The Special Board Meeting of the District of Columbia Board of Elections convened in Room 280 North, 441 Fourth Street, N.W., Washington, D.C. 20001, pursuant to notice at 3:00 p.m., Deborah K. Nichols, Chairman, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

DEBORAH K. NICHOLS, Chairman

BOARD OF ELECTIONS STAFF PRESENT:

BRITNEY BROWN, Law Clerk

RUDOLPH McGANN, Staff Attorney

KENNETH McGHIE, General Counsel
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Calling to order the Special Board Meeting --
Special Meeting of the Board of Elections.

Today is Monday, May 12th, 2014.
The time is 3:02 p.m. We are meeting in Room
280 North of One Judiciary Square.

I am Deborah K. Nichols, Chairman
of the Board of Elections. On the dais with
me this afternoon is Mr. Kenneth McGhie, our
General Counsel.

We are here this afternoon to
conduct a hearing to determine challenges to
the Nominating Petition for the Office of Ward
8 Member of the Board of Education.

In this case it is Seegars v.
thought that was not going forward.

MR. McGANN: That case is going to
proceed ex parte.

CHAIR NICHOLS: Okay. All right.
So, we will proceed first with the Seegars v. Jolly hearing, petition -- Nominating Petition Hearing.

So, we have the parties before us. Would you identify yourself for the record first, and then I will go to your report, Ms. Brooks.

We will start with Mr. McGann.

MR. McGANN: Rudolph McGann, Staff Attorney for the Board of Elections.

MS. BROWN: BRITNEY Brown, Law Clerk for the Board of Elections.


MS. LINDENBAUM: Dara Lindenbaum of Sandler Reiff Young & Lamb on behalf of Ms. Jolly.

MS. WILLIAMS: Sandra Seegars, 1107 Savannah Street, S.E., challenger.

MS. WILLIAMS: Sandra Williams, 847 Barnaby Street, assistant challenger -- to
the challenger -- with the challenger.

    MS. BROOKS: Karen Brooks, Registrar of Voters.

    CHAIR NICHOLS: Thank you.

    Ms. Brooks, we will hear your report. Read your report for the record, please.


    That petition was posted for public inspection for ten days as required by law and challenged on April 28th, 2014 by Sandra Seegars, a registered voter in the District of Columbia.

    My preliminary review of the petition challenge indicates that Ms. Jolly submitted a total of 347 signatures. The minimum requirement for this office is 200
signatures of District voters who are duly
registered in the same ward as the candidate.

Challenger Sandra Seegars filed a
challenge to a total of 201 signatures
enumerated by line and page number on the
individual challenges filed for each petition
page.

Petitioner's signatures was
challenged pursuant to Title 3 DCMR, Section
1607.1 of the Board's regulations on the
following grounds.

The signer is not a duly-
registered voter, he signer, according to the
Board's records is not a registered voter at
the address listed on the Petition at the time
the petition was signed, provided an address
on the petition which is different than the
address which appears on the Board's records
shall be deemed valid if the signer's
candidate's address is within the boundary
from which the candidate seeks nomination, and
a signed and filed a change of address with
the Board during the first ten days following
the date on which the challenge for the
nominee petition was filed.

The petition does not include the
address of the signer. The petition does not
include the name of the signer where the
signature is not sufficiently legible for
identification.

The signature is not made by the
person whose signature it purports to be, and
the signer is not a registered voter in the
ward or same member district in which the
candidate seeks nomination at the time the
petition was signed.

My review indicates a total --
indicates that a total of 139 of the 201
challenges are valid. This leaves the
candidate's nominated petition with 208
signatures, eight signatures over the number
required for ballot access.

At the prehearing conference, the
registrar of voters received two changes of

Neal R. Gross and Co., Inc.
202-234-4433
address from Ms. Jolly, bringing her total to 210 valid signatures.

Additionally, as a result of another review by the registrar of voters, the nine signators raised by Ms. Jolly during the prehearing conference that have been initially determined to be invalid candidate Tierra Jolly was credited with the signature of Angela Cherry, page 5, line 18 because the address of the signer matched the address in the voter registration record.

This leaves candidate Tierra Jolly with 211 signatures, a total of 11 signatures over the number required for ballot access.

CHAIR NICHOLS: Thank you, Ms. Brooks.

MR. McGHIE: Okay. Beginning with the addressee, the candidate, do you accept the report of the Registrar of Voters?

MS. LINDENBAUM: Just with one note. I believe, in addition to Ms. Cherry, Andres Holman, we gave the voter his ID
number.

MS. BROOKS: Mr. Holman is an address change. He changed his apartment number.

MS. LINDENBAUM: Oh, okay. Okay.

Okay. Yes. We do.

MR. McGHIE: And, Ms. Seegars, you are taking exception to the report?

MS. SEEGARS: I don't know. I don't know. I don't know at this point what she read is what she sent to us. Let's put it that way. I don't agree with it, though, but I heard -- I heard it.

MR. McGHIE: Okay. All right.

Well, in any case, the challenger has the burden of proof and Ms. Brooks is indicating that the candidate has 11 signatures over the required amount.

So, do you have any evidence that you would like to present at this time that would reduce that number below the 200 required signatures?
MS. SEEGARS: Well, we went to find some of the ones that were -- that we thought were forged and the Board said -- not them, the Board said there wasn't a John Lewis on page -- or John James, Robert -- Robert Lewis.

We went to find him. We couldn't find him, so I don't know where he was. We went to another one, and the family said that that person had not lived -- hadn't lived there for years, since she was a child.

That was Seegars. Arnethia Seegars, number one on -- page 10, number one.

MR. McGHIE: What is that page?

MS. SEEGARS: Page 10.

MR. McGHIE: Oh, page 10, number one?

MS. SEEGARS: Line one.

MR. McGHIE: Line one.

MS. SEEGARS: Yes. And the family member said that she did not live there in a long time, and at least for the signature, it
wasn't a signature, or we did not actually talk to Ms. Seegars personally.

And the other one, same page, number 19.


MS. SEEGARS: I mean, excuse me.

Page 10, line 19. Robert Lewis. That person we could not find at all. And there is another one that was not the same as -- it was forged.

And this particular page has several forgeries.

MR. McGHIE: When you say you couldn't find them, you couldn't find their registration card or --

MS. SEEGARS: We couldn't find the actual person.

MR. McGHIE: Oh, the actual person.

MS. SEEGARS: We went to the address, could not find the person.

MR. McGHIE: Okay.
MS. SEEGARS: The person is no longer there.

At that point, I concluded that if -- if nobody found them the first time, to put a forged signature on the sheet, how can we find them a second time. So, we didn't look anymore.

And what I would like for you to do, and, you know, we have the burden of proof, I would like for you all to look at them again and give us your opinion on a couple of them. But I think we have some objections to the findings and they have some objections as well.

And what I think happened is, several people probably pulled the cards to compare and I think each one, maybe not paying attention or just trying to rush through it and came up with just anything to get it finished.

So that is what I would like for you to do. The ones that we said were -- were
forged.

MR. McGHIE: Okay. Well, I know you have been here before, so you know what usually happens. So, if you have any other signatures that you wanted the Board to take a look at, you can just give me the page and the number, and then, when the Board deliberates they will look at the -- they will compare the registration card with the signature on the petition.

MS. SEEGARS: On the -- what is this? What are you asking, the order, I guess it is?

MR. McGHIE: Right here.

MS. SEEGARS: On the order that was sent out they -- they listed the issues. Page four. I think it is page four, the issues that we had were the Board's finding. All of those.

MR. McGHIE: Page four?

MS. SEEGARS: Page four. Yes. I think it is four, that kind of narrows it down
so maybe three. But we are starting -- Ms. Seegars' other issues are as follows:

Then, a number where a woman signed it, Monekia General, Renee McFadden. Is that right?

MR. McGHIE: What number is, page four, line --

MS. SEEGARS: Page four, line 10.

MR. McGHIE: Line 10.

MS. SEEGARS: Page four, line 10.

MR. McGHIE: Okay.

MS. SEEGARS: There was another one that had two different names. I think the last name was Hall. All the forgeries I need you to look at again.

Yes. I can't say how because, I think it was something else and when the Board found it, it was a different name than they signed, and it is listed on here somewhere.

I am not looking at it now.

But I have another issue, too.

When Anthony Williams came before you all, you
were here, I don't know if they were here, and he had over 2000 signatures.

The Board did not let him run, get on the ballot, let's put it that way. And I think the same thing should happen now. Page 10 and 14 are full of forgeries, and at the prehearing I found others that I didn't agree with as far as what the Board found.

This group was wanted through -- oh, the E is the I is the same, and you don't dispute that something is forged, they need to be prosecuted, and I think they should not be on the ballot because of a -- integrity, just like Anthony Williams was.

And I have this case here, too, and he was not allowed to be on it. And on a page like page 10 and page 14, where there are a lot of forgeries, and one of those done by the -- by the candidate, I don't think she should be allowed to be on the ballot because of that, and she should be prosecuted.

If you get one wrong, and then
there are a couple of more here with the initials and by the forgeries. At this point, I am thinking if somebody forged that many and there are going to be three or four people in the same house with the letter D in their first name, and that D could be anybody, and by people forging it is hard to say who it is or what it is, and I have an issue with that, as well.

MS. JOLLY: I apologize if this is out of order, and I know that I should allow my counsel to speak for me, but I would like to state for the record that I take great umbrage at being accused of forgery. And I take great umbrage to having my integrity and my character questioned.

CHAIR NICHOLS: Do you have any evidence that those are forgeries, Ms. Seegars?

MS. SEEGARS: Well, they don't match the card --

CHAIR NICHOLS: But not -- do you
-- other than that --

MS. SEEGARS: No.

CHAIR NICHOLS: -- do you have any evidence, any --

MS. SEEGARS: No. The ones that they agree to there was, I have that, and I have the card that matches --

CHAIR NICHOLS: Agreed to what?

That they are what, that they are --

MS. SEEGARS: The ones that the board agreed with the valid challenge, because we challenged the signatures not matching, making this --

CHAIR NICHOLS: But we -- we resolved those, right?

MS. SEEGARS: No.

CHAIR NICHOLS: The ones that you have agreed to were valid challenges, you haven't -- okay. Well, what we would need, at least in part --

MR. McGHIE: You need to identify them with signatures you would like the Board
to take a look at.

    So far she says page 10, page 14
and page four, number 10.

    MS. SEEGARS: She would like to
say something from --

    MS. WILLIAMS: It was the -- we
were questioned the total number of signatures
she obtained on one day. That was -- that was
the proof that we wanted to resubmit based on
Anthony Williams case.

    It was impossible that she could
obtain that many signatures on that particular
day.

    CHAIR NICHOLS: Was that raised
during prehearing?

    MR. McGHIE: Yes, ma'am.

    CHAIR NICHOLS: That was -- that
issue is not before us.

    MS. SEEGARS: It wasn't raised.

    CHAIR NICHOLS: Well, you cannot
raise it --

    MS. SEEGARS: It was not raised,
but as far as the --

CHAIR NICHOLS: Ms. Williams, you
cannot raise that issue at this point. That
is not the issue before us today.

MS. LINDENBAUM: But that was not
proof --

MS. SEEGARS: I don't know -- wait
a minute. I don't know if he wrote it down --

MS. LINDENBAUM: No, that was not
raised --

MS. SEEGARS: I did -- I say it
was --

CHAIR NICHOLS: Well, it is not in
the --

MS. SEEGARS: I did say -- I did
say nobody can get that many on one day.

MS. LINDENBAUM: You did not say
that and neither did --

MS. SEEGARS: It wasn't -- it
wasn't taken --

CHAIR NICHOLS: Well, that is not
a basis for
MS. SEEGARS: It doesn't matter. It doesn't matter.

CHAIR NICHOLS: But that is not a basis in the law for disallowing a petition. How would you -- I am just asking if you --

MS. SEEGARS: Oh. Well, there are other cases, too, that same thing, the Anthony Williams case. One person couldn't get so many on one day. So, --

CHAIR NICHOLS: Okay.

MS. SEEGARS: -- it has been proven in the Court of Appeals, even --

CHAIR NICHOLS: Okay. So we are at page 10, page 14, and --

MR. McGHIE: Page four --

CHAIR NICHOLS: -- page four.

MS. SEEGARS: And that is the forgery part. And the two names that signed with another name. I don't know -- it is not -- I say it is not the person. I say they are not registered.

I don't think that the Board
should go and try to find someone who is not
listed on the petition. Let me see. Let me
start up here. Let me start from number one.

MS. LINDENBAUM: Can I just --
would you like me to refute what she says now
or should I wait until after --

CHAIR NICHOLS: Just wait. I
think she is done. Just hold it for a second.

We are --

MS. LINDENBAUM: Okay.

CHAIR NICHOLS: -- going to give
her plenty of opportunity to --

MS. SEEGARS: Page one.

CHAIR NICHOLS: -- keep track.

MS. LINDENBAUM: Yes. I certainly
will.

MS. SEEGARS: Page one. Page one,
line three, four, five. Page three, four and
five there are --

MR. McGHIE: Page one, lines
three, four, five?

MS. SEEGARS: Yes.
MR. McGHIE: Okay.

MS. SEEGARS: Page three, four and five where the -- some kind of way it is not matching. The printed name and address line does not match with the signature line. Some kind of way it went cris-cross, and, to me, if a person is circulating -- let me see who is circulating this.

Tierra Jolly circulated this one, and that is the purpose, I think, of standing there or watching them sign and make sure they do it correctly.

So, out of those three, if you look at number -- let's see. I think it is three, four -- three is -- who is that, Black? Minnie Black. Number three.

MR. McGHIE: Yes. I think I already --

MS. SEEGARS: Minnie Black.

MR. McGHIE: The printed names don't correlate with the signatures.

MS. LINDENBAUM: Yes. However,
the signature lines are very much -- very
clear that you can see number three --

MR. McGHIE: All right. That was
one-by-one --

MS. LINDENBAUM: -- when we
connect that.

MR. McGHIE: Okay. All right.

Next?

MS. SEEGARS: Yes. So, one of
those -- one of those are not -- and somebody
--

MS. WILLIAMS: Number three.

MS. SEEGARS: It is not the person
is Ashley.

MS. WILLIAMS: Ashley's name is --
no, it is not printed.

MS. SEEGARS: Ashley -- well, her
last name is --

MS. WILLIAMS: Right. And our
question is concerning -- your petition is an
official ballot, right, of an official
document. Right? Correct?
MR. McGHIE: Yes, ma'am.

MS. WILLIAMS: Okay. So, based on your definition of this ballot, when we are asking for a printed name and address and signature of the petitioner, and then take an oath of the person who claimed they oversaw the petition, that is why we are challenging that area is not, because Ashley's name should have been printed or it should have been redone or scratched over and started over and just lost -- somebody could have lost a block.

It is just not professional to turn in anything like that. They have got, what, three out of the four because Eric squeezed his name on the line that he put his address, even though he started with five.

So, really, he is number five. Really, they should only have just probably two. But, as an official document, this -- this should be a standby, by the definition of -- of what we expect to see on this, and turned in, in some kind of format.
MS. LINDENBAUM: Madam Chair, it may be helpful if I refute this point at --
CHAIR NICHOLS: Just hold on a second.
MS. LINDENBAUM: Excuse me?
CHAIR NICHOLS: Just hold on a second.
MS. LINDENBAUM: Okay.
CHAIR NICHOLS: Just hold on. We have got -- no. Just hold on a second. You are going to have plenty of time.
MS. LINDENBAUM: Okay.
MS. SEEGARS: Okay. Then you have some with the -- either the apartment number or the quadrant of the city missing. And, to me, that is not an address.
And, again, I am going to say because of things not being right on certain of these petitions, things not matching, forgery, I would call it so -- you know, for lack of another word.
I don't trust that maybe -- it is
not even a person. So, Southeast, or the
apartment number, I think there are two or
three of them that he gave to them.

Of course, they found a name and I
don't think there should be so. This petition
is for a certain reason and it is to get
people on here so they can come to ballot.

If it is half-done, I don't think
they should have --

CHAIR NICHOLS: What else do you
have, Ms. Seegars?

MS. SEEGARS: You got that. Okay.
And we have got the forgeries. You have got
the address issues, and you have got the --

MS. WILLIAMS: And not the same
name.

MS. SEEGARS: Not the same name.

What else do we have? Prosecution. And --
and the ones that we tried to find we couldn't
find at all, so I think that is it.

So, I am going to stop for now. I
might have something else in a minute.
CHAIR NICHOLS: Thank you, ma'am.

Proceed, ma'am.

MS. LINDENBAUM: First, on behalf of my client, I do want to say that she really takes offense to what was just said here, and I think, as any registered voter, anyone active in the civic process to -- these allegations of forgeries, it really goes against what we are here to do, what you are here to do, and voter intent and the franchise.

D.C. has always been welcoming to voters and welcoming to the signatures, and inviting people to take part in the process.

And when they are -- when it is alleged that they are forging these signatures, it truly is incredible.

My client is a teacher. She was circulating these petitions during her very, very short breaks. That is why she tried to get as many signatures as possible in that short amount of time and she worked really
hard to do so.

And she is really committed to running for the Board of Education. And a teacher should be an incredible board member and this is really an offensive and insulting process for Ms. Seegars to make these allegations.

That said, we have a -- I just want to say that Ms. Seegars has not met her burden as a challenger on disputing any of the findings of the registrar.

These signatures the registrar did go look and verify that these are correct signatures.

What we also have is a number of sworn statements from all of Ms. Jolly's petition circulators, saying that only if they circulated the petitions and witnessed everything. But they also, one-by-one, for those who Ms. Seegars alleges were forgeries and put the line number and say that they swear that they -- they witnessed that person
signing it.

We also -- again, my client is a teacher. She didn't have time to run out immediately and try to locate all of these -- these voters who Ms. Seegars alleged were forgeries.

She went out and was able to have two of these challenged signatures, have them sign affidavits, and there was one other who, when she went there, the family -- the person wasn't home and the family was just very insulted by the fact that somebody would claim that this wasn't their signature.

You know, signatures change all the time. Mine is a scrawl. You make -- maybe came without a D, and it changes day-to-day, and that -- that happens here, too.

So, you know, the Board has always erred on the side of the voter, always sought to expand the franchise, rather than restrict that, and I think that certainly applies in this case.
And I will tell you the specific people who we have the affidavits from. So, we have affidavits from Hazel Mosby. She is on line 10. She is on sheet 10, line two.

The registrar found that there wasn't a match on that signature, but she signed this sworn statement. And we also have the -- the signed affidavit for -- help me pronounce her name, Jonetta.

MS. JOLLY: Jonetta Mabin.

MS. LINDENBAUM: Jonetta Mabin, who is sheet 10, line 14. And she signed this sworn statement.

As to what Ms. Seegars brought up on sheet one, first of all, my client is a first-time candidate. She is a novice at this. She is doing the best she can with little money and trying again to focus her attention on running here and teaching students.

But, the voter intent on this sheet one is quite clear. The signatures of
the petitioner all line up quite well, and you can actually make out their names, which is shocking.

The one that was officially on the record as a challenge by Ms. Seegars was sheet one, line three, and that you can clearly see this signature here.

Just because the addresses don't line up, that -- that is a formal error. All of Ms. Seegars' challenges are either formal errors or they are incredibly offensive attempts at saying that there is forgery here.

Okay. And that -- that is -- unless she wants to go line-by-line --

MR. McGHIE: No. We are not going line-by-line. Did she -- are you sure those affidavits were from Ms. Seegars were --

MS. LINDENBAUM: No, we -- we just have them here so we -- these ones we don't have triplicate copies of. Those are just the originals. Then we also have all of these.

MR. McGHIE: We have copies of
those?

MS. LINDENBAUM: Yes.

MR. McGHIE: I got you.

MS. LINDENBAUM: Okay. I can't -- thank you.

MS. SEEGARS: Well, page 10, number two are -- there was an issue. When we look at -- when we look at this copied sheet --

MS. LINDENBAUM: These are the --

MS. SEEGARS: -- these are a few of them that we saw the original petition, the original petition and a card. They did that. So, number 10, line two there is no issue, once we saw the original document.

MR. McGHIE: Number --

MS. SEEGARS: Number --

MR. McGHIE: Number 10, line two?

MS. SEEGARS: Yes. Page 10. It is page 10, number two.

MR. McGHIE: The one that she has an affidavit for?
MS. LINDENBAUM: Yes.

MS. SEEGARS: We didn't need that because the applicant saw the original here and it didn't match.

MS. LINDENBAUM: No. This is one that the registrar had objected -- had found to be invalid, so --

MS. SEEGARS: Okay. Once we saw it and saw the original card and the original petition, it was a closer match. So, that was no issue when we left out of here.

MR. McGHIE: Okay. So, for the record, that signature is not in issue today?

MS. SEEGARS: Right.

MS. LINDENBAUM: It was in issue.

MR. McGHIE: Well, no. It has --

MS. SEEGARS: Correct.

MS. LINDENBAUM: We challenged the registrar's finding for that one, so that would give us 212 instead of 211.

MS. SEEGARS: They had that before we left here.
MR. McGHIE: Okay. Well, --

MS. SEEGARS: We saw the original and we said it matched. So, they had that before you left. Have to. Should have had --

MS. LINDENBAUM: No, that was our -- that was our challenge, number challenge.

MR. McGHIE: Either way, it is not an issue --

MS. SEEGARS: Okay. We gave it to you because we saw the original. We agreed with you.

MS. LINDENBAUM: Okay.

MS. SEEGARS: Lord. Okay. And on page 14 --

MS. WILLIAMS: Same thing on page 10.

MS. SEEGARS: Line 10. Page 10, line 14. I don't think we -- I don't think we challenged that one. Because I wasn't sure what the name was and I saw the original and I believe I saw -- oh. Okay. That was something else, because the T or J, whatever
it is --

MS. WILLIAMS: The J, right.

MS. SEEGARS: -- was written to the word "Print name." And I couldn't make that out of the original.

MR. McGHIE: Well, if you did challenge it, you are now withdrawing the challenge?

MS. WILLIAMS: It was given to me among the challenge desk, so --

MS. LINDENBAUM: And that was line -- it was miswritten in the prehearing and, you know. It is page 10, line two, but it --


MS. LINDENBAUM: Are you talking about Hazel Mosby?

MS. WILLIAMS: No.


3421. Line 14.
MS. LINDENBAUM: Right.

MS. SEEGARS: And as far as people being offended by what they -- what we are saying, the Board has it as an option to challenge and, on the code that they gave us, which is separate from the codes here, on the forged was on here, and sometimes when we say doesn't match, what doesn't match.

The signatures, the printed names, so you have to say "forged" so it could be clear what it is.

And even -- and even as we sit here now, she is saying, "Oh, they gave us that." Why did they give it to you? They gave it to you because it was forged and, okay, it is close enough, a close-enough match.

So, they gave it to you. You didn't actually get this signature properly. It was given to you because, oh, it matches close enough. So, that is what that was. And I still say if a sheet with so many forgeries
on it, 20 percent, 30 percent, the whole petition should be thrown out.

MS. LINDENBAUM: Alleged forgeries. These weren't give to us. These were signed, valid signatures.

MR. McGHIE: All right. It doesn't seem like this -- it doesn't seem like anybody else has any other evidence to present, so --

MS. SEEGARS: Excuse me. What is this? For me, explain to me what is this.

MR. McGHIE: So, --

MS. LINDENBAUM: This is her circulator. That is her circulator.

MS. SEEGARS: It said that he wouldn't -- I mean, I didn't get a chance to look -- I need to look this over to see what you have got here.

This is right, Jolly, right.

Well, she said he was a circulator. How many sheets being circulated? One?

MS. LINDENBAUM: On the next page
it will tell you, here. It will tell you.

MS. SEEGARS: Oh. Is it

notarized?

MS. LINDENBAUM: It is not

notarized. It is a sworn statement.

MS. SEEGARS: It is not notarized.

MS. LINDENBAUM: Under penalty of

perjury.

MS. SEEGARS: Well, yes, this is,
too.

MS. LINDENBAUM: Yes.

MS. SEEGARS: And you still get

forgeries. Come on. Look at this. You can

just look at that and tell it is forged. All

of the --

CHAIR NICHOLS: Do you have

anything else, Ms. Seegars?

MS. SEEGARS: Oh. No. Wait a

minute.

CHAIR NICHOLS: Because we have

got to move -- we have got to move this on,

you know, we need to move it on.
MS. SEEGARS: I just got this.

CHAIR NICHOLS: Go right ahead.

MS. WILLIAMS: And this is her signature.

MS. SEEGARS: Where is her signature? The signature on this. This is -- this is this person saying he circulated and she signed it. I don't believe that. Okay.

So, no --

MS. WILLIAMS: Where is her signature, again?

MS. SEEGARS: This is just the circulator saying that he -- this is the same -- excuse me.

What leads -- what they are presenting to us -- whose signature is this one?

MS. LINDENBAUM: That is Ms. Mosby's.

MS. SEEGARS: And she was a circulator?

MS. LINDENBAUM: No, no. She
signed. She is the one that was --

CHAIR NICHOLS: Well, they are presenting that to us.

MS. SEEGARS: I know.

CHAIR NICHOLS: Yes.

MS. SEEGARS: Don't I have a chance to look at it?

CHAIR NICHOLS: Yes. Yes. But I am just -- you said you -- that they presented it to you.

MS. SEEGARS: I mean present it to --

CHAIR NICHOLS: Yes. I just wanted to clarify.

MS. SEEGARS: Oh.

CHAIR NICHOLS: I just wanted to clarify.

MS. SEEGARS: I wanted, too, because if she is disputing what we are saying -- so, what I am going to say about this, as far as the circulator, the same thing they just signed here is the same thing that he
signed here, which is the same thing, which is

nothing.

    If he have -- which is the same
thing. I thought they were going to get the
signatures of the ones -- we couldn't find
them. The ones we looked for, we could not
find to bring in anything from them. It
wasn't there.

    And so, them bringing in another
signature from the same person accused of
forgery is not dancing. Here is one that says
Hazel, page -- have you seen that one?

    MS. LINDENBAUM: I would just
submit you haven't met your burden. These are
clearly valid people because they are on the
voter registration list. We didn't make these
people up. These are all people that --

    MS. SEEGARS: No. Some of them
are not registered and look forged.

    MS. LINDENBAUM: Only these -- no,
those are valid.

Which number is Hazel Mosby?

MS. LINDENBAUM: Hazel Mosby is sheet 10, line two.

MS. SEEGARS: Ten, line two.

MR. McGHIE: All right. Let me -- let's get back on track. So, let me just tell you what happened procedurally.

She just -- she submitted these affidavits and these affidavits are purportedly from the circulators of the petition, so the Board will examine these affidavits and the signatures on the -- on the affidavits to ascertain -- to make a determination on whether they believe it is the -- it is the signature of the circulators, and the Board will give whatever weight it decides to give to these affidavits.

And Ms. Seegars has stated for the record that she believes that these affidavits are not relevant.

So you are objecting to the affidavits and the relevancy of the -- of the
affidavits.

MS. SEEGARS: For the two -- this here that she did get from the signer, or the two we gave her. Anyway, everything else is the same.

MR. McGHIE: And the Board will make a -- the Board will make a decision on -- on your objection.

MS. SEEGARS: Well, she is supposed to have them notarized. They are not notarized.

MR. McGHIE: Well, she is saying that is sworn under penalty of perjury.

MS. SEEGARS: Just like this whole --

MR. McGHIE: What does the law require?

MS. WILLIAMS: But that was not what the instructions said.

MR. McGHIE: The instructions --

MS. SEEGARS: That is why we didn't bring anything back, because we
1 couldn't get anything notarized.

   MR. McGHIE: The instructions do not say --

   CHAIR NICHOLS: Oh, oh, oh, oh. Everybody. He is -- let him speak, please.
   Go ahead.

   MR. McGHIE: Yes. She could have submitted an affidavit, notarized. She could have submitted an affidavit under penalty of perjury.

   In either case, the Board will weigh the -- give weight to these affidavits, to accept it, to reject, or to give it little weight or to give it no weight at all.

   So, does anybody have any other evidence they would like to submit?

   MS. SEEGARS: No. No. Not any more evidence. That is what you are looking at, what is already here, and I trust that you all will do the right thing.

   And as far as evidence -- no more evidence, but --
MR. McGHIE: You directed the Board to the signatures that you want them to look at.

MS. SEEGARS: All of them this morning.

MR. McGHIE: And we have made a note that we will -- we have made a notation of what signatures you want them to look at.

MS. SEEGARS: Okay.

MR. McGHIE: The Board is going to look at those signatures. The Board is going to look at the registration. The Board is going to look at the affidavits and the signatures on the affidavits and the Board will make a decision -- and the Board will make a decision.

MS. WILLIAMS: We did get one proof at the house that we went to and had it notarized and dated. Can we mail that to you, because it is dated the day we did it.

MR. McGHIE: No. This is the -- this is date you should have, for your
evidence.

MS. LINDENBAUM: MS. SEEGARS:

Well, we didn't challenge the address. We challenged the signature, the person --

MS. WILLIAMS: The person who lived there.

MS. LINDENBAUM: -- wasn't there and hadn't been there for years. So, we didn't challenge the address.

So, I just want to say one more thing for the record.

Today I got a call from the attorney general regarding another case of forgery. I asked them if the person -- well, for the first time in circulating a petition, and they don't match, and the attorney general will investigate to see for themselves if this is the person's signature.

They have more people to do it than I can do it. They said if the person does it for the first time even, that they are going to be prosecuted.
So, when you get -- when you give your finding to us, if one doesn't match, I am asking for prosecution.

MR. McGHIE: And that is noted for the record.

MS. LINDENBAUM: For the record, these comments are really starting to bother -- to border on defamation, and I certainly want to get that on the record.

She has fully slandering my client, who is a teacher, who is trying to get on the Board of Education to help the students of the District.

I just don't understand how you as a community activist could do this to a young energetic teacher who is really willing to serve on the Board.

That said, I believe we don't need to get into the signature --

MR. McGHIE: Well, okay. Well, if there is no more evidence being submitted by either party, everybody is entitled to a
closing argument, which should be brief,
beginning with the --

MS. SEEGARS: Okay. Again, you
have all -- everything I am asking you to do
or look at for us because we couldn't find the
people so I am asking you to look at our --
you know, trust that you will do what you are
supposed to do.

However it comes out, it is fine
with me. Let's hope you all do what is
appropriate. I is -- the signature is not
made by the person whose signature it purports
to be, this Board of Elections has it as a
reason to challenge.

So, we use the word "forged." We
paraphrased what this is, instead of each time
reading all this whole paragraph. So,
defamation is not the issue.

Also, if we -- if we said it is
forgery, accuse them, anything, we are in the
proper place to have it handled. So, it is
not like we are in the street saying they
forged signatures, putting it on Facebook.

We hare here in front of you all, asking for something to be done because we believe that there is forgery. It is not about defamation. It is about what we actually see.

So, whichever way it goes, it is fine with me, but if one is wrong, I will ask for prosecution.

MR. McGHIE: Would you like to make a closing?

MS. LINDENBAUM: Again, for the record, this is definitely defaming my client, and we will handle that if we need to handle that.

That said, I am just trying to do the addition here to see if we need to go into the phase of looking at these signatures. The challenger -- the challenges that came to play after -- or during the prehearing meeting, there are a number of those that were formalistic errors that she doesn't appear to
be disputing here.

But, I believe what pushed us over

the threshold --

MR. McGHIE: Well, I think she
did. So, the Board is -- the Board is going
to make a decision on her -- her statement

that some of them don't have apartment numbers

and some of them don't have quadrants and some

of them have missing -- something missing on

them.

And the Board will make a decision

on whether or not that should be waived as

formal error or not.

MS. LINDENBAUM: Okay. Well, in
terms of the -- those formal errors, this

Board and the courts have consistently held

that the -- the favor goes to the candidate

and to the signer.

It is always opening a franchise

rather than narrowing it and you can look at

Ms. Seegars' own challenges in Seegars v.

Fuller and, of course, Lawrence v. Board of
Election and Gollin v. D.C. Board of Elections.

These are people that the registrar was able to find on the voting rolls and these are valid signatures. They are -- the intent of these signers and the intent of these voters is clear. And Ms. Jolly should certainly be on the ballot.

MS. SEEGARS: One more quick thing. Some -- some -- she is right on the part of what she just said, because when we looked on the disk and on what was emailed to us, as far as the voting roll, it wasn't on that, but Ms. Brooks did find them in that system. I think it was two or three of them.

And so, we ask them that when they -- when the challenge comes up, they try to be as updated as possible so you will see we are facing, so there was an issue.

And I don't know if you need this, but -- I don't know what you all consider an address, but the post office and the census
considered everything, the street number, the
house number, the quadrant, everything.

So, can I submit this, or do you
need this for address?

CHAIR NICHOLS: You could submit
it for the record. I don't see why not.

MS. SEEGARS: I want to submit
this. Exhibit A.

CHAIR NICHOLS: They will probably
label that as an exhibit.

MS. SEEGARS: This -- you can --
this is what -- the U.S. Post Office says
everything. The Census Bureau says it is
everything, not just 22nd. 22nd what? Hours?

MS. LINDENBAUM: And, to dispute
that, again, the D.C. Municipal regulations,
Title 3, Section 1606.4, the Board can waive
any formal error and the -- the regulations
don't say anything about full address. It is
just "address."

And an address that you are able
to verify them on. This is a formal error and
you are clearly able to find them in the voter registration rolls.

CHAIR NICHOLS: All right. Thank you, ladies. We appreciate it. We will take this under advisement and issue a decision as soon as possible. Thank you so much for coming.

MS. LINDENBAUM: Do you have a time line on --

CHAIR NICHOLS: I cannot give you a time line.

MS. SEEGRARS: Ms. Nichols work at her own speed. When she comes back she is going to have a decent answer for us. I think we all will be satisfied with what she says, and with Mr. McGhie's help.

MR. McGHIE: What is the date?

PARTICIPANT: May 19th.

MR. McGHIE: May 19.

CHAIR NICHOLS: And I think that we -- by May 19. But, hopefully, well before that.
Okay.

MS. LINDENBAUM: Thank you.

CHAIR NICHOLS: Thank you so much, ladies.

MS. SEEGARS: Thank you for your time coming in here.

CHAIR NICHOLS: It is my job. All right. The next is Seegars v -- oh, you are not moving on the Seegars exception.

Ms. Simpson, please come forward.

MR. McGANN: I would like to know at this time if Deputy Simpson expressed an intent not to attend this meeting.

CHAIR NICHOLS: Okay.

MR. McGANN: He was the subject of two challenges, one by Mr. Darrell Gaston, as well as Ms. Seegars.

We, for the sake of efficiency, being that Mr. Simpson is not going to refute any of the -- the issues raised in those challenges, and we are consolidating the two.

CHAIR NICHOLS: All right. All
MR. McGHIE: All right. Then, Ms. Brooks, do you have a preliminary report on whether or not Mr. Simpson should qualify for ballot action?

MS. BROOKS: Yes, we do.

MR. McGHIE: Could you please just read it into the record.


That petition was posted for public inspection for ten days as required by law and challenged on April 28th, 2014 by Sandra Seegars, a registered voter in the District of Columbia.

My preliminary review of the petition challenge indicates that Mr. Simpson submitted a total of 289 signatures. The
minimum for this office is 200 signatures of
District voters who are duly registered in the
same ward as the candidate.

Challenger Sandra Seegars filed
challenges to a total of 171 signatures
enumerated by line and page number on an
individual challenge sheet filed for each
petition page.

Petition sheets were challenged
pursuant to Title III, DCMR, Section 1607.1 of
Board's regulations on the following grounds.

The signer is not a duly
registered voter. The signer, according to
the Board's records is not a registered voter
at the address listed on the petition at the
time the petition was signed, provided that an
address on the petition was a different
address which appears on the Board's records
shall be deemed valid if the signer's current
address was in boundary for which the
candidate seeks nomination, and the signer
filed a change of address with the Board --
1 change of address form with the Board during
2 the first ten days following the date on which
3 the challenge to deny the petition is filed.
4 
5 The signature duplicate of a valid
6 signature, the petition does not include the
7 address of signer. The petition does not
8 include the name of the signer, but the
9 signature is sufficiently legible for
10 identification, the signature is not made by
11 the person whose signature it purports to be
12 and the signer is not registered -- a
13 registered voter in the ward or same district
14 for which the candidate seeks nomination at
15 the time the petition was signed.
16 
17 Additionally, Ms. Seegars alleges
18 that the individual does not meet the
19 qualification for the office he is seeking
20 such in the D.C. Official Code, Section
21 3826451.
22 
23 My review of the challenge
24 indicates that a total of 132 of the 171
25 challenges are valid. This leaves the
candidate with 157 signatures, 43 signatures below the number required for ballot access.

MR. McGHIE: Okay. Ms. Seegars, the registrar of voters is recommending that Mr. Simpson denied ballot access for having submitted not a sufficient number of signatures.

Do you take exception or do you accept the registrar's --

MS. SEEGARS: I accept this one hundred percent.

MR. McGHIE: Okay. Madam Chair, I think it would be appropriate at this time if the Board consider a motion and whether to -- denying Mr. Simpson ballot access.

CHAIR NICHOLS: A motion.

PARTICIPANT: Who seconded?

CHAIR NICHOLS: Well, we -- because Mr. -- yes, there is no -- a decision.

(Simultaneous speaking.)

CHAIR NICHOLS: Since Mr. Simpson
has failed to reach the required number of signatures on his nominating petition, that number being 200, he will be denied access to the ballot.

All right. Is that it?

MR. McGHIE: Yes.

CHAIR NICHOLS: Is that it?

MS. SEEGARS: Yes.

CHAIR NICHOLS: There being no further business before us, this meeting is adjourned. The time is 3:47 p.m. It is Monday, May 12th, 2014.

(Whereupon, the meeting was concluded at 3:47 p.m.)
Neal R. Gross and Co., Inc.
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This is to certify that the foregoing transcript

In the matter of: Special Board Meeting

Before: DC BOE

Date: 05-12-14

Place: Washington, DC

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