GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

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

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

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

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

MEMBER GREENFIELD: Yes, I am here.

Karyn Greenfield.

CHAIR BENNETT: Okay, great. When Board Member Gill arrives I will announce him as
Here also joining us is Terri Stroud, General Counsel, Alice Miller, Executive Director of the Board of Elections. I believe on the line is also Ms. Cecily Montgomery. Ms. Montgomery, are you there? Can you identify yourself please? You may be on mute, Ms. Montgomery.

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

CHAIR BENNETT: I heard you --

MS. COLLIER-MONTGOMERY: Okay, good morning.

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

MS. COLLIER-MONTGOMERY: Okay.

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

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

What I would like to do first is to
get a motion from Board Member Greenfield to
adopt the agenda for today, and then also at the
same time, approval of the minutes from our March
12th meeting. Ms. Greenfield?

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

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

MEMBER GREENFIELD: No, I don't.

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

There is telework approved. People
are working consistent with CDC requirements of
social distancing and also disinfecting and
1 cleanliness.

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

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

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

5 Next on the agenda is the report of the Office of Campaign Finance. And Ms. Montgomery will provide that report.
MS. COLLIER-MONTGOMERY: Okay, good morning. Again, I would just like to reinforce that OCF is operating under a modified status. All services are being provided remotely by email, and also by telephone, where the public, at our public line, which is 202-671-0547, can speak directly with Wesley Williams, who is our Public Affairs Manager.

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

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

And I would just like to put on the record the upcoming 2020 filing dates for our candidates and committees -- the traditional
candidates and committees participating in the June 2nd, 2020 primary election.

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

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

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

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

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

I would also put on the record that
with our Fair Elections Program, the contract for
the development of phase two of the electronic
filing system was awarded on March the 13th. The
second phase will provide for public reports and
search features, as well as administrative
modules.

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

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

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

Now, also during the month of March,
I would just want to point out and put on the record that we certified five additional candidates in the Fair Elections Program.

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

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

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

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

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

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

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

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

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

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

We also issued, and I think this is
important to note, our second base amount payments to candidates in the June 22nd, 2020 primary election who achieved valid access.

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

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

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

And although we may have reported at the March meeting that February the 28th was the due date, we did not have the number of actual required filers at the time, and that was one.
And the filer did timely file, and electronically filed as well.

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

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

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

We had four referrals to the Office of the General Counsel. We had two extensions which were requested and granted, and all of the 34 committees that timely filed also electronically filed their reports.
March 10th was also the filing deadline for our Independent Expenditure Committee. We had three required filers, all three timely filed and electronically filed their reports.

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

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

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

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

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

Robert Sinners, candidate DC
Republican Committee Ward 2, registered on March the 18th. Mindi Walker, candidate DC Republican Committee Ward 8, registered on March the 19th. And Peter Bolton (phonetic), Peter Bolton for Ward 2 City Council, registered on March the 27th.

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

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

With respect to the Reports Analysis and Audit Division during the month of March, the audit division is currently conducting desk reviews of the Political Action Committees as well as those other committees that filed their March 10th report. And basically, they are reviewing 78, and there are currently 43 which are still under review.
And that's with the Political Action Committee. I'm sorry, some of those are still under review.

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

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

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

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

We also had periodic random audits with respect to the candidates in the upcoming 2020 election. Re-Elect Brandon Todd 2020, that
audit was initiated on September the 4th, 2019. And that audit is complete at this point and is under review.

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

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

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

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

With our periodic random audits of Political Action Committee of the Report, which was filed on January 31st, we have the Verizon Communications, Inc., Good Government Club PAC, that was initiated on March 2nd, the DC Libertarian Party, which was initiated on March the 2nd, the Firefighter's Committee on Political Activity, which was initiated on March 2nd, and the Greater Washington Board of Trade, that audit
has been completed and is under review.

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

And basically, that concludes my report.

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

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

MEMBER GILL: In the house.

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

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

MS. MILLER: Thanks, Mr. Chair.
CHAIR BENNETT: Can you hear, Ms. Miller? Ms. Miller, go ahead and talk.

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

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

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

Where we have ended up is with the best workable plan that we think we can fulfill
and do it in an environment of safety and concern for both our workers and our staff and ensure that all the ballots are sent out and received by the voters, and also counted.

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

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

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

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

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

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

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

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

At that point we will begin mailing
ballots out based on the request that we have.
And we'll continue doing it on a rolling basis.

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

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

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

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

And that, again, will give them an opportunity to fill that application out. We'll
have an envelope in there, so all they have to do
is put it in the envelope and mail it back.

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

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

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

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

We are going to encourage, in order to
respect the social distancing requirements that
are in place, we will encourage, although we will
not enforce, but encourage voters to respect an
alpha break, a suggestion that we'll put in
place.

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

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

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

We have two in Ward 1, that's Columbia
Heights and Prince Hall Center for the Performing
Arts. Ward 1, I'm sorry. That's Ward 1.

Columbia Heights Community Center and Prince Hall Center for the Performing Arts.

Ward 2 is One Judiciary Square and Hardy Middle School.

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

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

Five, Turkey Thicket, McKinley Tech High School.

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

Ward 7, Deanwood Recreation Center,

Benning Stoddert Community Center, Hillcrest Recreation Center.

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

So those are the locations that we are proposing. We are working now with the Mayor and
her administration to ensure that these places are available.

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

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

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

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

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

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

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

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

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

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

(Telephonic interference.)

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

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

CHAIR BENNETT: Okay, thank you.

(Off record comments.)

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

CHAIR BENNETT: So, Member Greenfield, do you have any questions? I would ask for (telephonic interference) do you have any
questions for Ms. Montgomery or Ms. Miller?

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

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

MEMBER GILL: No questions.

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

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

MS. STROUD: And again, if you can put your phones on mute until addressed by either the Chair or one of the other Board Members or
myself, that would be great. Thank you.

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

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

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

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

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

But due to the public health emergency, all oral arguments in the DC Court of
Appeals have been either cancelled or postponed in accordance with an order of the Chief Judge of the DC Court of Appeals. So the Court will decide that matter without oral argument on the pleadings.

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

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

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

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

CHAIR BENNETT: Now we're going to do
MS. STROUD: Oh, public comments.

CHAIR BENNETT: -- public matters.

Then we'll come back to the nominating status.

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

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

(Simultaneous speaking.)

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

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

MS. BRIZILL: Dorothy Brizill.

CHAIR BENNETT: Okay. Would you please identify --

MS. SEEGARS: Sandra Seegars.

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

MS. BRIZILL: Dorothy Brizill, 1327
Girard Street Northwest, D.C. Watch. I'd like to ask Ms. Miller a question.

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

CHAIR BENNETT: You can state the question please.

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

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

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

(Simultaneous speaking.)

MS. BRIZILL: Ms. Miller, have you not hired someone in the IT fields?
CHAIR BENNETT: Questions back and forth.

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

CHAIR BENNETT: Ms. Brizill, go ahead.

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

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

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

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

MS. MILLER: Yes.

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

MS. MILLER: I agree with you.

CHAIR BENNETT: Okay, next question.

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

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

MS. BRIZILL: So, am I correct to understand that no one is fulfilling the duties and responsibilities in terms of our cybersecurity, our IT security at the Board of Elections even though we have three upcoming elections?
MS. MILLER: We have partners that we are working with on the federal level and our staff in-house are working as well with the current cyber issues. So, I --

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

MS. MILLER: I'm sorry?

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

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

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

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

MS. BRIZILL: Honestly. Thank you.

MS. MILLER: Yes, honestly.

CHAIR BENNETT: Okay, next after Ms.
Brizill.

MS. SEEGRAS: Sandra Seegars.

CHAIR BENNETT: Okay, thank you.

MS. SEEGRAS: Hello?

CHAIR BENNETT: Yes, Sandra Seegars.

MS. SEEGRAS: Hello?

CHAIR BENNETT: Speak.

MS. MILLER: Sandra Seegars, if you could identify your --

CHAIR BENNETT: Is there anybody else --

MR. SINDRAM: Hello?

CHAIR BENNETT: Mr. Brannum, are you available?

MR. SINDRAM: Hello?

CHAIR BENNETT: Yes. Mr. Brannum, are you available?

MR. BRANUM: Yes.

MR. SINDRAM: Hello?

MS. COLLIER-MONTGOMERY: Mr. Chairman?

CHAIR BENNETT: Yes.

MS. COLLIER-MONTGOMERY: Mr. Chairman,
I'm sorry, this is Cecily Montgomery, I just
wanted to let you know that William Sanford is on
the line whenever you want to hear the Report of
the General Counsel for the Office of Campaign
Finance.

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

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

(Simultaneous speaking.)

MS. SEEGARS: I have something to add.

CHAIR BENNETT: And who is speaking?

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

CHAIR BENNETT: Okay, thank you.

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

CHAIR BENNETT: Is it possible we can
contract out somebody for that long?

MS. SEEGER: Yes.

PARTICIPANT: Handwriting expert.

CHAIR BENNETT: No, I don't think so.

No, we don't, no, we wouldn't do that.

MS. SEEGER: You wouldn't do that?

CHAIR BENNETT: No.

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

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

MS. SEEGER: Yes, they're not very accurate. They're not as accurate as the public.

CHAIR BENNETT: Okay. Is there a question?

MS. SEEGER: I'll --

CHAIR BENNETT: I appreciate --

MS. SEEGER: I'll bring it up again. I'll bring it up again in the future when I can
see you all.

CHAIR BENNETT: Okay.

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

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

CHAIR BENNETT: Okay, I'm not --

MS. SEEGARS: Don't have anyone?

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

MS. SEEGARS: I see.

CHAIR BENNETT: But if you could
provide that in writing, the specifics, it may be
a little easier to respond. To your concern in
terms of what you're (telephonic interference).

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

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

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

MS. SEEGARS: And --

CHAIR BENNETT: -- public --

MS. SEEGARS: And --

CHAIR BENNETT: -- has access to this.

I'm sorry, go ahead.

MS. SEEGARS: And all the registered
voters are not listed on the system. Because we
found some that wasn't registered and we got the
challenge back that you all said they were
registered.
CHAIR BENNETT: Okay. If we could get that and point that out, so we'll try and make sure that gets corrected if that's the case.

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

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

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

CHAIR BENNETT: Okay, thank you. Is --

MR. WHITE: This is Johnny White.

CHAIR BENNETT: -- Mr. Brannum --

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

MR. BRANNUM: Yes.

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

MR. BRANNUM: I have a statement, yes,
that I was designed that would be heard during
the public comments.

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

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

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

So, if you received it you may be able
to follow along with me. I will do my best not
to read it in its entirety but to present certain
highlights for the sake of the public and the
Board and for the process which we're forced to
undergo.
CHAIR BENNETT: Thank you. I do have it, Mr. Brannum, thank you.

(Off record comments.)

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

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

PARTICIPANT: Go ahead, Mr. Brannum.

MR. BRANNUM: Okay, thank you.

There's still someone talking.

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

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

As we all know, DC primaries are closed primaries and Mr. Sanders is not a Democrat.
I also assert also at this time that my procedural and due process rights in this matter have compromised by the Board of Elections, which in my view causes me irreparable harm as a registered Democrat. And I feel that this error would be reversible on judicial review by the D.C. Court of Appeals.

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

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

Unfortunately, my hearing was never scheduled to challenge Mr. Sanders until today and is being heard in a different process than that which was accorded to the challenge for Ms. Norton.
In addition, this process reduces the amount of time that I would have to appeal over a negative decision that would come, or may come, or did come from the Board to the Court of Appeals from the 15 days that were accorded to Ms. Fernandez -- to Ms. Whitney's challenge. But mine, as of today, because I'm just being heard today, will be downgraded to just eight days.

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

Moreover, by the Board publishing a list of candidates for the elections already, it has, in essence, made moot this particular hearing for an opportunity for public concerns regarding a petitioner's challenge to a particular candidate's petition. Because the Board has already decided, in the matter preceding Ms.
Norton, that was not the case.

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

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

    And for those who feel that they are
not in a position to determine whether or not Mr.
Sanders -- whether or not Mr. Sanders or anyone
is or is not a Democrat, there is a test. There
was a clear litmus test. And that is party
registration for a closed primary. That's the
test on whether or not you should be able to vote, and that's the test whether or not you could run in a closed primary. You should be a member of the party for which you are running.

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

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

(Simultaneous speaking.)

CHAIR BENNETT: Yes, sir?
MR. BRANNUM: If I may?

CHAIR BENNETT: Yes, sir.

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

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

(Simultaneous speaking.)
MR. BRANUM: Mr. Sanders submitted petitions to the Board. There is nothing on the record that indicates that it was --

MS. STROUD: Yes.

MR. BRANUM: There's nothing in the record that was published by the Board that said that Mr. Sanders's submission was other than the petition signatures gathered. And it was by the date. There's nothing in the record that says that. It --

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

MR. BRANUM: That is not in accordance with what was submitted to the public and on the record. That's not what the statement says. It says petition filed by Mr. Sanders; it does not say petition filed by the D.C. State
Democratic Committee.

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

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

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

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

MR. BRANNUM: The certification that lists the candidates for the D.C. the primary on June 2nd. It lists Mr. Sanders as a candidate.
It lists a representative, the date petition was
picked up, and the date filed. It does not say
by the D.C. State Democratic Committee.

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

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

CHAIR BENNETT: Okay, Mr. Brannum,
thank you so much. And I promise you, we will
review this and try to get a response to you later today. Okay?

Are there any other public matters for the Board?

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

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

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

CHAIR BENNETT: Yes, please.

MR. SINDRAM: May I please --

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

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

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

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

So what I'm asking, Mr. Chair, on my
behalf, is to have a letter of inquiry to the
good Chief Judge Anna Blackburne-Rigsby to say,
what gives? There is a citizen, me, who is being
muzzled and I have no inroad, no way to even
file, if you will.

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

The point is, I can't go there when
they have normal business hours to file because
the filing after-hours is precisely after-hours.
So what I'm asking, Mr. Chair, not to belabor the
point, is that you, maybe your general counsel,
Ms. Jennings, could make an inquiry on my behalf
to say what gives, where we're at, or, even
better, would be to have a sit down with the
Chief Judge, or the clerk there, Julio Castillo,
because this is not good.
When the rights of one are violated,
the rights of all are in danger. An injustice
anywhere is a threat to justice everywhere. And
it effects this disabled veteran directly; Mr.
Chair, it affects us all indirectly.

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

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

CHAIR BENNETT: Is there any other
questions of Mr. Sindram?
Are there any other matters that you
have for the Board?

(Simultaneous speaking.)

MS. WHITTAKER: This is Michelle
Whittaker.

CHAIR BENNETT: Can I have next
person? I think I heard Whittier.
1. MS. WHITTAKER: Michelle Whittaker.
2. CHAIR BENNETT: Yeah, Michelle Whittaker, would you please state your name and address for the Board, for the record?
3. MS. WHITTAKER: Yes. Michelle Whittaker. My address is 3203 University Boulevard. I am calling on -- I have two questions related to the voting centers.
4. When will the official 20 voting centers be officially available for people to know which centers are in their ward?
5. And what are we doing to ensure that folks who have access issues, whether they have a physical disability or other issue, how can we still assist them to make sure that they can vote during the elections?
6. So, just what are the vote centers and when will that information officially be available? And then, how do we assist voters with access issues?
7. MS. MILLER: Okay. Thank you. I'm not sure that you heard what I just read. It's
the list of the 20 vote centers that we will operate beginning May 22nd. We will have it on our website. We'll also publish it in the Register. And we will have a media blast about the centers continuously between now and the June 2nd and June 16th elections.

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

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

MS. MILLER: Yes, that's correct.

Emery Heights and Raymond Recreation Center.

MS. WHITTAKER: Yes. So ---

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

CHAIR BENNETT: And that said, though,
we are really encouraging people to vote -- to request their ballots by mail, and fill it out and to mail that ballot in.

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

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

MS. WHITTAKER: And if somebody needs assistance, like at home, how would somebody, if they need assistance filling out the ballot, is it still the person assisting them needs to fill
out an affidavit? Or what's the process for, if someone does need assistance, and then how we would handle that if they're voting from home? Because I think there just might be some people, whether it's a disability or other issues, that they need assistance filling out the ballot, you know, that they're giving somebody directions to say vote for, you know, I'm voting for this person and marking this. How do you do that when you're voting from home?

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

MS. WHITTAKER: Okay.

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

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

MS. MILLER: The list will be on our website probably before the end of the week. And
we'll put it in the Register. It takes a week for it to go in the Register.

    MS. WHITTAKER: Okay, thank you very much.

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

    MR. HILL: This is Fred Hill.

    CHAIR BENNETT: Mr. Hill?

    MR. HILL: Yes.

    CHAIR BENNETT: Okay.

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

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

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

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

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

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

MS. MILLER: No. All we do is a
cursory count. And if your count minimally
reaches the number that is required, then you are
preliminarily qualified for the ballot, along
with your being a qualified registered voter and,
you know, all those other things. But we do not
actually review the nominating petitions for veracity. That's why they're posted for challenge.

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

MS. MILLER: Let me -- okay ---

(Simultaneous speaking.)

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

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

MR. HILL: It should be sent certified so that someone can sign for it and that you have proof of the date of when it was delivered. Not send it to me after the date of challenge.
MS. MILLER: Mr. Hill, I'm going to check into that and see when the letter was sent. So we can come back to that if you want to.

MR. HILL: Okay.

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

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

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

Okay, hearing none ---

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

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

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

CHAIR BENNETT: Mr. Sindram, I don't
have the capability nor the authority to connect
with the courts on your behalf.

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

CHAIR BENNETT: No, sir, I cannot.

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

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

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

(Simultaneous speaking.)

CHAIR BENNETT: Thank you, Mr.
Sindram. We're going to move on.

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

MS. STROUD: Okay. So we are going to

---

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

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

MS. STROUD: Okay. So ---

CHAIR BENNETT: Just for the record, and I'll take a vote, I want to amend the agenda
to change the order of the challenges. First will be Tori Fernandez Whitney versus Eleanor Holmes Norton. Second will be Sandra Seegars versus Frederick Hill. Third will be Absalom Jordan versus Frederick Hill. Fourth will be Morgan Finkelstein versus Daniel Hernandez. And the fifth will be Amos Cheeseboro versus Susana Baranano.

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

MS. STROUD: Please identify yourself for the record.

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

CHAIR BENNETT: Can I get a second?

Ms. Greenfield?

MS. GREENFIELD: I second the motion.

CHAIR BENNETT: Okay. And it's been properly moved and seconded. And I vote yes to change to the agenda. Mr. Gill is nodding his head yes.
MR. GILL: Aye.

CHAIR BENNET: And Ms. Greenfield?

MS. GREENFIELD: Yes.

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

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

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

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

DELEGATE NORTON: Present.

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

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

MS. STROUD: And, Delegate Norton, do you have representation or will you be representing yourself?
DELEGATE NORTON: I'm an attorney. I represent myself.

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

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

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

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

MS. FERNANDEZ-WHITNEY: My name is Tori Fernandez-Whitney. My address is 2523 17th
Street, Northeast, Washington, D.C. 20018.

MS. STROUD: Thank you. Delegate Norton?

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

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

MS. BROOKS: Karen Brooks, Registrar of Voters.


The petition was posted for public inspection for ten days as required by law. The petition was challenged on March 15th, 2020, by Tori Fernandez-Whitney, a resident voter in the District of Columbia.
My preliminary petition challenge indicates that Ms. Norton submitted a total of 2,912 signatures. The minimum requirement to obtain ballot access for this office is 2,000 signatures.

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

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

However, this is what the Board's findings are. A review of the petition challenges indicates that a total of 100 of the 858 signatures challenges are valid. Of the 116 valid challenges, 39 are change of address, two are not legible, 17 not dated, 23 are not
registered, eight changes of party, 20
unqualified circulator, and seven are valid
challenges missing address. That concludes my
report.

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

    MS. BROOKS: 2,796.

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

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

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

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

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

Thank you. Those are the objections
for the record.

The review conducted by Karen Brooks
provides no analysis and/or description of the processes undertaken by the Registrar of Voters in its concluding determinations, and it fails to demonstrate a credible and comprehensive review.

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

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

The Registrar's review includes no criteria or evidence that the DC BOE either procured or has the staff expertise to validate disputed signatures.
And, for the Board, I would like you
to refer to the exhibits that I also included in
my documents that Mr. McGann assures me are
available to you today. So can you, as a Board,
please let me know if you have Exhibit 4 and
Exhibit 3 in front of you.

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

CHAIR BENNETT: Pulling it up now.

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

CHAIR BENNETT: Yes, I will.

Yes, we have it.

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

All of the signatures that are
actually dated prior to the pickup date that the
Board released the petitions to the public were
validated as okay by the Registrar of Voters,
even though clearly there's evidence of fraud.
Because how does the voter sign a petition prior to the Board of Elections releasing them for signature?

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

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

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

I, as a citizen, spent my own money in order to procure the services of a forensic document examiner because of the importance of this issue and because of the importance of protecting the integrity of our election. Because of the Registrar's failure to do so, her summation and findings regarding these challenges has no basis in fact. And in fact, the blatant disregard of the law and clear and convincing --

MS. STROUD: Excuse me, Ms. Fernandez-Whitney. I'm going to hold your time. Because I want to remind everyone that is on the line that if they are not speaking they should mute their phones. We can hear background noise. Thank you very much.

Please continue, Ms. Fernandez-Whitney.

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

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

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

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

The total number of -- or percentage,
if you will, of petitions that are impacted by circulator irregularities include 30 percent of the 1,491 submitted by Maritza Zermeno, 20 percent of the 280 signatures submitted by Paul Strauss, 40 percent of the 613 signatures submitted by James Davenport, and the total amount of 40 circulated by Ramell Howard, and the total amount of 111 signatures circulated by Joyce Robinson-Paul.

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

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

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

MS. FERNANDEZ-WHITNEY: The facts
presented compel the DC BOE to strongly consider
the propriety of all nominating petitions
submitted by the above-named circulators.
Eliminating the tainted petitions would actually
reduce Ms. Norton's ballot signature count to 526
signatures, well below the threshold needed for
ballot access. Thank you.

MS. STROUD: Thank you. Congresswoman Norton?

DELEGATE NORTON: Can you hear me?

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

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

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

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

And, again, this is repetitive of what the challenger indicated before. The challenger's challenge to Ms. Zermeno and other signatories has also been heard before, including the challenge to Ms. Zermeno and her husband,
James Davenport, and the other she named.

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

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

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

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

MS. FERNANDEZ-WHITNEY: Thank you.
I've presented to the Board on multiple occasions, as Ms. Norton just noted, with clear and convincing evidence that the registered circulators outsourced signature collection, and that Ms. Norton's signature circulation process is fraught with fraud and forgery and abuse.

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

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

The DC BOE should apply the clean
hands doctrine to all nominating petitions
submitted by these named circulators and in doing
so would, in fact, follow its own precedent
established in Dorothy Brizill et al.,

            MS. STROUD: Thank you. Congresswoman Norton?

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

            I ask the Board to finally lay this
challenge to rest so that it will not, in fact,
have to hear different versions of the same
challenge with the evidence simply framed in a
different way over and over.
The one new notion that she raised last time, actually, and repeats this time, is that of forgery. And, in essence, is says that petitioners forged somebody else's signature. I say to the Board that such challenges are far-fetched and without evidence.

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

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

DELEGATE NORTON: This is Congresswoman Norton.

MS. STROUD: Yes?

DELEGATE NORTON: Can I be dismissed at this point, then, please?
MS. STROUD: Sure. And we will get back in touch with you once the Board determines the time that it will come back from executive session so that you could be present at that time.

DELEGATE NORTON: Thank you very much.

I appreciate it.

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

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

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

MS. STROUD: Okay, thank you. And now the Registrar will read into the record her preliminary determination regarding the challenge.
MS. BROOKS: On March 4th, 2020,

Frederick Hill III submitted a nominating petition to appear on the ballot as a candidate in the June 2nd, 2020, primary election for the office of Ward 8 Member of the Council.

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

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

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

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

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

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

But, in light of that, if he was given
all the cures that he could have had, it still
won't take them up to 250 signatures. So I
believe it just is the way it is, and the issues
that he has, he should take that up with the
Board and not with challenge.

(Simultaneous speaking.)

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

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

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

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

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

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

I spoke to Mr. McGann yesterday and he assured me that I was still on the ballot. The Board had not had their hearing, which we are at today. But there's another issue that I would like to bring up that was made earlier in the
public statement, and just as this goes along to what the challenger presented.

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

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

And, right now, I'm not getting a straight answer as it pertains to the letter that was sent out, why it came so late, although I've gotten an answer from Mr. McGann that they could not validate the petitions because of the pandemic.
MS. STROUD: Okay. So, Mr. Hill, when did you receive the notice of your challenge? The challenge that had been filed against you.

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

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

MR. HILL: Mm-hmm.

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

MR. HILL: That was on the 15th.

MS. STROUD: Okay. And ---

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

MS. STROUD: I'm sorry, could you
repeat that, or clarify?

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

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

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

    MR. MCGANN: Rudolph McGann, Staff
Attorney for the Board of Elections.
Yes, Mr. Hill received his notice of the challenge on the 16th of March. The challenge was filed on the 15th. In that notice on the 16th, it informed him that there was going to be a hearing on the 26th. After that point, that was going to be initially in person.

MS. STROUD: Pre-hearing conference?

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

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

MS. SEEGARS: Yes.

MR. MCGANN: With respect to any
further notice, with respect to this meeting, I informed the parties during the pre-hearing conference that there would be a pre-hearing, there would be a hearing, excuse me, during the Board's regularly scheduled Board meeting on April 1st.

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

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

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

MR. HILL: Well, there were people that were identified as either not a registered
voter, or not a Democratic Party voter, or not at the correct address that they had voted from for over 32 years.

    MS. STROUD: And what --

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

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

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

    MR. HILL: Well, I bring to counter
that the Mayor issued a no-solicitation rule.

The only reason I was able to get Jackie's
information is because she's an employee of my
company. And when I asked her about it, when she
came to work the next day, that's how we found
out about hers.

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

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

MR. HILL: I still say that, because
the Board's information is not accurate, you would have to show me that everyone that you're saying is not a registered voter, or that is not of the party, is the same. We just heard in public testimony earlier, and I'm not the only one making this up, that the record of the Board is not accurate. And because --

THE WITNESS: Okay, thank you.

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

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

MS. SEEGARS: Okay, thank you. And Rudy McGann mentioned a few minutes ago that he is unaware of how the process works. And what he said is accurate. They usually don't get any notice of the information until the day of the preliminary hearing. This time they got it beforehand which was a plus for the challenged persons.
And I'll say the same thing that I said before, if he were to cure, which is impossible to cure 40-something, a change of addresses in ten days, he would still not be up to 250. So as far as the challenge, let it stand the way it is. He's not on the ballot. As far as the process and the procedures, he needs to conduct it in another hearing, another setting. That is my statement.

MS. STROUD: One moment, Mr. Hill.

Mr. Hill have two minutes.

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

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

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

MS. STROUD: Thank you.

CHAIR BENNETT: Okay, any questions for Member Hill?

MEMBER GILL: No questions.

CHAIR BENNETT: Any questions from Board Member Greenfield?

MS. GREENFIELD: No questions.

CHAIR BENNETT: All right. Thank you.

We will, I think as I mentioned earlier, we will look to hear all the matters. We will go into executive session, and then make decisions, and then reconvene at a time after that. Ms. Stroud?
MS. STROUD: The next matter is Absalom Jordan versus Mr. Hill. Mr. Jordan, are you present? Mr. Jordan, are you present, Absalom Jordan?

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

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

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

My preliminary petition challenge indicates that Mr. Hill submitted a total of 283 signatures. The minimum requirement to obtain ballot access for this office is 250 signatures.
Challenger Absalom Jordan filed challenges to a total of 58 signatures enumerated by line and page number on individual challenge sheets filed for each petition page. Petition signatures were filed pursuant to Title 3, DCMR Section 1607.1 of the Board's regulations.

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

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

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

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

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

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

MR. HILL: Okay. I'll recap a few things, specifically as it pertains to this particular case. Number one, we were not afforded due process, as I stated earlier. The Board of Elections' information system is not accurate. And then the Mayor issued a no
solicitation ban so that we could correct the ills of questions of the petition.

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

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

MR. HILL: Thank you.

CHAIR BENNETT: Any questions?

MEMBER GILL: No questions for me.

CHAIR BENNETT: Ms. Greenfield?

MS. GREENFIELD: No questions for me.

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

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

MR. HILL: Excuse me, can I be excused at this time? This is Fred Hill?
MS. STROUD: Sure, you may be excused.

MR. HILL: Thank you.

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

(Simultaneous speaking.)

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

CHAIR BENNETT: Yes, sir.

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

CHAIR BENNETT: Yes, sir.

MR. HILL: Thank you.

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

CHAIR BENNETT: Thank you.

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

MS. FINKELSTEIN: Yes, ma'am, I'm present.
MS. STROUD: And Mr. Hernandez, are you present?

MR. HERNANDEZ: Yes, I'm present.

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


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

My preliminary review of the petition challenge indicates that Mr. Hernandez submitted a total of 303 signatures. The minimum requirement to obtain ballot access for this
office is 250 signatures.

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

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

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

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

Of the 50 valid challenges, four are
change of address, two duplicate, two are not
(telephonic interference), 11 are not registered,
21 change of party, three not dated, and three
not a resident voter in the Ward. This leaves
the candidate's nominating petition with 231
signatures, from the required for ballot access.

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

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

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

MS. STROUD: Thank you, Ms. Brooks.

Ms. -- is it Finkelsteen or Finkelstein?

MS. FINKELSTEIN: It's Finkelstein.

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

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

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

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

And the second is that there's been so many errors conducted by both Mr. Hernandez, and unfortunately in the processing by the Board of Elections.
Even on the latest April 1st memo there is a discrepancy in that page 4 says that Mr. Hernandez would stand at 249 signatures. Yet, also on the page you see he stands at 250 signatures. And to be quite frank, I'm still a little unclear as to where he stands.

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

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

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

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

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

MS. STROUD: Thank you, Ms. Finkelstein. Mr. Hernandez?

MR. HERNANDEZ: Hi. Daniel Hernandez, 1724 18th Street, Northwest, Ward 2, of course. With respect to the overall question on process, I would say, if we are following process your challenges weren't submitted to that page of additional 20 signatures.
And, you know, the Board of Elections reviewed those, bringing me down to 17. I would argue that should be at 253, instead of 250. Furthermore, additional dates, as Mr. McGann noted, previously the Board has previously considered those with the formal errors.

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

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

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

MS. FINKELSTEIN: I don't think I really need to respond. I think we've both
clearly identified that there's a lot of issues going on with the official counting and processing here. So, I would just look forward to hearing how we solve those.

        MS. STROUD:  Mr. Hernandez?

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

        CHAIR BENNETT:  Any questions, Mr. Gill?

        MEMBER GILL:  No questions, thank you.

        CHAIR BENNETT:  Any questions Ms. Greenfield?

        MEMBER GREENFIELD:  No questions. Thanks.

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

        MS. STROUD:  Sure. Thank you both.

The final nominating petition challenge hearing before the Board is Cheeseboro, Amos Cheeseboro versus Susana Baranano. Is Mr. Cheeseboro present?

        DR. OWOLEWA:  He's unable to be
present. But my name is Oye, and I'm his representative.

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

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

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

        MS. BARANANO: I'm here.

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

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

        MS. STROUD: And I --

        MS. BARANANO: And I have a --

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

        MR. BUBAR: I am. This is Attorney James Bubar, B-U-B-A-R. My address is 1776 K
And I am working from home today. And I'm a Ward 4 resident at 3206 Tennyson Street, Northwest.

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

(Simultaneous speaking.)

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


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

My preliminary review of the petition challenged in the case indicates Ms. Barananos
submitted total of 2,109 signatures. The minimal count to obtain ballot access with this office is 2,000 signatures.

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

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

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

This left the candidate's nominating petition with 1,762 signatures, 230 signatures below the number required for filing access. On Monday, March 30th, 2020 the Registrar of Voters
received additional information from the
candidate's representative, Mr. Bubar.

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

Thirty-five signatures I deemed
ineligible could actually be verified.

Twenty-four signatures denied on registration
grounds were actually registered. One signature
invalidated on change of party grounds was
actually a member of the proper political party.

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

MS. STROUD: Okay. Thank you Ms.

Brooks. Mr. Ololewa, you have five minutes to
present your case.

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

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

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

I have the utmost respect for the
Registrar. And I accept their findings and their
conclusions. Again, I thank you all for your
time, and diligence on my case, while there are
other matters affecting D.C.

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

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

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

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

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

My client however found that 205 of the challenged signatures were in fact valid. She found that there were 100 that had actually
different addresses, which she is trying to
address by going to these people, and having them
change their addresses on the Board of Elections
records.

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

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

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

    And therefore, we are handicapped, and
cannot properly respond to her. To the extent
that a continuance can be granted for a further
date, we would appreciate that. I'm going to ask
for that now, in the course of my remarks.

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

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

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

Moreover, I also want to bring to the
Court's, the Tribunal's attention that the Chief
Judge of the D.C. Superior Court ruled that he
was suspending polling, and extending all the
filing deadlines in the statutes of the District
of Columbia.
This was entered by the Judge on, a few days ago. I submitted that in a letter to Mr. McGann last night. I don't know if the Board has that in front of you. But I think it's critical to our deliberations today.

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

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

Under the circumstances it is not possible to contact these individuals in person, because of the stay at home order. And we would ask that particular provision of the D.C. Code be
told and suspended, in accordance with the order of the Chief Judge of the Superior Court in the District of Columbia.

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

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

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

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

MS. STROUD: Mr. Oye, you have two
minutes to respond.

DR. OLOLEWA: All right. Perfect.

So, the registrations followed all the rules and procedures. And her report should be adopted.

The Registrar also considered all the new evidence. And Ms. Baranano is still short.

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

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

The Board of Election voters should go to the D.C. Court of Appeals, and not a D.C. Superior Court. In this situation my, I'm, being an ANC Commissioner and active voter in D.C., once I produce those documents, my voter
registration shouldn't be questioned. However, my only point is that I hope that the Registrar's findings are approved and confirmed.

MR. BUBAR: May I just --

MS. STROUD: Thank you. Mr. Bubar.

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

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

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

It is an issue that is timely, and it affects the processes of the Board. We believe
that these issues can be, still be resolved, and
still, in time for the June 2nd election.

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

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

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

MS. STROUD: So, I have that, I'm
going to read the provisions that I think you're
citing. And it says, suspending polling, and
extending, and this is from the D.C. Superior
Court, suspending polling, and extending filing
deadlines.
Unless otherwise ordered by the
Courts, all deadlines and time limits in statute
Court rules, and standing, and other orders
issued by the Court that would otherwise expire
before May 15th, including statutes of
limitations, are suspended, tolled (phonetic),
and extended during the period of this current
emergency.

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

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

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

MR. BUBAR: That is --

MS. STROUD: -- specific to the
Superior Court.

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

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

MS. STROUD: So, okay. Thank you.

And that concludes the --

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

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

So, those who are interested should rejoin the meeting at 1:30 p.m., and we will dial
back in then. So, if I can get a motion from

Board Member Gill.

MEMBER GILL: A motion to move to

Executive Session.

CHAIR BENNETT: And can I get a second

from Ms. Greenfield?

MEMBER GREENFIELD: Second.

CHAIR BENNETT: It's been properly

moved and seconded. Can I get a roll call vote?

Mr. Gill?

MEMBER GILL: Aye.

CHAIR BENNETT: Ms. Greenfield?

MEMBER GREENFIELD: Aye.

CHAIR BENNETT: And a third from me.

Aye. So, it's unanimous. We're going into

Executive Session. We will reconvene, and have
decisions on the matters we just heard at 1:30

p.m. Thank you very much.

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

CHAIR BENNETT: What I'm going to do
is thank you for all of the responses, and all of the opportunities to appreciate you being heard.

There may be one administrative matter first.

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

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

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

With regard to the findings I'll also note, unless we do a roll call vote for each
matter. I will also let you know when the order will be issued.

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

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

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


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

CHAIR BENNETT: And this is Michael Bennett. And I vote to accept the Registrar's report. So, the challenge is denied.
With regard to the matter of Seegars versus Hill, Mr. Gill, what's your vote with regard to the Registrar's report?

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

CHAIR BENNETT: Ms. Greenfield.

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

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

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

The Jordan versus Hill challenge is moot. However, we will still issue an order that will lay out the findings of the Board with regard to Jordan versus Hill. So, we don't need
a roll call vote for that particular challenge.

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


CHAIR BENNETT: Ms. Greenfield?

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

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

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

MEMBER GILL: In the matter of
Cheeseboro versus Baranano I vote aye to accept the Registrar's report.

CHAIR BENNETT: Ms. Greenfield.

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

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

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

(Simultaneous speaking.)

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

CHAIR BENNETT: Ms. Greenfield, can I get a second?
MEMBER GREENFIELD: I second.

(Simultaneous speaking.)

CHAIR BENNETT: I'm sorry.

PARTICIPANT: Question from the public.

(Simultaneous speaking.)

MS. SEEGARS: Mr. Bennett --

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

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

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

(Telephonic interference)

MS. SEEGARS: Mr. Bennett --

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

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 04-01-20

Place: teleconference

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

[Signature]
Court Reporter