GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

SPECIAL BOARD MEETING

MONDAY

MARCH 18, 2024

The District of Columbia Board of Elections convened a Special Board Meeting via Videoconference, pursuant to notice at 9:30 a.m. EDT, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member
J.C. BOGGS, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
SYLVIA GOLDSBERRY-ADAMS, Deputy Director
TERRI STROUD, General Counsel
CECILY COLLIER-MONTGOMERY, Office of Campaign Finance
MARISSA CORRENTE, Registrar of Voters
MR. THOMPSON: Well, good morning.

It's a beautiful spring day.

MS. STROUD: Good morning.

MR. GRANT: Good morning.

MR. THOMPSON: And as I mentioned, my name is Gary Thompson, the chair of the Board of Elections. And we're here for a special board meeting. A specific agenda was distributed to all three board members for this purpose, and some other materials that we've reviewed, including some exhibits that came in yesterday.

We have a quorum. All three of us are here. I see Karyn Greenfield, I see J.C. Boggs. Really quickly, we always adopt our agenda formally, so I move the agenda, which only contains this one item regarding Mr. Grant's appeal. So, is there a second?

MR. BOGGS: Second.

MR. THOMPSON: All in favor?

MS. STROUD: Aye.
MR. BOGGS: Aye.

MR. THOMPSON: Okay. So, our agenda having been adopted. As I mentioned, we're here to talk about just this one matter. And I think I will start by turning it over. Should I turn it over first to General Counsel Stroud to sort of set the table and brief us on BOE and OGC's views on this, and then our board will consider the matter?

MS. STROUD: Sure. By way of background, on January 18 Mr. Grant submitted a Declaration of Candidacy form for the Democratic nomination for an at-large counsel seat. On that form he indicated that his name should be on the ballot as Rodney Red Grant. His voter file indicated his given name is Rodney Neal Grant, and that Red was not either one of his names or a modified form of his given name.

On or about that same day, January 18, the registrar of voters advised Mr. Grant and his counsel that the use of the name Red on the ballot would be inconsistent with the board's
regulations and that a formal determination as to the name that will be allowed on the ballot would be made at a later date, and that that determination could be appealed.

Mr. Grant and/or his counsel indicated that such an appeal will be taken. In the meantime, nominating petition forms were issued by the registrar that identified the candidate as Rodney Grant, and that same name was updated to include Rodney Grant.

On February 12 Mr. Grant sent an email to the Board of Elections' email address for candidates, and that email stated that his name as shown on the board's website should be changed on the website to Rodney Red Grant. And so, on March 11 the board's executive director issued a preliminary determination through the registrar of voters, finding that Mr. Grant was eligible to apply for the Democratic at-large counsel nomination.

That determination also notified the candidate that consistent with information that
had been provided earlier, his name would appear on the ballot as Rodney Grant, thereby alerting him to the fact that the nickname Red would not appear on the ballot.

On March 14, Candidate Grant emailed the board's Office of the General Counsel indicating that he was appealing the executive director's preliminary determination with respect to the use of the name Red.

And Mr. Grant argued that the board's regulation does not state that the given name of the candidate is the only acceptable form of the name that can be included on the ballot and that it allows a modified form of a candidate's given name if the board finds that that modification does not confuse or mislead the voters, and it's legally acceptable. He also stated that adding Red to the ballot is an action to add detail to his given name to aid the pursuit of identifying Mr. Grant and producing clarity for voters.

And he also indicated that his name had appeared on the D.C. ballot in a prior
election cycle with the nickname Red, and that
that name currently appears on the 2024 primary
election list of candidates that's posted on the
board's website. He also indicated that
enforcement of this regulation with respect to
the primary election ballot was arbitrary and we
should support a proceeding questioning it.
And so, that brings us here today.
The board is considering Mr. Grant's appeal of
the determination that the use of the name Red on
the ballot is inconsistent with the board's rule
which indicates that we will only permit a
person's given name or a modified use of that
given name on the ballot. And so that brings us
here today.

MR. THOMPSON: Okay. Yeah, thank you
for that. And I'll just note for the record we
are in receipt of Mr. Grant's March 12, 2024
statement and some additional materials that were
submitted yesterday I believe, some links to
websites that show what you see when you Google
Red Grant or what you see when you Google Rodney
Grant. There's some I think actor out there that has that name.

So we've taken a look at those and we've reviewed the pertinent regulation, 1203.2, which recites that the board may permit a candidate to specify a modified form of his or her given name or names on the ballot if the board finds that the change shall not confuse or mislead the voters, and is legally acceptable.

So I think with that we'll hear from Mr. Grant, or I think maybe you have counsel present as well, is that right?

MR. GRANT: Yes, sir.

MR. THOMPSON: Okay. So, you know, whoever wants to speak, you're both welcome to present --

(Simultaneous speaking.)

MR. GRANT: We probably both will speak, but I'll let Antoine go first.

MR. THOMPSON: Okay. And Antoine, what's your last name?

MR. GRANT: Unmute yourself.
MR. THOMPSON: Oh, you're muted.

PARTICIPANT: You might have to do it on this end.

MR. THOMPSON: Oh, you have to permit him to unmute.

MR. WILLIAMS: Okay. Can you all hear me now?

MR. THOMPSON: Yes, we can.

MR. WILLIAMS: Okay, great. Sorry about that. Yes, my last name is Williams. D.C. BAR number is 163 -- okay, you don't need that?

(Simultaneous speaking.)

MR. THOMPSON: No.

MR. WILLIAMS: All right, great.

MR. THOMPSON: Got it.

MR. WILLIAMS: Okay. Speaking on behalf of Mr. Grant today, you actually outlined everything from the submissions that we had prior to the hearing. Title 3, Section 1203.2 of the D.C. Municipal Regulations is very clear and very specific. It states that the board may permit a candidate to specify a modified form of the name,
and that is what we're proposing here because that is what Mr. Grant has done his professional career.

The key issue here is that this modification is not going to confuse or mislead the voters and it is legally acceptable. There is no legal rationale why Mr. Grant cannot use Red, and this particular addition of Red will not mislead or confuse the voters. And a modification would be the use of Red.

As a statute, it's very clear and straightforward. There's no ambiguity in the statute, and our proposal here is that Red be used and be able to use this name, which he's used throughout his professional career. And as you noted in the letter previously, he used this particular moniker on the D.C. mayoral campaign a year ago.

So it's not a name that is not -- is superfluous as far as being made up or anything like that. He's used it his whole professional career. And as you noted earlier, when you
Google Red Grant, he appears, and you will see
his background and his career from that
progression.

So that is basically the point. I
don't want to belabor the point because you have
the information and the facts there. Red --

MR. THOMPSON: Let me just ask a quick
question, then. It goes to your comment that Mr.
Grant has used Red for his whole professional
career. That's kind of my main question, is when
did the name start being used? Was it prior to
running for political office? Does it have, you
know, a connection that goes back and some --

(Simultaneous speaking.)

MR. WILLIAMS: Yeah. Red can speak to
that himself.

MR. THOMPSON: Okay.

MR. GRANT: They've been calling me
Red since I was probably seven years old. It's a
name that, when you grow up in Washington, D.C.,
sometimes you grew up in the neighborhoods, they
call you different names, and Red was the name
that came out of that. Also since I was 19 and has been on TV, on HBO, Comedy Central, Showtime, and many other places. The name Red also has been used not only in my non-profit organizations, but also my businesses and everything else that, you know, we're trying to achieve, me and my wife.

And it's just a name that has a legacy to it and people know me for it, and they don't know Rodney. My mom knows Rodney, and that's the reason why we put it on the ballot, to honor her and my father. And, but everybody knows me as Red.

MR. THOMPSON: All right. Well, thank you.

MR. GRANT: My wife who's sitting beside me probably has only called me Rodney twice in my life.

MR. THOMPSON: Well, we don't want to know about those times. Well, thank you for that. I mean, a modified form of a name, you know, it's not precisely clear. I mean, someone
named James, if you see Jimmy, you know,

obviously, or Antoine might be Tony, but lots of

people --

MR. GRANT: But William might be Bill

Clinton, or, you know?

MR. THOMPSON: Yeah. So I think the

cconcern might have been, you know, sometimes

somebody running for office, like, they have a

slogan, you know, like Gary No New Taxes

Thompson, you know?

But, or maybe a color to connect with

the campaign theme or aesthetic that's

reinforcing a political purpose as opposed to,

you know, a name or a modified form of a name,

which we'll have to talk about this. But, you

know, to what extent does that include nicknames

that are not obviously derived from, you know,

the given name? But, so I --

MR. BOGGS: Gary, let me follow up on

that too, and you're really getting to the

questions I had, and sort of how far does this go

back? And one, it's a professional name but I
like that it's gone back pre-professional, right?
So when you were seven. And so, I go by J.C.

    Is that, you know, if I ran for
something in D.C., is that allowed? It's my
initials, right? And you've got, you mentioned
Bill Clinton, you know, Joe Biden, you have
Joseph Robinette Biden, and when so many people
have different names these days, particularly for
-- they immigrate from a certain country, they're
different. So thinking about even Bobby Jindal,
his name's not Bobby, it's Piyush, I think. I'm
not sure I pronounced it right. So he just
happened to like when he was a kid the name
Bobby. He liked Bobby Brady of the big Brady
Bunch and he said that's the name I want to have,
you know, Americanize it.

    And so, I don't know. You know,
Rodney, you could go by Rod, one letter
different, Red. I mean, if it needs to be a
derivative of your given name, there's an
argument there, too, but the fact that -- and the
purpose here I think if we're not confusing the
electorate, the voters.

    They know you by Red. Your wife calls you Red, she's wearing red and so she's very supportive. So that's kind of the line of questions I had, and actually maybe not including Red would be more confusing or misleading to voters because they know you by Red Grant and have known you by that since you were seven or worked for you on their non-profit or different thing. So, appreciate that.

MR. GRANT: Thank you.

MS. STROUD: Thank you.

MR. THOMPSON: Karyn, anything from you?

MS. GREENFIELD: Yeah, I mean, and I actually did do the Google to see what would come up. And just to see the longevity of the name because my initial concern gets to, do you have a name that came in as a nickname for your campaign or is it something you've always had, and it's gone all the way back? And so I did, and you're right, after you Google Rodney Grant, somebody
comes up. It's not you. If you Google Red, you come up.

And so, and I think the really question here is, because, you know, for me if it's a derivative of your name, Bobby, Rob, Rob, you know, William, Bill, even though, you know, what is the name -- you know, Jackson's a derivative of something that, you know, whatever. That's one thing.

If it's a nickname I think we just need to talk about, is that, you know, the same, especially if it's something that's really almost became like your regular name because it's been in use for so long, and before this. So. Yeah.

MR. THOMPSON: Well, all in the same vein my --

(Simultaneous speaking.)

MS. GREENFIELD: I think we need to talk -- thank you.

MR. THOMPSON: I just wanted to rule out the possibility that Red wasn't a political kind of, you know, statement that connected to a
color like, you know? So, and you know, nothing's more personal than a name. So, you know, I think we all really respect that.

I think we'll just briefly go into executive session, which means we just quickly deliberate and then we'll pop back onto the record in maybe ten minutes or so and make a motion and make a determination. So before we do that, anything else that Mr. Williams or Mr. Grant, you would want to add?

MR. GRANT: No, sir. Thank you.

MR. WILLIAMS: Thank you.

MR. THOMPSON: And anything else from OGC or --

MS. STROUD: No, not at this time.

MR. THOMPSON: All right. So with that, I would move that the board go into executive session specifically for the purpose of deliberating upon this single issue that's before us in today's special meeting.

MS. GREENFIELD: I second.

MR. THOMPSON: All in favor?
MS. STROUD: Aye.

MR. BOGGS: Aye.

MR. THOMPSON: So it'll just be a few minutes.

MS. STROUD: Yes, I just want to go back so that we can take a roll call vote with respect to entering into executive session. So, Chairman Thompson?

MR. THOMPSON: Aye.

MS. STROUD: Member Greenfield?

MS. GREENFIELD: Aye.

MS. STROUD: Member Boggs?

MR. BOGGS: Aye.

MS. STROUD: Okay. And if you could state, Mr. Chair, the reason why you're entering into executive session for the record?

MR. THOMPSON: Yes, specifically to deliberate on this issue that's before us in today's special meeting which is for -- I'm almost going to get it -- the regulation -- I don't have it in hand, but I think it's --

(Simultaneous speaking.)
MS. STROUD: Okay. Yes.

MR. THOMPSON: Can you --

MS. STROUD: Yes, it is the provision under the Open Meetings Act that allows us to go into executive session, which I believe is 2-575B, I want to say, but we can correct it for the record.

MR. THOMPSON: All right, fair enough.

Okay, we'll be right back.

MS. STROUD: Okay. So what we'll do is we will end this meeting, the board members will log back on, and then everyone else should log back on at let's say -- Mr. Chair, what are your thoughts in terms of the time that they should log back on?

MR. THOMPSON: Ten fifteen.

MS. STROUD: Ten fifteen? Okay, so seven minutes from now. Okay, so thank you everyone. We will close this meeting, and then everyone will open back up for the public at 10:15, on time this time.

(Simultaneous speaking.)
MR. THOMPSON: Same -- thanks.

MS. STROUD: Okay, thank you.

(Whereupon, the above-entitled matter went off the record at 10:08 a.m. and resumed at 10:17 a.m.)

MR. THOMPSON: Welcome back. Start by -- I don't know if I have to move that we --

MS. STROUD: Yes, I think we want to take a roll call vote to indicate that you are moving from executive session back into the meeting. So --

MR. THOMPSON: So I --

MS. STROUD: Mr. Chair?

MR. THOMPSON: I so move and I vote aye.

MS. STROUD: And Ms. Member Greenfield?

MS. GREENFIELD: Aye.

MS. STROUD: And Mr. Member Boggs?

MR. BOGGS: Aye.

MS. STROUD: Okay. With that, the board has re-entered from executive session into
the meeting.

MR. THOMPSON: Okay. Well, we've had a brief chat about this, and at this time, I would move that we permit the name Rodney Red Grant to appear on the ballot as such. And my reasoning, which you kind of heard before, which is, you know, that Red is your name that you've used for your whole life, including in professional circles, long before you ran for office. So under those facts which I've just learned this morning, I think at least in this particular case it's appropriate to allow Rodney Red Grant to appear on the ballot.

You know, other cases will present other facts, and we'll perhaps try to clarify our regulations to address, you know, in the future how this would work for others because there's, you know, lots of different scenarios where people would like to use different names on the ballot that aren't obviously derived from their birth name.

So, well, that's for a future date,
You know, I think under the facts of this limited
-- you know, this particular case, I'm perfectly
comfortable with Rodney Red Grant appearing on
the ballot, and I so move.

MS. STROUD: I second.

MR. GRANT: Thank you.

MR. THOMPSON: Any comments from J.C.
or Karyn?

MS. STROUD: Well, in light of the
motion, I just want to do a roll call vote just
for clarify for the record. Mr. Chair, you made
the motion.

MR. THOMPSON: Aye.

MS. STROUD: So your vote is aye.

Member Greenfield?

MS. GREENFIELD: Aye.

MS. STROUD: Member Boggs?

MR. BOGGS: Aye.

MS. STROUD: Thank you.

MR. GRANT: Aye.

MR. THOMPSON: Noted. Anything, J.C.
or Karyn, anything else that you want to comment
on at this time?

MS. GREENFIELD: No. I mean, I'll kind of reiterate what you said, is that the use of the name goes back many, many years. I even looked up some of the movies. I looked up that, you know, to see. So it is clearly the name that he has used, and initially I was like you, I thought it was a specific name made for the campaign, and it's not. And so I think that's that line we draw because we do need to draw a fine line or we will get many different variations of modified names. So.

MR. THOMPSON: And that --

(Simultaneous speaking.)

MR. BOGGS: We also talked about this in executive session, that this recognize you as Red or on the ballot doesn't lead to confusion, it's not misleading, in fact it's probably the other way around. It specifies what Rodney Grant we're talking about, people know you that way, so that was dispositive to me.

MR. GRANT: Thank you.
MR. THOMPSON: And thank you for
running for office.

MR. GRANT: Thanks for having me, and
I appreciate you guys. I appreciate the BOE and
you guys over there. I appreciate you, Antoine,
for showing up this morning. And I appreciate
the support.

(Simultaneous speaking.)

MS. GRANT: Oh, thank you.

MR. THOMPSON: All right. With that,
I move that we adjourn.

MR. GRANT: So, can I ask one
question?

MR. THOMPSON: Yeah.

MR. GRANT: Will you guys send over a
new letter from the BOE with that on it?

MR. THOMPSON: I think. Terri? What
happens then?

MS. STROUD: We can, but this stands
as the -- there's an orderable issue to this
effect.

MR. GRANT: Okay, cool.
MS. STROUD: So, the order will indicate that you will be placed on the ballots. This was an appeal from that determination. And the order of the board, as indicated today, is that your name will appear on the ballot as Rodney Red Grant. So the order will suffice for, you know, indication of how your name will appear on the ballot.

MR. GRANT: Okay, thank you so much.

MS. STROUD: You're welcome.

MR. GRANT: All right. You guys have a good day.

MR. THOMPSON: You too. Thank you, you too.

MS. STROUD: You too. I'm sorry again for the delay.

MS. GREENFIELD: Move to adjourn.

MR. GRANT: No problem.

MR. THOMPSON: Move to adjourn. Is there a second?

MR. BOGGS: Second.

MR. THOMPSON: All in favor?
MS. GREENFIELD: Aye.

MR. BOGGS: Aye.

MR. GRANT: Aye.

MR. THOMPSON: We are adjourned.

(Whereupon, the above-entitled matter went off the record at 10:22 a.m.)
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In the matter of: Special Board Meeting

Before: DC BOE

Date: 03-18-24

Place: teleconference

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[Signature]

Court Reporter