12 CHAIR BENNETT: Yes, I will.

13 Yes, we have it.

14 MS. FERNANDEZ-WHITNEY: Okay. If you
15 look at Exhibit 4, which the page number on that
16 is 83 of 96, this is an example of the inadequate
17 review by the Registrar of Voters.

18 All of the signatures that are
19 actually dated prior to the pickup date that the
20 Board released the petitions to the public were
21 validated as okay by the Registrar of Voters,
22 even though clearly there's evidence of fraud.

1 Because how does the voter sign a petition prior
2 to the Board of Elections releasing them for
3 signature?

4 The Exhibit 3 demonstrates that the
5 circulator, Ramell Howard (phonetic), actually
6 completed Lines 13 through 20 with what appears
7 to be people who live at his same address or
8 people that he is intimately familiar with. It's
9 all in his handwriting. Yet the Registrar of
10 Voters validated that these are all okay.

11 And now I'd like you to look at
12 Exhibit 1, which is -- this one is actually the
13 signature of an elected official, Paul Strauss.
14 All three of those signatures do not match the
15 signature for comparison right next to it
16 provided by the Board. Yet, the Registrar of
17 Voters said that that was okay.

18 This challenge was filed to ensure the
19 integrity of the nominating petition process.
20 But it is the responsibility of the DC BOE to not
21 only review challenges but to also prepare the
22 requisite expertise needed to comprehensively

1 evaluate challenges filed.

2 I, as a citizen, spent my own money in
3 order to procure the services of a forensic
4 document examiner because of the importance of
5 this issue and because of the importance of
6 protecting the integrity of our election.

7 Because of the Registrar's failure to do so, her
8 summation and findings regarding these challenges
9 has no basis in fact. And in fact, the blatant
10 disregard of the law and clear and convincing --

11 MS. STROUD: Excuse me, Ms.

12 Fernandez-Whitney. I'm going to hold your time.
13 Because I want to remind everyone that is on the
14 line that if they are not speaking they should
15 mute their phones. We can hear background noise.
16 Thank you very much.

17 Please continue, Ms.

18 Fernandez-Whitney.

19 MS. FERNANDEZ-WHITNEY: The blatant
20 disregard of the law and clear and convincing
21 evidence of fraudulently circulated petitions
22 should be thoroughly reviewed by the DC Board of

1 Elections.

2 So, for the circulators in question,
3 they are Maritza Zermeno, Senator Paul Strauss,
4 James Davenport, Ramell Howard, and Joyce
5 Robinson-Paul, who I just learned during this
6 call is actually a candidate for office.

7 The evidence of outsourced signature
8 collection that were noted and included in my
9 challenge, for James Davenport in particular, are
10 January 12th, February 8th, February 26th, and
11 March 1. There's evidence of at least five
12 circulators on January 12th, at least three
13 circulators on February 8th, at least three
14 circulators on February 26th, and at least five
15 circulators on March 1st.

16 The registered circulator outsourcing
17 signature collection requires that the DC BOE
18 determine who circulated the nominating petitions
19 in question and the extent to which the
20 nominating petitions were or were not completed
21 in accordance with District laws and regulations.

22 The total number of -- or percentage,

1 if you will, of petitions that are impacted by
2 circulator irregularities include 30 percent of
3 the 1,491 submitted by Maritza Zermeno, 20
4 percent of the 280 signatures submitted by Paul
5 Strauss, 40 percent of the 613 signatures
6 submitted by James Davenport, and the total
7 amount of 40 circulated by Ramell Howard, and the
8 total amount of 111 signatures circulated by
9 Joyce Robinson-Paul.

10 MS. STROUD: Okay. Ms.
11 Fernandez-Whitney, that is your time. And you
12 have two minutes after Congresswoman Norton
13 presents her case to respond.

14 MS. FERNANDEZ-WHITNEY: Could the
15 Board allow a 30-second wrap-up? Because you
16 allotted me additional time due to the
17 interruptions, and I would like to use that
18 additional 30 seconds to wrap-up. Thank you.

19 The facts that --

20 MS. STROUD: I actually added an
21 additional minute to your time.

22 MS. FERNANDEZ-WHITNEY: The facts

1 presented compel the DC BOE to strongly consider
2 the propriety of all nominating petitions
3 submitted by the above-named circulators.
4 Eliminating the tainted petitions would actually
5 reduce Ms. Norton's ballot signature count to 526
6 signatures, well below the threshold needed for
7 ballot access. Thank you.

8 MS. STROUD: Thank you. Congresswoman
9 Norton?

10 DELEGATE NORTON: Can you hear me?

11 MS. STROUD: Yes, I can. Thank you.
12 And the Board can as well.

13 DELEGATE NORTON: I appreciate the
14 opportunity to respond. Beginning with the
15 objection that the challenger raised to the
16 teleconference use, which is, of course, among
17 those issues that the Board has already ruled
18 upon, and for which there is no alternative since
19 the District is under an emergency situation,
20 this challenge is largely repetitive. And each
21 time we have, in fact, been heard before the
22 Board, we have heard different versions of the

1 same thing.

2 The forensic challenge, the Board has
3 already ruled that these are the actual
4 signatures of those who signed the petition. The
5 challenger indicates, again repetitively, that
6 the Board has done an inadequate review,
7 repetitively in as much as she says, for example,
8 that petitions were signed prior to the release
9 of petitions.

10 This is a matter that we have, again,
11 responded to in the past. We could not pick up
12 the petitions until, I believe, the date of
13 January the 10th. These were there the source of
14 the petitions that were handed out to those who
15 assisted us. So that it is physically impossible
16 for people to have signed before receiving the
17 petitions.

18 And, again, this is repetitive of what
19 the challenger indicated before. The
20 challenger's challenge to Ms. Zermeno and other
21 signatories has also been heard before, including
22 the challenge to Ms. Zermeno and her husband,

1 James Davenport, and the other she named.

2 In response the Board, in fact, threw
3 out a few of the challenges pursuant to her
4 challenge. But that still, as the Board has
5 indicated, left most of the petition signatures
6 valid.

7 Again, under oath, Ms. Zermeno
8 indicated that she collected all the signatures
9 to which she signed, that she did so in large
10 gatherings, as is often, I must say, the case for
11 those who undertake to pass out petitions for
12 people seeking office. They don't go door to
13 door. They go to where there are many people.

14 Again, I don't see the necessity for
15 me to respond to anything further that this
16 challenger indicated, because she presented
17 nothing new. And I ask the Board to reaffirm its
18 prior decision. And I thank you.

19 MS. STROUD: Thank you, Congresswoman
20 Norton. Ms. Fernandez-Whitney, you have two
21 minutes to close.

22 MS. FERNANDEZ-WHITNEY: Thank you.

1 I've presented to the Board on multiple
2 occasions, as Ms. Norton just noted, with clear
3 and convincing evidence that the registered
4 circulators outsourced signature collection, and
5 that Ms. Norton's signature circulation process
6 is fraught with fraud and forgery and abuse.

7 The facts presented compel the Board
8 to strongly consider the propriety of all nominee
9 petitions submitted by these named circulators,
10 and who are specific, actually, also, just to
11 correct for the record, to this challenge. Ms.
12 Zermeno is specific to this challenge. James
13 Davenport is specific to this challenge. Paul
14 Strauss is specific to this challenge. Joyce
15 Robinson-Paul is specific to this challenge.
16 Ramell Howard is specific to this challenge.

17 The irregularities outlined affect
18 nearly all of the signatures submitted by Ms.
19 Norton and would, in fact, leave her with only
20 526 valid signatures, well below the threshold
21 needed for ballot access.

22 The DC BOE should apply the clean

1 hands doctrine to all nominating petitions
2 submitted by these named circulators and in doing
3 so would, in fact, follow its own precedent
4 established in Dorothy Brizill et al.,
5 Challengers, v. Anthony Williams. Thank you.

6 MS. STROUD: Thank you. Congresswoman
7 Norton?

8 DELEGATE NORTON: Yes, I thank you.
9 This challenger repeatedly throws a different
10 version of the same challenge against the wall
11 and hoping that one of them will stick. For
12 example, she raises the Dorothy Brizill case,
13 which is totally inapposite. The Board found
14 that there were not forged signatures but
15 signatures that were fictitious. No such finding
16 -- and, indeed, no such charge -- has been made
17 here.

18 I ask the Board to finally lay this
19 challenge to rest so that it will not, in fact,
20 have to hear different versions of the same
21 challenge with the evidence simply framed in a
22 different way over and over.

1 The one new notion that she raised
2 last time, actually, and repeats this time, is
3 that of forgery. And, in essence, is says that
4 petitioners forged somebody else's signature. I
5 say to the Board that such challenges are
6 far-fetched and without evidence.

7 So I ask the Board to rest on its
8 petition, that I should be on the ballot, and
9 that I have more than enough signatures to place
10 the name of Eleanor Holmes Norton on the ballot.
11 I thank you for your patience. Thank you.

12 MS. STROUD: Thank you, Congresswoman
13 Norton. So we will move to the next hearing.
14 And, again, as the Chair mentioned, they will
15 vote to go into executive session and deliberate
16 on all of the matters at the same time. And so
17 we will call the next parties forward, virtually.

18 DELEGATE NORTON: This is
19 Congresswoman Norton.

20 MS. STROUD: Yes?

21 DELEGATE NORTON: Can I be dismissed
22 at this point, then, please?

1 MS. STROUD: Sure. And we will get
2 back in touch with you once the Board determines
3 the time that it will come back from executive
4 session so that you could be present at that
5 time.

6 DELEGATE NORTON: Thank you very much.
7 I appreciate it.

8 MS. STROUD: Yes, thank you. The next
9 matter is Sandra Seegars v. Frederick Hill. So
10 if the two parties could identify that they are,
11 in fact, present. I believe they were. I know
12 they were, because both have spoken on the record
13 at this meeting already. But if you could just
14 state your names and addresses for the record.

15 MS. SEEGARS: Sandra Seegars, 1107
16 Savannah Street, Southeast, Washington, D.C.

17 MR. HILL: Frederick Hill III, 1425
18 Bangor Street, Southeast, Washington, D.C.

19 MS. STROUD: Okay, thank you. And now
20 the Registrar will read into the record her
21 preliminary determination regarding the
22 challenge.

1 MS. BROOKS: On March 4th, 2020,
2 Frederick Hill III submitted a nominating
3 petition to appear on the ballot as a candidate
4 in the June 2nd, 2020, primary election for the
5 office of Ward 8 Member of the Council.

6 The petition was posted for public
7 inspection for ten days as required by law. The
8 petition was challenged on March 15th, 2020, by
9 Sandra Seegars, a registered voter in the
10 District of Columbia.

11 My preliminary review of the petition
12 challenge indicates that Mr. Hill submitted a
13 total of 283 signatures. The minimum
14 requirement to obtain ballot access for this
15 office is 250 signatures. Challenger Sandra
16 Seegars filed challenges to a total of 144
17 signatures enumerated by line and page number on
18 individual challenge sheets filed for each
19 petition page. Petition signature challenges
20 refer to Title 3 DCMR Section 1607.1 of the
21 Board's regulations.

22 My review of the petition challenge

1 indicates that a total of 116 of the 144
2 signatures challenged are valid. Of the 116
3 valid challenges, 41 are change in address, 8 are
4 inaccurate, 7 are not legible, 28 are not
5 registered, 29 are change of party, 1 not dated,
6 1 signature does not match, 1 is not a resident
7 voter in the ward, and 1 valid challenge out of
8 state address.

9 This leaves the candidate's nominating
10 petition with 167 signatures, 134 signatures
11 below the number required for ballot access.
12 That concludes my report.

13 MS. STROUD: Okay, Ms. Seegars, do you
14 have anything? Would you like to present?

15 MS. SEEGARS: Basically, I wanted to
16 just repeat what I said at the preliminary, that
17 it seems as though his challenge is to this
18 process, not to the signatures themselves.

19 But, in light of that, if he was given
20 all the cures that he could have had, it still
21 won't take them up to 250 signatures. So I
22 believe it just is the way it is, and the issues

1 that he has, he should take that up with the
2 Board and not with challenge.

3 (Simultaneous speaking.)

4 MS. STROUD: One second, Mr. Hill, one
5 second. Okay. You may now present your case.

6 MR. HILL: Okay. The first thing that
7 I will bring up is, as I stated earlier, I
8 received a letter of congratulations that was not
9 identified as a preliminary letter, or a
10 preliminary position to be on the ballot, after
11 the challenge period. The letter was dated the
12 9th, but I received the letter on the 18th. And
13 that signaled to me that there was some solution
14 or resolve to the challenge, because it came
15 after the challenge period.

16 The other problem that I had is that
17 I did not receive notice from the Board of
18 Elections on the validation until the 10th day.
19 And when I asked Mr. Rudy McGann why did I get
20 such a late notice of validation from the Board
21 of Election on the challenge, his reason was that
22 the coronavirus caused a short staffing and they

1 had a lot of other petitions to evaluate.

2 I responded that that really doesn't
3 have anything to do with me, that the problem I
4 have is that I was not afforded due process
5 because of that.

6 The challenger announced, from the
7 hearing that we had, the first hearing, publicly
8 at 7:00 p.m., that the Board of Elections had
9 removed me from the ballot.

10 I received a flurry of phone calls,
11 including from the incumbent, inquiring about my
12 support for other campaigns. And this had an
13 enormous impact on the fairness, or the
14 unfairness. I notified the Board and asked that
15 a public announcement be made publicly, as well
16 as to Ms. Seegars, about the improper
17 notification of me being removed from the ballot.

18 I spoke to Mr. McGann yesterday and he
19 assured me that I was still on the ballot. The
20 Board had not had their hearing, which we are at
21 today. But there's another issue that I would
22 like to bring up that was made earlier in the

1 public statement, and just as this goes along to
2 what the challenger presented.

3 The system at the Board of Elections
4 doesn't have accurate info, per Sandra Seegars,
5 with related to signatures. But it also said all
6 registered voters were not even listed. And we
7 had some issues where some of our people who were
8 registered were not considered in the count.

9 The letter of acceptance was sent
10 before the completion of the challenge period.
11 And what really looks crazy, really, really
12 challenging to me, is I'm concerned that the
13 Board of Elections staff did not consider this
14 statement that was put out by Ms. Seegars, that
15 there is a hidden agenda that involves the staff
16 and the challenger to elevate their candidate.

17 And, right now, I'm not getting a
18 straight answer as it pertains to the letter that
19 was sent out, why it came so late, although I've
20 gotten an answer from Mr. McGann that they could
21 not validate the petitions because of the
22 pandemic.

1 MS. STROUD: Okay. So, Mr. Hill, when
2 did you receive the notice of your challenge?
3 The challenge that had been filed against you.

4 MR. HILL: Well, the notice of the
5 challenge comes out on the 15th.

6 MS. STROUD: So you received the
7 notice of the challenge on the 15th?

8 MR. HILL: Mm-hmm.

9 MS. STROUD: Okay. So you did timely
10 receive -- you were made aware of the fact that
11 your petition had been challenged?

12 MR. HILL: That was on the 15th.

13 MS. STROUD: Okay. And ---

14 MR. HILL: Yeah, and like I said, I
15 never had a concern of what the initial challenge
16 is, but the Board's validation of that didn't
17 come until ten days later. And that goes to
18 another point that was made earlier in the public
19 segment, that the appeal challenges did not grant
20 the days, it only addresses the date. And that,
21 again, is not allowing due process.

22 MS. STROUD: I'm sorry, could you

1 repeat that, or clarify?

2 MR. HILL: I said, as stated earlier
3 in the public hearing, the appeals challenges do
4 not grant the days. They don't count the ten
5 days. They only address the date. So when Mr.
6 McGann sent me the notice the day before the
7 hearing, that was on the 25th. That was ten
8 days.

9 And then I got a notice that I'm
10 having a hearing on the 26th when there's no way
11 to correct the matter, because the Mayor
12 announced that there is no solicitations allowed
13 on the 25th, on the evening of the 25th. So this
14 does not allow me a fair opportunity or due
15 process to correct any of the things that were
16 put before by the challenger. As I said ---

17 MS. STROUD: Okay. So Mr. McGann is
18 here, and he can address the notice of the
19 hearing. So, Mr. McGann, could you identify
20 yourself for the record?

21 MR. MCGANN: Rudolph McGann, Staff
22 Attorney for the Board of Elections.

1 Yes, Mr. Hill received his notice of
2 the challenge on the 16th of March. The
3 challenge was filed on the 15th. In that notice
4 on the 16th, it informed him that there was going
5 to be a hearing on the 26th. After that point,
6 that was going to be initially in person.

7 MS. STROUD: Pre-hearing conference?

8 MR. MCGANN: Right, the pre-hearing
9 conference was going to be on the 26th. After
10 that notice was sent, the public health emergency
11 was announced by the Mayor, and I informed the
12 parties that we're probably going to have to do
13 it by teleconference.

14 I gave them the preliminary
15 determination of the Registrar prior to that
16 pre-hearing conference, albeit a day. Under
17 normal circumstances, the parties wouldn't get
18 the pre-hearing determination from the Registrar
19 until they attend the meeting, as Ms. Seegars can
20 attest.

21 MS. SEEGARS: Yes.

22 MR. MCGANN: With respect to any

1 further notice, with respect to this meeting, I
2 informed the parties during the pre-hearing
3 conference that there would be a pre-hearing,
4 there would be a hearing, excuse me, during the
5 Board's regularly scheduled Board meeting on
6 April 1st.

7 MS. STROUD: Okay. So, Mr. Hill, with
8 respect to the Registrar's findings outside of,
9 you know, the issue that you've raised, do you
10 have any response to her specific findings?

11 MR. HILL: Some of the things, and
12 specifically to the Registrar's findings, were
13 inaccurate. Some of them were inaccurate. And I
14 brought that to the attention to Mr. McGann
15 yesterday, as I did before and, as we've heard
16 also, testimony in the public section that some
17 of the Board's records are not accurate.

18 MS. STROUD: Okay. So what was the
19 specific issue that you raised with respect to
20 the Registrar's findings?

21 MR. HILL: Well, there were people
22 that were identified as either not a registered

1 voter, or not a Democratic Party voter, or not at
2 the correct address that they had voted from for
3 over 32 years.

4 MS. STROUD: And what ---

5 MR. HILL: And the voter sent that
6 information to Mr. McGann. I understand that
7 they ruled that it was because she had a
8 nickname. But her address and her name, her name
9 is Jacqueline, and she put on the petition
10 Jackie. But the address was the same, her last
11 name was the same. And that one is the same
12 thing could happen with many other others.

13 MS. STROUD: But you raised that
14 particular one. Did you have any evidence with
15 respect to the other one? Did you have any
16 response to the other one?

17 We are aware, from the other challenge
18 that you were a party to, of the issue with
19 Jacqueline versus Jackie. But with respect to
20 the Registrar's findings, what do you bring to
21 counter that?

22 MR. HILL: Well, I bring to counter

1 that the Mayor issued a no-solicitation rule.
2 The only reason I was able to get Jackie's
3 information is because she's an employee of my
4 company. And when I asked her about it, when she
5 came to work the next day, that's how we found
6 out about hers.

7 The other people, the Mayor had a no
8 solicitation order established the day before, so
9 I could not break that order, especially given
10 that Friday three people were arrested for
11 violation of that order. And they were not with
12 my campaign. They were with other campaigns. So
13 I was not afforded due process.

14 MS. STROUD: Okay. So, Mr. Hill, with
15 respect to the changes of address, which you
16 would have had ten days to cure, there were 41
17 that the Registrar found. So even if you were
18 able to submit changes of address for all 41 of
19 those, that would not have been sufficient to
20 bring you to the number that you needed to obtain
21 ballot access.

22 MR. HILL: I still say that, because

1 the Board's information is not accurate, you
2 would have to show me that everyone that you're
3 saying is not a registered voter, or that is not
4 of the party, is the same. We just heard in
5 public testimony earlier, and I'm not the only
6 one making this up, that the record of the Board
7 is not accurate. And because --

8 THE WITNESS: Okay, thank you.

9 MR. HILL: -- I was not given due
10 process for the time that I should remain on the
11 ballot and let the people of the ward decide who
12 is to be the next candidate.

13 MS. STROUD: Okay, thank you. Ms.
14 Seegars, you have two minutes to close.

15 MS. SEEGARS: Okay, thank you. And
16 Rudy McGann mentioned a few minutes ago that he
17 is unaware of how the process works. And what he
18 said is accurate. They usually don't get any
19 notice of the information until the day of the
20 preliminary hearing. This time they got it
21 beforehand which was a plus for the challenged
22 persons.

1 And I'll say the same thing that I
2 said before, if he were to cure, which is
3 impossible to cure 40-something, a change of
4 addresses in ten days, he would still not be up
5 to 250. So as far as the challenge, let it stand
6 the way it is. He's not on the ballot. As far
7 as the process and the procedures, he needs to
8 conduct it in another hearing, another setting.
9 That is my statement.

10 MS. STROUD: One moment, Mr. Hill.
11 Mr. Hill have two minutes.

12 MR. HILL: I'll finish again by saying
13 that, because the records are not accurate, the
14 process is flawed. And I've pointed it out on
15 several occasions where it is flawed. There
16 should not have been a letter, a congratulatory
17 letter sent out before.

18 There were tens of thousands of
19 dollars that have been invested in my campaign up
20 to this point. And it seems awful strange to me
21 that the Board of Elections staff, along with
22 Sandra Seegars, did not want to consider all of

1 the things.

2 When the Mayor issued a no
3 solicitation order, then that took away any
4 opportunities, just like this hearing we've got
5 coming up in a few minutes. There's only 11
6 names to challenge. But those 11 names I
7 couldn't even only get those, because there was a
8 solicitation ban established. And because this
9 is not normal circumstances, then normal rules
10 should not apply. Thank you.

11 MS. STROUD: Thank you.

12 CHAIR BENNETT: Okay, any questions
13 for Member Hill?

14 MEMBER GILL: No questions.

15 CHAIR BENNETT: Any questions from
16 Board Member Greenfield?

17 MS. GREENFIELD: No questions.

18 CHAIR BENNETT: All right. Thank you.
19 We will, I think as I mentioned earlier, we will
20 look to hear all the matters. We will go into
21 executive session, and then make decisions, and
22 then reconvene at a time after that. Ms. Stroud?

1 MS. STROUD: The next matter is
2 Absalom Jordan versus Mr. Hill. Mr. Jordan, are
3 you present? Mr. Jordan, are you present,
4 Absalom Jordan?

5 Okay. He is not present. Mr. Hill is
6 present. And the Board may proceed ex parte in
7 this matter. And so the Registrar of Voters can
8 read her report into the record in this matter.

9 MS. BROOKS: On March the 4th, 2020,
10 Frederick Hill III submitted a nominating
11 petition to appear on the ballot as a candidate
12 in the June 2nd, 2020, primary election for the
13 office of Ward 8 Member of the Council.

14 The petition was posted for public
15 inspection within ten days as required by law.
16 The petition was challenged on March 16th, 2020,
17 by Absalom Jordan, a registered voter in the
18 District of Columbia.

19 My preliminary petition challenge
20 indicates that Mr. Hill submitted a total of 283
21 signatures. The minimum requirement to obtain
22 ballot access for this office is 250 signatures.

1 Challenger Absalom Jordan filed
2 challenges to a total of 58 signatures enumerated
3 by line and page number on individual challenge
4 sheets filed for each petition page. Petition
5 signatures were filed pursuant to Title 3, DCMR
6 Section 1607.1 of the Board's regulations.

7 My review of the petition challenge
8 indicates that a total of 44 of the 58 signature
9 challenges are valid. Of the 44 valid
10 challenges, 21 change of address, three are
11 inactive, three are not credible, 11 are not
12 registered, five changes of party, and one valid
13 challenge to out of state address.

14 That left the candidate's nominating
15 petition with 239 signatures, 11 signatures below
16 the number required for ballot access.

17 At the pre-hearing conference, Mr.
18 Hill discussed with the Registrar of Voters the
19 signature of Jasmine Robinson (phonetic), a
20 long-time resident of Ward 8, page 9, line number
21 13. That signature had initially been determined
22 invalid because the voter used a nickname instead

1 of her legal name.

2 As the result of this (telephonic
3 interference) invalid. This leaves the
4 candidate's nominating petition with 240
5 signatures, ten signatures below the number
6 required for ballot access. That concludes my
7 report.

8 MS. STROUD: Okay, thank you, Ms.
9 Brooks. If everyone that's not speaking could
10 silence their phones, could mute their phones,
11 that would be great. Thank you.

12 Mr. Hill, your response to --- and we
13 understand what your general concerns are, but if
14 you have a particular track of responses to the
15 specific findings of the Registrar that you would
16 like to offer at this time.

17 MR. HILL: Okay. I'll recap a few
18 things, specifically as it pertains to this
19 particular case. Number one, we were not
20 afforded due process, as I stated earlier. The
21 Board of Elections' information system is not
22 accurate. And then the Mayor issued a no

1 solicitation ban so that we could correct the
2 ills of questions of the petition.

3 And for those items, I believe that,
4 again, I should remain on the ballot, because
5 this is not a normal situation that we are
6 working with right now regarding the pandemic,
7 and allow the voters of the ward to decide who
8 should be the next candidate.

9 MS. STROUD: Okay, thank you, Mr.
10 Hill.

11 MR. HILL: Thank you.

12 CHAIR BENNETT: Any questions?

13 MEMBER GILL: No questions for me.

14 CHAIR BENNETT: Ms. Greenfield?

15 MS. GREENFIELD: No questions for me.

16 CHAIR BENNETT: Thank you. Okay, Ms.
17 Stroud.

18 MS. STROUD: The next matter is Morgan
19 Finkelstein versus Daniel Hernandez. Ms.
20 Finkelstein, are you --

21 MR. HILL: Excuse me, can I be excused
22 at this time? This is Fred Hill?

1 MS. STROUD: Sure, you may be excused.

2 MR. HILL: Thank you.

3 CHAIR BENNETT: Could we request, Mr.
4 Hill, just so you know though, we are going to
5 reconvene with due process to all the challenges.
6 The way the time is running right now, it looks
7 like it'll be approximately 1:30. So ---

8 (Simultaneous speaking.)

9 MR. HILL: Do you want me to come back
10 online at that time?

11 CHAIR BENNETT: Yes, sir.

12 MR. HILL: Okay. Come back at 1:30,
13 okay.

14 CHAIR BENNETT: Yes, sir.

15 MR. HILL: Thank you.

16 MS. SEEGAR: Ms. Sandra Seegar
17 requests to excuse herself too.

18 CHAIR BENNETT: Thank you.

19 MS. STROUD: Okay, Ms. Finkelstein,
20 are you present?

21 MS. FINKELSTEIN: Yes, ma'am, I'm
22 present.

1 MS. STROUD: And Mr. Hernandez, are
2 you present?

3 MR. HERNANDEZ: Yes, I'm present.

4 MS. STROUD: Thank you. Ms. Brooks,
5 if you could read your report into the record in
6 this matter.

7 MS. BROOKS: On March 4th, 2020,
8 Daniel Hernandez submitted a nominating petition
9 to appear on the ballot as a candidate in the
10 June 2nd, 2020, primary election for the office
11 of Ward 2 Member of the Council.

12 The petition was posted for public
13 inspection within ten days as required by law.
14 However, a single supplemental petition sheet
15 containing 20 signatures was not (telephonic
16 interference). The petition was challenged on
17 March 16th, 2020, by Morgan Finkelstein, a
18 registered voter in the District of Columbia.

19 My preliminary review of the petition
20 challenge indicates that Mr. Hernandez submitted
21 a total of 303 signatures. The minimum
22 requirement to obtain ballot access for this

1 office is 250 signatures.

2 The Registrar's Office miscalculated
3 the number of total signatures submitted by
4 omitting ten signatures on one of the petition
5 pages and inadvertently engaged a (telephonic
6 interference) assumption that the candidate only
7 submitted 290 signatures.

8 Challenger Morgan Finkelstein filed
9 challenges to a total of 62 signatures enumerated
10 by line and page number on individual challenge
11 sheets filed for each petition page that she was
12 able to inspect, totaling 282 signatures.

13 Petition challenges were pursuant to Title 3,
14 DCMR Section 1607.1 of the Board's regulations.

15 My review of the petition challenge
16 indicates that a total of 50 of the 62 signature
17 challenges are valid.

18 Of the 50 valid challenges, four are
19 change of address, two duplicate, two are not
20 (telephonic interference), 11 are not registered,
21 21 change of party, three not dated, and three
22 not a resident voter in the Ward. This leaves

1 the candidate's nominating petition with 231
2 signatures, from the required for ballot access.

3 With respect to the 280 signatures she
4 examined, at the pre-hearing conference, Mr.
5 Hernandez requested that the Registrar of Voters
6 review the number submitted.

7 As a result of the review, the
8 Registrar credited Mr. Hernandez with 17
9 signatures that had been initially omitted from
10 his initial submission of valid signatures and
11 two that had been deemed initially determined to
12 be invalid on page 4, line 8, and line 9.

13 Therefore, Mr. Hernandez's total of
14 250 signatures, this leaves Mr. Hernandez with
15 the number required for ballot access. That
16 concludes my report.

17 MS. STROUD: Thank you, Ms. Brooks.
18 Ms. -- is it Finkelsteen or Finkelstein?

19 MS. FINKELSTEIN: It's Finkelstein.

20 MS. STROUD: Okay. Thank you. You
21 have five minutes.

22 MS. FINKELSTEIN: Thank you. Yes.

1 I'm Morgan Finkelstein, 1012 M Street, Northwest,
2 a resident of Ward 2. Given the issues that have
3 plagued our ward of late, I think it's important
4 to hold ourselves to the absolute highest
5 standards possible, in terms of making sure all
6 procedures are followed correctly for this
7 election.

8 The first issue we're dealing with
9 here is that 20 signatures were not posted for
10 the public to review. And I think that creates
11 an unfair process, given that the public was not
12 able to weigh in.

13 I appreciate that Karen Brooks weighed
14 in on the signature herself. But that doesn't
15 change the fact that public review is clearly an
16 essential part of the process. And that was
17 compromised here. The public was not able to
18 provide their own expertise and perspective.

19 And the second is that there's been so
20 many errors conducted by both Mr. Hernandez, and
21 unfortunately in the processing by the Board of
22 Elections.

1 Even on the latest April 1st memo
2 there is a discrepancy in that page 4 says that
3 Mr. Hernandez would stand at 249 signatures.
4 Yet, also on the page you see he stands at 250
5 signatures. And to be quite frank, I'm still a
6 little unclear as to where he stands.

7 And with the stakes so high, and the
8 margin so thin, and the fact that over 15 percent
9 of Mr. Hernandez's signatures have already been
10 found to be invalid, we need to consider the fact
11 that the amount of problems here have in fact
12 reached a critical mass that could disqualify
13 him.

14 And particularly with the two that
15 were missing dates from the first batch, that may
16 end up making a difference, I would urge us to
17 take them more seriously than just a clerical
18 error, given the pattern of problems throughout
19 the collection of these petitions.

20 We can't possibly rule out the fact
21 that he may have left two lines blank, and
22 scrambled to fill them in through non approved

1 means.

2 I know we're all under trying
3 circumstances with the current state of
4 operations. But ending up with the exact amount
5 of votes necessary to proceed, after many errors
6 on the part of both the candidate and the Board
7 seems to be a little bit of a flag. Especially
8 since in page 4, again, it does at some point say
9 he only got 249 signatures.

10 And ultimately these discrepancies in
11 both counting and public access to the petition
12 sheets should not be the reason Ward 2 voters
13 don't get the free and fair election that they
14 deserve.

15 MS. STROUD: Thank you, Ms.

16 Finkelstein. Mr. Hernandez?

17 MR. HERNANDEZ: Hi. Daniel Hernandez,
18 1724 18th Street, Northwest, Ward 2, of course.
19 With respect to the overall question on process,
20 I would say, if we are following process your
21 challenges weren't submitted to that page of
22 additional 20 signatures.

1 And, you know, the Board of Elections
2 reviewed those, bringing me down to 17. I would
3 argue that should be at 253, instead of 250.
4 Furthermore, additional dates, as Mr. McGann
5 noted, previously the Board has previously
6 considered those with the formal errors.

7 And I'm more than happy to testify
8 personally to the collection of some of those,
9 and the dates, as well as I'm happy to provide
10 the factual participating circulator. Though I
11 was personally present for two of those that Ms.
12 Finkelstein challenged.

13 I would argue if it were a question of
14 process then I'm unequivocally true. If it's a
15 question of actuality, you know, I think it's
16 been shown that I did collect. And it is the
17 will of the voters for me to be on the ballot.
18 And so, I got --

19 MS. STROUD: Ms. Finkelstein, you have
20 two minutes to respond.

21 MS. FINKELSTEIN: I don't think I
22 really need to respond. I think we've both

1 clearly identified that there's a lot of issues
2 going on with the official counting and
3 processing here. So, I would just look forward
4 to hearing how we solve those.

5 MS. STROUD: Mr. Hernandez?

6 MR. HERNANDEZ: Yes. I mean, I think
7 that covers it. There's nothing new to add.

8 CHAIR BENNETT: Any questions, Mr.
9 Gill?

10 MEMBER GILL: No questions, thank you.

11 CHAIR BENNETT: Any questions Ms.
12 Greenfield?

13 MEMBER GREENFIELD: No questions.
14 Thanks.

15 CHAIR BENNETT: All right. Ms. Stroud
16 will --

17 MS. STROUD: Sure. Thank you both.
18 The final nominating petition challenge hearing
19 before the Board is Cheeseboro, Amos Cheeseboro
20 versus Susana Baranano. Is Mr. Cheeseboro
21 present?

22 DR. OWOLEWA: He's unable to be

1 present. But my name is Oye, and I'm his
2 representative.

3 MS. STROUD: What's your full name and
4 address for the record?

5 DR. OWOLEWA: Yes. My full name is
6 Adeoye Ibrahim Yakugu Owolewa. And I live at
7 1430 Tobias Drive, Southeast, Washington, DC.

8 MS. STROUD: Okay. And Ms. Baranano
9 are you present, and --

10 MS. BARANANO: I'm here.

11 MS. STROUD: Okay. And state your
12 name and address for the record.

13 MS. BARANANO: Susana Baranano, 2000
14 F Street. That's F as in Frank, Street,
15 Northwest, Apartment 806, D.C. 20006.

16 MS. STROUD: And I --

17 MS. BARANANO: And I have a --

18 MS. STROUD: I am aware that you were
19 represented as well in this matter. Is your
20 representative present?

21 MR. BUBAR: I am. This is Attorney
22 James Bubar, B-U-B-A-R. My address is 1776 K

1 Street, Northwest, Suite 800, Washington, DC.

2 And I am working from home today. And I'm a Ward
3 4 resident at 3206 Tennyson Street, Northwest.

4 MS. STROUD: Okay. Thank you. And as
5 the representative for Mr. Cheeseboro, you have
6 five minutes to present your case.

7 (Simultaneous speaking.)

8 MS. STROUD: Oh, I'm sorry. I'm
9 sorry. Actually, I'm sorry. The Registrar of
10 Voters may present her report for the record.

11 MS. BROOKS: On March 4th, 2020 Susana
12 Baranano submitted a nominating petition to
13 appear on the ballot as a candidate in the June
14 2nd, 2020 primary elections for the office of
15 United States Representative.

16 The petition was posted for public
17 inspection for ten days, as required by law. And
18 the petition was challenged on March 13th, 2020
19 by Amos Cheeseboro, a registered voter in the
20 District of Columbia.

21 My preliminary review of the petition
22 challenged in the case indicates Ms. Barananos

1 submitted total of 2,109 signatures. The minimal
2 count to obtain ballot access with this office is
3 2,000 signatures.

4 Challenger, Amos Cheeseboro, filed
5 challenge to a total of 457 signatures
6 (phonetic), enumerated on line and page number on
7 the individual challenge sheets filed for
8 insufficiency.

9 Petitioner -- Title 3, DCMR Section
10 16207 (phonetic) -- of the Board's regulation.
11 My initial review of the petition challenge
12 indicates that 300 of the 467 signatures
13 challenged are valid.

14 Of the 347 valid challenges, 117 are
15 changed address, one is a duplicate, seven are
16 inaccurate, 61 are ineligible, 104 are not
17 registered, 65 are change of party, and two are
18 missing addresses.

19 This left the candidate's nominating
20 petition with 1,762 signatures, 230 signatures
21 below the number required for filing access. On
22 Monday, March 30th, 2020 the Registrar of Voters

1 received additional information from the
2 candidate's representative, Mr. Bubar.

3 Based upon this information I
4 determined that 71 of the challenges I previously
5 upheld should have been denied. Specifically, I
6 determined that nine signatures rejected on
7 change of address grounds were (telephonic
8 interference) at the address on the petition.

9 Thirty-five signatures I deemed
10 ineligible could actually be verified.
11 Twenty-four signatures denied on registration
12 grounds were actually registered. One signature
13 invalidated on change of party grounds was
14 actually a member of the proper political party.

15 And two signatures with ineligible
16 addresses were found to be valid. This means the
17 candidate's nominating petition were 1,833
18 signatures, 167 signatures below the number
19 required for ballot access. That concludes my
20 report.

21 MS. STROUD: Okay. Thank you Ms.
22 Brooks. Mr. Ololewa, you have five minutes to

1 present your case.

2 DR. OLOLEWA: All right, perfect. I
3 don't even need five minutes. But I just want to
4 say good afternoon to everyone. My name is
5 Adeoye Ibrahim, Yakugu Owolewa. But I also go by
6 Oye.

7 I'm an active D.C. democratic voter,
8 registered in 2014. My active registration
9 number is 140023083. I also serve as the
10 Commissioner for my single member district 8E01.
11 And I'm also the other candidate for U.S.
12 Representative.

13 I want to thank everyone for being
14 here today. I want to thank the Board of
15 Elections for the work they do. I especially
16 want to thank Mr. McGann, Ms. Brooks, and the
17 rest of the Board for the essential work being
18 done in the District.

19 I have the utmost respect for the
20 Registrar. And I accept their findings and their
21 conclusions. Again, I thank you all for your
22 time, and diligence on my case, while there are

1 other matters affecting D.C.

2 But I request that the recommendation
3 of the Registrar be adopted, and that this
4 challenge be sustained. That's it.

5 MS. STROUD: Okay. So, Mr. Bubar?

6 MR. BUBAR: Thank you. And I would
7 like to join with a number of the other
8 participants today to commend the Board on its
9 work during these trying times.

10 And in this matter I'm representing
11 Susan Baranano, who is a member of the Democratic
12 State Committee, very active, and a very active
13 statehood representative for the District of
14 Columbia.

15 Can you please, what I'd like to
16 request that people mute their phones, though.
17 Okay. Thank you. And I also want to commend the
18 Registrar for her work in reviewing the
19 challenges.

20 My client however found that 205 of
21 the challenged signatures were in fact valid.
22 She found that there were 100 that had actually

1 different addresses, which she is trying to
2 address by going to these people, and having them
3 change their addresses on the Board of Elections
4 records.

5 And she found that seven were
6 considered inactive. And she is questioning
7 whether those signatures should in fact be
8 counted.

9 The Registrar came back after we
10 submitted our 19 pages of documents, and said
11 that she found that 71 of the challenged
12 signatures were in fact valid.

13 We submit that there were in fact 205
14 that should be marked valid. We submitted a line
15 by line response to the Registrar's first
16 findings. However, we have not received a line
17 by line response to the Registrar's revised
18 findings, her final filings.

19 And therefore, we are handicapped, and
20 cannot properly respond to her. To the extent
21 that a continuance can be granted for a further
22 date, we would appreciate that. I'm going to ask

1 for that now, in the course of my remarks.

2 We also want to have the opportunity
3 to call witnesses. Specifically, we wanted to
4 call the challenger, and we wanted to call the
5 challenger's representative to inquire as to
6 their particular voter registration.

7 Mr. Owolewa submitted an address in
8 which he claims is his registered address.
9 However, when he signed Ms. Baranano's petition
10 he used a different address. He used an address
11 that was different than the address that he
12 claims is on his driver's license.

13 And therefore, we questioned whether
14 in fact he is a registered voter in the District
15 of Columbia. The Registrar found that he was not
16 a registered voter in the District of Columbia.

17 Moreover, I also want to bring to the
18 Court's, the Tribunal's attention that the Chief
19 Judge of the D.C. Superior Court ruled that he
20 was suspending polling, and extending all the
21 filing deadlines in the statutes of the District
22 of Columbia.

1 This was entered by the Judge on, a
2 few days ago. I submitted that in a letter to
3 Mr. McGann last night. I don't know if the Board
4 has that in front of you. But I think it's
5 critical to our deliberations today.

6 Because among the statutes that we
7 asked that were be told is, D.C. Code Section
8 1-1001.0803. And that one permits a voter to
9 submit a change of address form to conform the
10 address with the D.C. Board of Elections, with a
11 signature on the petition at the time the
12 petition was signed. They may do so within the
13 first ten days of the period designated for
14 resolving challenges to the petition.

15 Ms. Baranano is actively trying to
16 contact voters whose addresses were challenged,
17 and advise them to change their addresses on
18 record with the Board of Elections.

19 Under the circumstances it is not
20 possible to contact these individuals in person,
21 because of the stay at home order. And we would
22 ask that particular provision of the D.C. Code be

1 told and suspended, in accordance with the order
2 of the Chief Judge of the Superior Court in the
3 District of Columbia.

4 Ms. Baranano, do you have anything
5 else you would like to add to my remarks?

6 MS. BARANANO: That Oye did not update
7 his registration to meet, to match what he signed
8 on the petition.

9 MR. BUBAR: Okay. And we also submit
10 that Mr. Cheeseboro lives at an address that is
11 different from the one that is of record with the
12 Board of Elections. And is therefore not a valid
13 elector in the District of Columbia. As such he
14 is not able to challenge Ms. Baranano's
15 petitions.

16 If the Tribunal would allow us to call
17 witnesses at a future date, along with
18 responding, as well as responding with a line by
19 line analysis by the Registrar, we would be happy
20 to appear at a later date and do that. Thank
21 you.

22 MS. STROUD: Mr. Oye, you have two

1 minutes to respond.

2 DR. OLOLEWA: All right. Perfect.
3 So, the registrations followed all the rules and
4 procedures. And her report should be adopted.
5 The Registrar also considered all the new
6 evidence. And Ms. Baranano is still short.

7 The matter of my address, I live at
8 1430 Tobias Drive. I am here right now at 1430
9 Tobias Drive. I produced my driver's license as
10 well as my registration that shows my address as
11 1430 Tobias Drive.

12 Furthermore, the conclusion by the
13 respondents on admission, she still lacks the
14 required number of signatures. This is not a
15 matter for D.C. Superior Court. The local trial
16 court can administer order of the non-binding of
17 the Board.

18 The Board of Election voters should go
19 to the D.C. Court of Appeals, and not a D.C.
20 Superior Court. In this situation my, I'm, being
21 an ANC Commissioner and active voter in D.C.,
22 once I produce those documents, my voter

1 registration shouldn't be questioned. However,
2 my only point is that I hope that the Registrar's
3 findings are approved and confirmed.

4 MR. BUBAR: May I just --

5 MS. STROUD: Thank you. Mr. Bubar.

6 MR. BUBAR: Mr. Owolewa has not
7 explained why he gave a different address when he
8 signed Ms. Baranano's petition. And why the
9 Registrar ruled that he was not an eligible voter
10 in the District of Columbia.

11 Moreover, the rules that the Chief
12 Judge issued are clearly available on the website
13 of the D.C. Superior Court. They are authorized
14 by the Chief Judge of the D.C. Court of Appeals,
15 who is following the same rules.

16 And I submitted the link in my filing
17 last night, with Mr. McGann. I don't know if
18 he's been able to circulate it to the Board. But
19 I would ask that he do so, so that the Board can
20 independently investigate that issue.

21 It is an issue that is timely, and it
22 affects the processes of the Board. We believe

1 that these issues can be, still be resolved, and
2 still, in time for the June 2nd election.

3 So, we're not challenging the June 2nd
4 election. However, the ramifications of what the
5 Chief Judge did by tolling the time periods in
6 the D.C. Code could have greater ramifications
7 for the D.C. Board of Elections and the upcoming
8 election. Thank you.

9 MS. STROUD: So, it's your
10 understanding, Mr. Bubar, that the order issued
11 impacts the Board of Elections Election Statute?

12 MR. BUBAR: Unless it's carved out.
13 And it hasn't been carved out. And the Chief
14 Judge, unless there's an order otherwise, he says
15 it applies to all the statutes of, all the time
16 limits in the District of Columbia.

17 MS. STROUD: So, I have that, I'm
18 going to read the provisions that I think you're
19 citing. And it says, suspending polling, and
20 extending, and this is from the D.C. Superior
21 Court, suspending polling, and extending filing
22 deadlines.

1 Unless otherwise ordered by the
2 Courts, all deadlines and time limits in statute
3 Court rules, and standing, and other orders
4 issued by the Court that would otherwise expire
5 before May 15th, including statutes of
6 limitations, are suspended, toiled (phonetic),
7 and extended during the period of this current
8 emergency.

9 Such deadlines and time limits may be
10 further suspended, tolled, and extended as
11 circumstances change. And, what followed that
12 were examples that referred to deadlines for
13 Court filings. Is that correct? So, they were
14 specific to the Court, the Superior Court.

15 MR. BUBAR: If we are going to be able
16 to, if we challenge this to the Court of Appeals.
17 That's where the --

18 MS. STROUD: But this is particular to
19 the Superior Court. So, that order, right, was
20 --

21 MR. BUBAR: That is --

22 MS. STROUD: -- specific to the

1 Superior Court.

2 MR. BUBAR: But there are other links
3 on that website. You can't just look at this
4 without looking at the other links on the
5 website.

6 There are other links in the website
7 that apply this more generally, and gave, and the
8 Court of Appeals gave the Chief Judge the
9 authority to rule on their behalf.

10 MS. STROUD: So, okay. Thank you.

11 And that concludes the --

12 CHAIR BENNETT: That concludes all of
13 the matters with regard to the challenges. So,
14 what we're going to do right now, I'm going to
15 ask for a motion to adjourn, to go into executive
16 session.

17 And then once we do that, assuming I
18 get a motion, and we move into Executive Session,
19 we will reconvene, and give decisions with regard
20 to these five challenges at 1:30 p.m.

21 So, those who are interested should
22 rejoin the meeting at 1:30 p.m., and we will dial

1 back in then. So, if I can get a motion from
2 Board Member Gill.

3 MEMBER GILL: A motion to move to
4 Executive Session.

5 CHAIR BENNETT: And can I get a second
6 from Ms. Greenfield?

7 MEMBER GREENFIELD: Second.

8 CHAIR BENNETT: It's been properly
9 moved and seconded. Can I get a roll call vote?
10 Mr. Gill?

11 MEMBER GILL: Aye.

12 CHAIR BENNETT: Ms. Greenfield?

13 MEMBER GREENFIELD: Aye.

14 CHAIR BENNETT: And a third from me.
15 Aye. So, it's unanimous. We're going into
16 Executive Session. We will reconvene, and have
17 decisions on the matters we just heard at 1:30
18 p.m. Thank you very much.

19 (Whereupon, the above-entitled matter
20 went off the record at 12:50 p.m. and resumed at
21 1:32 p.m.)

22 CHAIR BENNETT: What I'm going to do

1 is thank you for all of the responses, and all of
2 the opportunities to appreciate you being heard.
3 There may be one administrative matter first.

4 For some reason or another we couldn't
5 hear Mr. William Sanford, the General Counsel of
6 the Office of Campaign Finance when he was
7 sending up his report. But he was on the line
8 for the record.

9 And we will accept his report in
10 writing, instead of going back to give the report
11 at this point. So, my apologies, Mr. Sanford.
12 And thank you for submitting your report to us in
13 writing. And that will be available to the
14 public for review. And we'll take questions on
15 that at the next meeting in May.

16 So, what I'm going to do at this point
17 is, I'm going to walk through each of the
18 matters. The Board had an opportunity to review
19 all of the statements made at the hearing. And
20 so we have findings.

21 With regard to the findings I'll also
22 note, unless we do a roll call vote for each

1 matter. I will also let you know when the order
2 will be issued.

3 We will not address any of the issues
4 that are the basis of the findings on this call.
5 But they will be addressed in the order. And as
6 everyone knows, there is an opportunity to appeal
7 that, the order to the Superior Court. I'm
8 sorry, the D.C. Court of Appeals.

9 So, I'm going to start with the matter
10 of Whitney versus Eleanor Holmes Norton. And I'd
11 like to get a roll call vote for accepting the
12 findings of the Registrar of Voters or not. So,
13 I will ask Mr. Gill to give us his vote with
14 regards to the findings.

15 MEMBER GILL: I vote aye to
16 Registrar's report.

17 CHAIR BENNETT: Okay. Ms. Greenfield.

18 MEMBER GREENFIELD: Yes. I vote aye
19 to the Registrar's report.

20 CHAIR BENNETT: And this is Michael
21 Bennett. And I vote to accept the Registrar's
22 report. So, the challenge is denied.

1 With regard to the matter of Seegars
2 versus Hill, Mr. Gill, what's your vote with
3 regard to the Registrar's report?

4 MEMBER GILL: For Seegars versus Hill
5 I vote aye in acceptance of the Registrar's
6 report.

7 CHAIR BENNETT: Ms. Greenfield.

8 MEMBER GREENFIELD: I vote aye in
9 accepting the Registrar's report.

10 CHAIR BENNETT: And this is Michael
11 Bennett. I vote to accept the Registrar's report
12 as well. Therefore, the, Mr. Gill is denied
13 ballot access. Ms. Seegars' challenge is
14 accepted.

15 With regard to Jordan versus Hill,
16 since the Seegars versus Hill challenge was
17 accepted, I mean, the challenge was accepted,
18 yes. And ballot access was denied.

19 The Jordan versus Hill challenge is
20 moot. However, we will still issue an order that
21 will lay out the findings of the Board with
22 regard to Jordan versus Hill. So, we don't need

1 a roll call vote for that particular challenge.

2 With regard to Finkelstein versus
3 Hernandez, Mr. Gill, can you give me your vote
4 with regard to the challenge to the Registrar's
5 report?

6 MEMBER GILL: Finkelstein versus
7 Hernandez, I vote aye in acceptance of the
8 Registrar's report.

9 CHAIR BENNETT: Ms. Greenfield?

10 MEMBER GREENFIELD: I vote aye in
11 acceptance of the Registrar's report.

12 CHAIR BENNETT: And this is Michael
13 Bennet. And I accept the Registrar's report as
14 well. The Registrar's report provides that there
15 were 250 valid signatures. That was the minimum
16 requirement. Therefore, Mr. Daniel Hernandez has
17 valid access with regard, or for the purpose of
18 the Ward 2 Council race in June.

19 With regard to the Cheeseboro versus
20 Baranano, may I have roll call vote from Mr.
21 Gill?

22 MEMBER GILL: In the matter of

1 Cheeseboro versus Baranano I vote aye to accept
2 the Registrar's report.

3 CHAIR BENNETT: Ms. Greenfield.

4 MEMBER GREENFIELD: I vote aye to
5 accept the Registrar's report.

6 CHAIR BENNETT: With regard to
7 Cheeseboro versus Baranano, sorry. And this is
8 Michael Bennett. And I accept the Registrar's
9 report as well, with regard to Cheeseboro and
10 Baranano.

11 The Registrar's report indicates that
12 there were 1,833 signatures that were valid.
13 There is a requirement for 2,000 signatures.
14 Therefore, ballot access is denied. And so, that
15 concludes the matter for today. And I would like
16 to get a vote to adjourn the meeting from Mr.
17 Gill.

18 (Simultaneous speaking.)

19 MEMBER GILL: My motion is to adjourn,
20 and I vote aye.

21 CHAIR BENNETT: Ms. Greenfield, can I
22 get a second?

1 MEMBER GREENFIELD: I second.

2 (Simultaneous speaking.)

3 CHAIR BENNETT: I'm sorry.

4 PARTICIPANT: Question from the
5 public.

6 (Simultaneous speaking.)

7 MS. SEEGARS: Mr. Bennett --

8 CHAIR BENNETT: I'm going to continue
9 to adjourn the meeting. If there are additional
10 questions I would ask that those questions be
11 emailed in, and we'll do our best to respond to
12 those.

13 My apologies for the -- and we made
14 our best efforts. And I think we actually got
15 through the meeting. Thank you very much for
16 attending.

17 MS. SEEGARS: Mr. Bennett, mine is not
18 a (telephonic interference) challenge.

19 (Telephonic interference)

20 MS. SEEGARS: Mr. Bennett --

21 (Whereupon, the above-entitled matter
22 went off the record at 1:38 p.m.)

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In the matter of: Board Meeting

Before: DC BOE

Date: 04-01-20

Place: teleconference

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Neal R Gross

Court Reporter

NEAL R. GROSS

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