GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

BOARD OF ELECTIONS

REGULAR BOARD MEETING

FRIDAY
APRIL 5, 2024

The District of Columbia Board of Elections convened via Video/Teleconference, 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
TERRI STROUD, General Counsel
WILLIAM SANFORD, General Counsel
MARISSA CORRENTE, Registrar of Voters
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Adjourn
P-R-O-C-E-E-D-I-N-G-S

(9:35 a.m.)

CHAIR THOMPSON: Okay. Good morning.
Happy Friday, happy Spring, a beautiful day out
there. Thanks for being with us today. My name
is Gary Thompson, the Chair of the Board of
Elections. I see the court reporter is here as
well as the Zoom meeting itself being recorded.
And with us online is my fellow Board Member,
J.C. Boggs. So we have a quorum between the two
of us. I don't think our third Board Member,
Karen Greenfield, is present. She may be able to
appear during this meeting, but we have quorum
for purposes of commencing.

And the first thing we do is adopt our
agenda which has been circulated in advance to
the Board members. It's a combination of both
certain challenges that might be the subject of a
special meeting with our general monthly meeting.
So with that, I move we adopt our agenda.

MEMBER BOGGS: Second.

CHAIR THOMPSON: All right. All in
favor, between the both of us. Aye.

         (Ayes.)

   CHAIR THOMPSON: Okay. The agenda is adopted. We've also circulated the minutes from your prior meeting, March 6, 2024. We've had a chance to review those and at this time, I would move we adopt those minutes.

   MEMBER BOGGS: Second.

   CHAIR THOMPSON: Aye.

   MEMBER BOGGS: Aye.

   MEMBER BOGGS: So moving then to our general counsel's report from General Counsel Terri Stroud.

   MS. STROUD: Good morning, everyone. The first item in my report is the issuance of a recall petition. This -- as by way of background, on March 8, 2024, Diana Alvarez filed a notice of intent to recall Brianne Nadeau, Ward 1 Member of the Council of the District of Columbia. And I first would ascertain whether or not Ms. Alvarez is present. Okay, unmute her, yes.
MS. ALVAREZ: Hello. Yes, I'm here.

MS. STROUD: Good morning, Ms. Alvarez.

MS. ALVAREZ: Good morning. Sorry.

I had issues with the mute button.

MS. STROUD: No worries.

MS. ALVAREZ: Okay.

MS. STROUD: March 8th, Ms. Alvarez filed a notice of intent to recall Brianne Nadeau, Ward 1 Member of the Council of the District of Columbia. Ms. Alvarez is a qualified registered elector who resides in Ward 1. Ms. Alvarez's filings did include a copy of a verified statement of contributions that had been filed with the Office of Campaign Finance.

Ms. Nadeau was served with notice of the recall on March 8th and was informed at that time that she could file a response to the statement submitted in support of the recall by March 18th, and that such response would be included on the recall petition -- Council Member Nadeau timely filed a response on March 18th.
The Board staff prepared -- then is prepared to
issue to Ms. Alvarez an original petition form.

And I want to note for the record that
this is the sole purpose of this process. The
only purpose of this process is for the Board to
ascertain whether or not the proposer adopts the
petition form prepared by the Board for purposes
of circulating the recall petition as the
proposers own. And when we're asking whether or
not the petition form is adopted, we're only
asking whether or not the information that
appears on the form, specifically the name, the
statement of reasons to recall, the proposers
address, etcetera is correctly and accurately
reflected on the petition form that was prepared.

The inquiry is not whether or not the
proposer approves the elected official's response
if one has been provided. And so, Mr. Chair.

CHAIR THOMPSON: All right. Ms.
Alvarez, thanks for being with us. Quick
question or two. Have you had a chance to review
the petition that's been prepared by the Board of
Elections?

MS. ALVAREZ: Yes, I have.

CHAIR THOMPSON: Thank you so much.

And you also approved the petition form and adopt it as your own?

MS. ALVAREZ: Yes.

CHAIR THOMPSON: So in light of that, the petition will be available for circulation. And with that, I would ask our Registrar, Ms. Corrente, to outline the remainder of the recall process.

MS. CORRENTE: Thank you, Chair Thompson. So pursuant to DC Official Code 1-204.112, a petition for the recall of an elected official from a ward seat shall include the valid number, the valid signatures of 10 percent of the registered qualified electors of the affected ward, the number of registered voters used to compute these requirements, quote, The latest official count of registered electors by the Board of Elections which was issued 30 or more days prior to submission of the signatures
for the recall petition. While the signature requirement cannot be determined yet, the current calculations using the published February 29, 2024 monthly voter registration statistics report are as follows. So in Ward 1, there were 54,476, so that would mean 10 percent would be 5,448 signatures. And again, this will change as the period moves forward.

Both the proposer of the recall measure and the elected official who is the subject of the recall are advised to check with the Board on a monthly basis of new statistics are issued to get up to date estimates of the signature requirement. In addition, assuming that the prosper of the recall formally, which obviously you did, adopts the original petition form today, the 180-day period for circulating the petition expires on Tuesday, October 1, 2024, at 5:00 p.m. And so I will be following up after this meeting to email you a copy of the petition and some supporting documents that will help with your circulation.
CHAIR THOMPSON: Okay. And did you say how many -- what's the current signature requirement based on today's registered voters?

MS. CORRENTE: Five thousand four hundred forty-eight.

CHAIR THOMPSON: All right. Okay. And I also wanted to repeat for everybody that's listening, our Board is only issuing this form of petition for Ms. Alvarez to circulate and perhaps gather the requisite number of valid signatures. We don't, in any way, shape, or form support or endorse this, so this is just the process of issuing the petition for Ms. Alvarez to take for signatures.

With that, Ms. Alvarez, do you have any questions?

MS. ALVAREZ: No, I do not.

CHAIR THOMPSON: Thank you very much for being here.

MS. STROUD: Okay. And with that, the proposer has adopted -- has officially adopted the form, and it will be made available as
pursuant to Ms. Corrente's instructions, and you will be getting the official form, which should be copied two-sided, but I'm sure those instructions will be included, and so you will have it today.

And that -- with that, the next item on my agenda is the nominating petition challenge hearings. On the agenda that was posted, it indicates that the first item is Joseph Henchman v. Franklin Garcia, but Franklin Garcia has officially withdrawn his ballot access candidacy for the Office of Candidate for US Senator for the Democratic Party, so we will move to the next matter, which is James Harnett v. Wendy Hamilton, Candidate for US Senator in the democratic primary.

And we just want to ensure that the parties in this matter are present. I see Mr. Harnett and we just need to see Ms. Hamilton.

CHAIR THOMPSON: Let's go ahead and unmute both of them.

MS. STROUD: Mr. Harnett, if you could
unmute.


MS. STROUD: Okay. And Ms. Hamilton?

MS. HAMILTON: Yes. Reverend Wendy Hamilton.

MS. STROUD: Okay.

MS. HAMILTON: I've brought a representative along with me today as well.

CHAIR THOMPSON: And who would that be?

MS. HAMILTON: That would be Professor -- Dr. Jonathan Scriven, Professor of Politics and Political Science.

CHAIR THOMPSON: Great. If we could unmute.

MR. SCRIVEN: Thank you. I'm unmuted.

CHAIR THOMPSON: Professor Scriven, all right. Well, thanks everybody for being here.

MS. STROUD: Okay. Thank you. Mr. Harnett, if you could state your name and address for the record?

MS. STROUD: Okay. Thank you. And Reverend Hamilton, if you could state your name and address for the record?


MS. STROUD: Okay. And Mr. Scriven, just your professional address for the record?

MR. SCRIVEN: My professional address is 7600 Flower Avenue in Tacoma Park.

MS. STROUD: Okay. And so how we'll proceed is as follows. We will have the Registrar read a summary of her report detailing her findings with respect to this challenge into the record. And then we're going to have a staff attorney from the Office of the General Counsel discuss what happened at the prehearing conference to outline the issues that remain for the Board to decide. And then we'll have the parties address the Board and if there are any
questions, then they'll be asked at that time.

And so we have -- Ms. Corrente, if you could state your name and professional address for the record?

MS. CORRENTE: Sure. Good morning. My name is Marissa Corrente, and my professional address here at the Board is 1015 Half Street SW, 750, Washington, DC.

So I reissued a memorandum after the prehearing conference. That was issued yesterday to all parties, so I will be reading -- or summarizing that one. On March 6, 2024, Wendy Hamilton submitted a nominating petition to appear on the ballot as a candidate in the June 4, 2024 primary election for the Office of US Senator for the Democratic Party. The minimum requirement to obtain ballot access for this office is 2,000 signatures. Petition contained 2,595 signatures. Petition was posted for public inspection for 10 days as required by law.

Petition was challenged on March 18, 2024 by James Harnett, a registered voter in the
District of Columbia. Challenger Harnett filed challenges to 856 of the 2,595 signatures enumerated by line and page number on individual challenge sheets filed for each petition page. The signatures were challenged pursuant to the Board's regulations in Title 3, Chapter 16 of the DC Municipal Regulation, and there were multiple grounds that they were challenged on.

My initial review of the challenges indicated that 776 of the 866 challenges were valid. On April 2, 2024, the Office of General Counsel convened a prehearing conference involving all parties wherein these findings were discussed. Both candidate Hamilton and challenger Harnett contested some of the findings but ultimately, only candidate Hamilton asked for further review of specific signers enumerated by their specific sheets and page number.

Candidate Hamilton also shared a list of signers who she believed may have timely filed address change forms. In total, the candidate asked for the Board to review 144 signers.
enumerate by their specific sheet and page number. Of these 144 signers, 14 were credited back to the candidate.

My updated review of the challenges indicates that 762 of the 866 challenges are valid, and there's a breakdown of all the different findings. Ultimately, this leaves the candidate's nominating petition with 1,833 signatures, 167 signatures below the number required for ballot access.

MS. PEMBROKE: And this is --

PARTICIPANT: Okay.

MS. PEMBROKE: -- Ms. Pembroke for the Office of General Counsel.

MR. HARNETT: We -- we can't hear you.

CHAIR THOMPSON: Can you just turn the mic on and hold the mic a little closer.

MS. PEMBROKE: Apologies -- apologies. My name is Christine Pembroke. I'm with the office of General Counsel, and I was the attorney assigned to this matter. With the Board's indulgence, I'll just go over a little bit of the
history before we to the prehearing conference.
So when the candidate picked up her petition
form, she was provided with instructions about
how to circulate nominating petitions that
included the fact that if a signer's address did
not match the address on the Board's records, she
would have 10 days to obtain a change of address
form from the signer to cure that potential
defect. In addition, that instruction is stated
at the bottom of every single petition page.

So she picked up her petition. She
says -- the Registrar has indicated she turned in
a petition that had 2,595 signatures on it. It
was challenged by Mr. Harnett. Mr. Harnett
turned in his challenge using a form that is
provided by the Board of Elections, and the form
specifies across the top that the line number for
each page be included, the name and address of
the signer be included. And then there's a
series of blanks in which the challenger can
identify the reason for the challenge. And
across the top, there is a field to be filled in
that associates that particular sheet of challenges with the page of the petition.

So Mr. Harnett filed his challenge on that form specifying the line on each page that he was challenging and the name of the person he was challenging. And then in the blanks, he indicated what the basis for his challenge was. For example, with respect to one particular voter on the first page, he designated line 6. He typed the name of the voter, their address, and he put in voter is not registered in the same party as the candidate at the time the petition is signed. So he turned in that and he challenged more than enough signatures to render the petition numerically insufficient.

The candidate was notified the next day of the challenge and informed in that notice that she had 10 days from that date in order to submit address updates. We held the initial prehearing and the candidate appeared, and her concerns were that she believed she had submitted a sufficient number, or she knew of a sufficient
number of address changes to render the petition numerically sufficient; in other words, to counter challenges that were by Mr. Harnett. But she had not provided the names of those individuals at the time of the prehearing to the Board so that we could verify whether or not address cures had been made.

She also, through Mr. Scriven, who is here today, argued that Mr. Harnett's challenge should be disregarded in its totality because it hadn't -- did not comply with the Board's regulations regarding the specificity with which challenges should be pled. And she also indicated that she had several other signatures that had been challenged which she believed were improperly challenged. But she again did not provide any of that information prior to the prehearing.

She was concerned that she didn't have time to review the registrar's report because it was not provided to her until the morning of the prehearing. And although, you know, I explained
to her that she had the challenge and she could be working on the challenge to address these issues, we did understand that she did not have very much time to review the registrar's report. So we continued the prehearing to the following day to give her some more time to go over the challenges that had been made against her and the Registrar's finding with respect to those challenges.

The next day at the continued prehearing, the candidate acknowledged that she had not identified enough challenges that could be cured to make her petition numerically sufficient, but she stated she wanted to go before the Board to make a policy argument that she felt the requirement for having the address of the signer match the address on the Board's roll was unfair because she's running for citywide office, and so the mere fact that the signer is a registered voter should be sufficient.

She was informed that that requirement
comes from the statute and that the Board really
didn't have any discretion with regard to
enforcing the requirement, but she still
indicated she wanted to come before the Board to
present it.

Mr. Scriven reiterated his theory that
he had espoused at the initial prehearing that
the entire challenge should be thrown out. He
was advised that even if the challenges were
improperly made, once they've been reviewed by
the Registrar, we can't unsee what we've seen.
And he was also advised that that position was
contrary to a number of Board rulings. But
nevertheless, he indicated that he wanted to go
forward on it.

So based on the fact that the
candidate was not willing to withdraw, the only
way, really, to resolve this matter was -- would
be for the Board to rule on it, and that's why we
are here today.

CHAIR THOMPSON: All right. I just
have two questions. One, can you speak a little
bit more to your determination that Mr. Harnett
complied with our procedures for initiating a
ballot challenge?

MS. PEMBROKE: Yes. So the standard
especially that's been enunciated in earlier
Board cases is that as long as the challenge is
decipherable by the registrar and the candidate
could understand it, the Board will apply its
regulation regarding the acceptance of pleadings
under a liberal reading rule and will accept
those challenges. So that's a very liberal and
accommodating standard. And in this case,

CHAIR THOMPSON: Okay. And my other
question, cause we might hear about this in a
moment, can you remind us the statutory basis for
our standard that the address has to match from
--

MS. PEMBROKE: Yes.

CHAIR THOMPSON: -- the person signs at the registration on file.

MS. PEMBROKE: Yes. That is under DC Code 1-1001.0803, and the statute provides that if they're -- in the case of an address mismatch, the address on the petition will be deemed valid if first, the address is within the political jurisdiction of the race that's involved. And in this case, it's a citywide race so that really wasn't the problem.

And secondly, and I'll quote, "The signer files a change of address form with the Board no later than 5:00 p.m. on the 10th day after the day the candidate receives notice of the challenge," close quote.

CHAIR THOMPSON: We obviously can't change that. We can't make exceptions to that. That's the law as our council has passed it?

MS. PEMBROKE: Correct.
CHAIR THOMPSON: All right. Those are my questions. Before we turn to Reverend Hamilton, anything else from the BOE?

MS. STROUD: No.

CHAIR THOMPSON: Okay.

MS. STROUD: I would actually just say, Mr. Chair, that the statutory provision that Christine read from -- Ms. Pembroke read from was an amendment to the statute. Previously, matches were not allowed to be considered but they did say allow for this 10-day period wherein which voters can submit changes of address. Previously, you were not able to correct mismatches.

CHAIR THOMPSON: Okay.

MS. STROUD: And, you know, there are some administrative concerns with this process, because the whole purpose of the signature matching the one that is on the Board's files is to allow the Board to identify in cases where individuals have the same names --

CHAIR THOMPSON: Yes.
MS. STROUD: -- the precise voter that
signed the petition.

CHAIR THOMPSON: Right.

MS. STROUD: So this was a concession.

CHAIR THOMPSON: Okay. It certainly
speaks to the importance of voters, if you move,
to update your registration, which you can do
online through our website. It doesn't take very
long to do. So know we always remind our
citizens to please do that, but if there's a
mismatch, it's -- according to the statute, it's
an invalid signature unless there's this cure
that is made. And that's the state of the law, I
think, as we sit her today.

So with that, Reverend Hamilton or
Professor Scrivin, I don't -- maybe you both
would like to speak, or who wants to go first,
but please give us your thoughts?

MS. HAMILTON: I will go first and I
thank you very much, Board of Elections, for
hearing us today. We do, between myself and
Professor Scriven, plan to offer three arguments
that we feel brings us within the needed amount
of 2,000 signatures to get on the primary ballot.

I just wanted to reference something
that Attorney Pembroke mentioned in her reading
when she was talking about the time that I picked
up the petitions and what it outlined in terms of
the challenge period and what options we had.
And she mentioned that the 10-day period allows
us an opportunity to review the Board's findings
in terms of what was challenged.

So I just want to reiterate that we
received the registrar's report, the Board's
findings, and what is in the database, we
received that the morning of the pre-conference
hearing. We were awaiting that. All we had to
operate on at that time up until the
pre-conference hearing were the challenges that
Mr. Harnett outlined. And we were not given an
opportunity to know which of those were valid
challenges versus, you know, which ones were
accepted by the Board, which ones were rejected
by the Board. So we just had to assume that all
of the challenged ones needed to be addressed,
and we set out to do that. So I just want to put
that on record that the process in and of itself
made it very difficult for us to begin to
reconcile what the Board had on file without
having the convenience of the registrar's report
to do that calculation.

That being said, I would like to ask
Professor Scriven now to address two of the
arguments that we'd like to bring today regarding
the action of being able to achieve 2,000
signatures, valid signatures that we believe that
we have at this time. I am asking for some grace
today. My school has suffered the loss of two
tenagers in the last 48 hours to gun violence,
and this is going to be a struggle, so I will ask
Dr. Scriven to jump in when I'm unable. Thank
you.

CHAIR THOMPSON: Okay. I'm very sorry
to hear that. Our condolences, Reverend.
Professor Scriven, I think you're unmuted if
you'd like to go ahead.
MR. SCRIVEN: Okay. Yes. Thank you.
I'm sorry. Just thank you very much. I appreciate the opportunity to be here. Just a quick addition to what Reverend Hamilton said. It is also the case that when we did the registrar's report, we received that not only on the morning of the -- our hearing, but it was actually after the 10-day window for when we could cure some of the address change issues. So we were in a little bit of a bind on that disuse.

But what I would like to address very quickly -- I'll do this in about one minute -- is one of our other challenges. Our first challenge is a technical one involving what constitutes a valid challenge, and we are basing it on the challenge -- we're basing this challenge on the DC Board of Elections nominating petition cover sheet on the individual nominating petition challenge form. So on the cover sheet, there's a number of items that are listed, and it says in one please, in order for your challenge to be accepted, you must -- there are a couple of
things -- the third thing says -- third item says
that it must specify the date -- I'm quoting now
-- "It must specify the basis for the challenges
by siting the regulation that describes the
defect in the petition and providing a clear and
concise explanation of the alleged petition or
signature feedback.

On the top of each actual petition
challenge form, the following instructions are
given. It is -- it says that the challenger
must, quote, "provide the basis for the challenge
including the relevant citation in the right
column of this form." Despite two instructions
to include both the citation and the description,
our contention is that Mr. Harnett's challenges
do not do this. We recognize this is a challenge
based on technicality, but we also recognize that
technicalities exist for a reason, often as a way
to protect the integrity of an important process
such as this.

Rule 1606.4 outlines that when the
Board can, quote, "search the permanent
registrar's records to prepare a recommendation to the board as to the validity of the challenge," and that same rule says that only do this, quote, "after receipt of a properly filed challenge." The Board of Elections has strict standards for the collection of signatures by a candidate, and we believe the same standards to apply to a challenger when challenging those signatures.

We anticipate that the challenger may argue that challenges of this nature without, quote, "citation and explanation have been accepted in the past," but we argue that that is not relevant, because just because challenges have been wrongly accepted in the past, that does not mean they should be accepted now. So based on the guidelines and instructions explicitly stated by the Board of Elections and on the very petition form that challengers must fill out, our contention is that any specific challenge that does not follow those guidelines should not be accepted.
So anytime we have a challenge on the line that does not include what is specifically asked for, our contention is that those should not -- or should not have been accepted. With that, I'll pass over to Reverend Hamilton who, I think, will make another -- I'm sorry -- unless you have questions for me now. I'm happy to answer questions now.

CHAIR THOMPSON: No. Reverend Hamilton --

MR. SCRIVEN: Okay. Thank you.

CHAIR THOMPSON: -- go ahead. Thank you so much, sir.

MR. SCRIVEN: You're welcome. Thank you.

CHAIR THOMPSON: Hold on a sec, got to get you unmuted. All right. Go ahead.

MS. HAMILTON: Am I unmuted?

CHAIR THOMPSON: Yes, please.

MS. HAMILTON: My apologies. And in regard to the issue of a citywide race, I would just like to submit this consideration, this
argument and this concern that we have. The Shadow Senator election is a citywide election so any registered voter, regardless of address, can vote in the election and can have a chance to vote for the candidate that they signed the petition for. While yes, the burden is upon the voter to rectify any address discrepancy before they vote if there is, you know, more than one Jane Doe, voter must prove residence before they vote. We talked about that.

But before voting day, during early voting, during any time leading up to election day, their address does not matter in terms of whether or not they are a registered voter in the District of Columbia. It removes due process.

According to 1603.1, candidate must collect 2,000 signatures from registered qualified voters. The registered requirement is met. Qualified may be open to interpretation. It could mean that the voter meets the standard expression of 1076.1, but it could also just mean registered active voter, and we interpret
qualified to mean the latter.

By signing the petition, registered DC voter is authorizing and expressing their desire to see the candidate on the ballot. Throwing out or rejecting signatures because the information they provide on good faith is inconsistent with the Board's records denies them of that opportunity and removes due process. The expectation for the candidate to file change of address forms does not constitute a reasonable requirement for ballot access.

That being said, we made every effort, and I'll finish with this, we made every effort to achieve getting change of address cards from voters. We started out -- even absent the Registrar's report, we went to homes that were outlined in the challenge. We knocked on doors. Some voters refused. Others compromised what I feel is the safety of my team.

I had a gentleman send me a picture in Instagram that he took of one of my team members who went to try to get a change of address card
from him, and he said, you know, is this man a part of your team, I did not engage him, I did not open the door. We have a safety concern with our family, a situation with a foster child so I do not open my door to people that I don't know, but if you say he's with your team, then I just need to know that.

I did write that person back and assured him that the gentleman on that -- on the porch that he took a picture of and sent to me on Instagram and private message was indeed my team member. That made me nervous for my team because while a number of signatures we collected were at farmer's markets, we did go to some doors, but we met people out in the public.

But what that doesn't do, when you're signing a petition for a candidate, it is not necessarily authorizing us to then follow-up later on and come to their home and ask them to provide additional information. It is one thing to sign a petition real quickly. As you're out there, you want to participate in the democratic
process. But then to show up at a door later on and say, I'm sorry, your signature has been marked invalid and in order for me to remain on the ballot, we need you to update this card. Could you please fill out all of this change of address information which includes an ask of if you don't have your voter number available, the last four digits of your Social Security number. Could you add that to this and then we'll turn that in for you? We had people absolutely decide they were not going to do that, and I can't say that I blame them.

So what we did was we mailed out over 120 voter registration cards, change of address cards with a letter, and we asked voters if you wouldn't mind, this is the situation that we're facing and this is the time crunch that we have, could you please either return this card or go onto the Board of Elections' website and update your registration so that we can make sure that your voice and your signature is counted. We didn't have as many as we, you know, would like
to have return that, but we do believe that we made a good faith effort to at least make contact with these folks. And this is still absent the registrar's report, so we -- you know, some of those folks ultimately may have wound up being validated by the registrar, but we had not -- no access to that information, so we were just going based on what had been alleged in the challenges, and that is not reasonable.

So I just ask with this argument, that if you take that into consideration, that registered DC voters are in the jurisdiction of a citywide candidate and, therefore, their signature should be counted. There are over 200 of those in the Harnett challenge that if accepted back and not rejected by the registrar would put us well over the 2,000 ballot signatures -- valid ballot signatures that we need to appear on the primary ballot.

And so that is my ask today, that you please take all of ramifications into consideration and know that we did our best, and
we tried, and we got more than we needed. We got 2,595 signatures just to try to prepare in case we were challenged. And I would like for my team's efforts to be honored today in acknowledging that we did what we were asked to do. Thank you.

CHAIR THOMPSON: Yes. Thank you so much. I really appreciate your words. I know it's very hard to gather signatures from people. I've only had to do a little bit of myself as an ANC commissioner. I can only imagine how difficult it is to get 2,000 signatures. If I were on the DC Council, I certainly would be interested in making the process easier and more liberal for candidates. I really like your suggestion that if it's a citywide race, it should be instantly curable if the person -- we can validate that the person is otherwise a registered voter in DC regardless of the address change -- if I were a Council member. But I am here today in my capacity as Chair of the BOE and the statute and the regulations that are in place
are important for us to operate within. But, you know, I certainly hear you on the difficulties in the process.

You raised a couple of points about the notice period here and the -- your opportunity to understand the nature of the challenge being made by Mr. Harnett. And I just want to give the General Counsel or the Registrar or Ms. Pembroke a chance to comment if they'd like.

MS. STROUD: Thank you, Reverend Hamilton. I just have a couple of questions. When you were circulating petitions, did you have the opportunity to, as you were collecting, come in and check what you were getting in terms of like voters' addresses against the Board's records to determine whether or not the voters were the -- the voters whose signatures you were collecting, whether their addresses comported with what the Board's records indicated?

MS. HAMILTON: I wish but we were a small but might crew, so we didn't have access to
-- or the capacity, I should say, to sort of check or review signatures realtime nor did we, you know, consider that we would need to do that. We were so fixed, as the Board has just pointed -- Board Chair just pointed out, it is hard to collect 2,000 signatures. And we wanted to go above and beyond, so we were out in snow, in rain, and MLK parade in Ward 8, you know, farmers markets, homes.

We went wherever we could, but we did not have -- and we were under resourced. I also want to mention that for just people's knowledge. Remember the federal positions, US Senator and the delegate, we do not -- we're not eligible for the fair elections program, so we don't receive the matching funds that other candidates are, you know, blessed to receive. So we have to operate out of pocket. So we didn't even have the monetary resources to maybe even hire someone to do that.

So the answer is no, we were not checking realtime as we were working to collect
the signatures by the March 6th deadline.

    MS. STROUD: Had you requested a copy

of the Board's voter file?

    MS. HAMILTON: Yes.

    MS. STROUD: Okay. So you did do

that.

    MS. HAMILTON: Yes.

    MS. STROUD: And then I have a

question. And so you received -- when did you

receive notification of the challenge?

    MS. HAMILTON: So --

    MS. STROUD: And maybe Ms. Corrente

can answer that question if you don't have the
date right --

    MS. HAMILTON: No. I actually do.

    MS. STROUD: Okay.

    MS. HAMILTON: I am -- I received

notification of the Harnett challenge on March

the 19th, which was the day after the deadline,

but it demonstrated that Mr. Harnett filed his

challenge, it indicated at 4:57, on March the

18th, which would have been three minutes prior
to the deadline of March 18th for filing a
challenge. I don't know the process in terms of
how many challenges can be filed against a
candidate, but you will see that I have another
challenge hearing following this one that was
submitted the day before Mr. Harnett. So I'm not
fully sure why Mr. Harnett submitted a second
challenge three minutes before the deadline on
the following day that an initial had already
been lodged, but that certainly is his right to
do. But I did not find out about his challenge
until the 19th. That's when I was notified.

MS. STROUD: Okay. So you did get it.
And so when you received the challenge -- do you
have a copy of the challenge with you to look at
to discuss?

MS. HAMILTON: I can probably pull it
up. It may be buried in some of my emails but I
can --

MS. STROUD: Okay.

MS. HAMILTON: Professor Scrivin, do
you have it accessible? If not --
MR. SCRIVEN: I can pull it up, yes.

MS. HAMILTON: Let me see.

MS. STROUD: And if you could let me know when you have it once you pull it up?

MS. HAMILTON: Yes, sure.

MR. SCRIVEN: Okay. I have it up.

MS. STROUD: Okay. So just wanted to just go through some of the information that Mr. Harnett provided with respect to his challenge. If we could go to the nominating petition challenge form with respect to sheet 1 of 262?

MR. SCRIVEN: Yes.

MS. STROUD: And the information that is provided next to line 6 for --

MR. SCRIVEN: Yes.

MS. STROUD: -- voter at that line where it indicates that the voter is not registered in the same party as the candidate at the time the petition was signed?

MR. SCRIVEN: Correct, yes.

MS. STROUD: Okay. So is it your assertion that that does not provide an
indication of what was being challenged with respect to the signature?

MR. SCRIVEN: So my -- our contention is that that does not follow the rule stipulated in both the cover sheet and at the very top of this form. So at the very top of that very form we're on, it does say -- it talks about put the name and the address, etcetera, and it says provide the basis for the challenge including the relevant citation as well as on the cover sheet where it also explicitly says that both must be present.

MS. STROUD: Just so -- just to -- I just want to get some understanding about what you -- were you aware what was being challenged or the substance of that challenge, that it is --

MR. SCRIVEN: Yes. It is clear on line 6 what the challenger is challenging. That is not our contention. Our contention is -- and we recognize this is a technicality but our challenge is that the challenger did not do what is explicitly required, which is to both provide
the explanation and to list the citation.

MS. STROUD: Okay. And this question is for Ms. Corrente. With that information, were you able to understand what the challenge was that was being made with respect to that signature such that you could assess the challenge?

MS. CORRENTE: Yes.

MS. STROUD: Okay. Thank you. And that's all I have.

CHAIR THOMPSON: Okay.

MS. CORRENTE: Can I make a--just a--

CHAIR THOMPSON: Yes.

MS. CORRENTE: --quick clarifying--

CHAIR THOMPSON: Please.

MS. CORRENTE: --point for the record? I think--so both the challenges were filed on the same day. They were both filed on March 18th, the challenges of Reverend Hamilton, and I think the Harnett one was they were notified the next day because of the time, it
coming close to the deadline. The other one came in earlier in the day. And so I think it was notified that same day, on the 18th, but just to be clear that it was a different date in the notification at each challenge, but they were both received to the office on the same day.

CHAIR THOMPSON: Okay. And my understanding is the 10-day cure period starts to run from the date of notice --

MS. STROUD: Correct.

CHAIR THOMPSON: -- in this case, March 19th --

MS. STROUD: Yes.

CHAIR THOMPSON: -- plus 10 days.

MS. STROUD: Correct.

CHAIR THOMPSON: And the date of the prehearing conference is a different matter, correct? It's not -- it's supposed to run 10 days from the prehearing conference, correct?

MS. STROUD: Correct.

CHAIR THOMPSON: Yes. Okay. Ms. Pembroke, want to add something?
MS. PEMBROKE: Yes. If I could just get some clarification for the record, I believe when Reverend Hamilton began to speak, she indicated she had three issues to raise, and I think I'm only hearing two. So just to be clear as to what your points are --

MR. SCRIVEN: Thank you, Ms. Pembroke. Thank you. I appreciate that. We did think about three, but we've decided to focus on just two for this hearing.

CHAIR THOMPSON: Okay. All right. Thank you. I think we'll turn now to the challenger, Mr. Harnett.

MS. STROUD: Yes.

MR. HARNETT: All right. So agree with the finding of the registrar. There are, I think, a number of points that the Reverend brought up that are worthy of discussion by this Board and consideration by the Council, the first being recognizing, obviously, the tremendous amount of work, that challenges -- multiple challenges that are all for candidates that are
required to receive at least 2,000 signatures is a tremendous burden for the registrar's staff to go through in such a compressed timeline.

I do recognize that while the Reverend did have the challenged review and the publicly accessible Board data about candidate -- or about voter information, it is helpful to see the registrar's report at least 24 hours before the prehearing conference. I'm not sure if that would be a policy decision for the Board to manage moving forward, but I think it is helpful to ensure that the candidate and the challenger have at least some amount of time to review the registrar's preliminary findings. Obviously, those can change after the prehearing conference, as they did in this case, when either the candidate or the challenger identifies signatures that they disagree with the registrar's findings on. But I do think that it would be helpful in the future to have that, not to say that the tremendous work that the registrar does in this and other matters is not a Herculean effort on
her part and her team's part. But whatever
resources are needed for that team to have the
resources to get through these as quickly as
possible would encourage the Board to consider
what that would look like in future elections.

With regard to this challenge, I
appreciate that the registrar, that the Board
attorney talked about the specific examples of
the challenge that I made on the challenge sheet.
What I did when I identified a signature that
matched one of the deficiencies in the Board's
regulation, is I would go to the Board's website
and from the petition challenge page, I would
copy and paste the 12 or so challenge
considerations and then paste that into the pdf.
So I wasn't necessarily referencing the DCMR
directly, but I was referencing the Board's
materials.

If the Board's website was updated
with -- for each petition, for each reason that a
signature could be found invalid to include the
DCMR for each signature, then I would have copied
and pasted that into the document as well. But
obviously, the document, for the most part, is
typed up. It was clear to the registrar what I
was trying to get across, which is more than I
can say for a number of challenges that I know
the Board receives on a regular basis. So I do
believe that that is not enough of a material
difference to merit the wholesale rejection of
this challenge.

And obviously -- and the
recommendation that I know the Board has made to
candidates informant he past where at the end of
the day, there just are not enough signatures to
merit inclusion on the ballot, that -- to
highlight the importance of collecting, you know,
1-1/2 times, twice as many signatures as are
actually required, because while everyone I know
is operating in good faith and collecting
signatures from folks at public events, at the
end of the day, you know, a number of voters are
not checking the Board's website on a regular
basis to ensure their registration remains up to
date, active, and that their address is correct. So want to make sure that -- you know, at the end of the day, this is just a very straightforward case of just not enough ballot signatures were collected to merit inclusion of the candidate on the ballot.

CHAIR THOMPSON: Okay. Thank you. Just a quick question. The prehearing conference was, you said, continued for a day?

MS. PEMBROKE: It was continued, yes. It was continued for just about 24 hours, so we had it. No, it was -- no, I'm sorry. We had the prehearing conference, the first prehearing conference, at 1:00 in the afternoon, and we continued it for 9:00 the next morning. So the continued prehearing was about 24 hours after registrar's report had been sent out.

CHAIR THOMPSON: Okay. Go ahead, yes, please.

MS. PEMBROKE: There was one other procedural issue that Mr. Harnett raised.
Because we did hear both of these matters together, this matter and the other challenge, in the prehearing proceedings, he did ask that the cases not be consolidated. His feeling was that the Board should follow a practice it had followed before where it considered the charge which raised the most valid challenges first and depending on the outcome of that would rule whether or not the second challenge matter was moot. So I -- you know, I would -- I don't have an opinion on that. I would, of course, defer to whatever the Board would prefer to do.

I would note that there is a highly-remote possibility that if the Board were to rule on one way in the first matter, say, and that were appealed and the second matter were not appealed and would become final, and the court of appeals were to disagree with the Board's finding on the first matter, there is a very remote potential in unconsolidated matters of conflicting decisions.

CHAIR THOMPSON: Well, yes, thank you
for that. Just so everybody understands, there's a second challenge against Reverend Hamilton's petitions by Trezell Ragas and in that matter, the registrar found candidate was 119 signatures shy of the requirement. The challenges challenged different signatures, so you get different numerical outcomes, some overlap. It's like an overlapping Venn diagram and so that, it certainly does raise interesting issues. But I think we'll proceed with this first matter, see how we rule. It might moot need to address the second matter.

And barring any other comments, I'd like to go ahead and get the General Counsel's recommendation at this point.

MS. STROUD: My recommendation is that -- that --

MEMBER BOGGS: Can you put your mic on?

MS. STROUD: Yes.

MEMBER BOGGS: Thank you.

MS. STROUD: You're welcome. My recommendation with respect to this matter would
be that candidate Hamilton be denied ballot
access in the contest at issue as a result of
having 167 signatures below the minimum
requirement necessary for ballot access.

CHAIR THOMPSON: Okay. With that, I'm
just going to go ahead and make a motion, and
I'll --

MEMBER BOGGS: Gary, maybe before you
do that, I'm just maybe make an observation and
potentially a question, cause I'm just -- I
recognize your earlier comment. You know, I
think we're bound by statute and we're not policy
makers here. We implement it and we understand
that. It's just troubling to me you had -- and
I'll use the word "inconsistency" on two points.

Candidate Hamilton mentioned the Fair
Election Law. I know it doesn't apply here, but
that's in 2018, I think, and it was passed for a
very good reason by policy makers that said, you
know, try to incentivize more candidates to
compete in the electoral process, engage with the
average everyday citizen, and encourage greater
participation in the electoral process. So we do have on hand we're actually incentivizing through financial support new candidates, again, in different races, but get involved which is commendable.

On the other hand, we're making -- we -- not we but the statutes have a very high bar for many candidates to want to run and contribute money to get involved. And maybe 2,000 or 2,500 doesn't sound like a lot but it's, we've heard today on both sides, a lot of work to get those signatures and then to get ballot signatures.

And you don't know if the addresses are up to date and so forth, and this is citywide.

And then there's a lot of work, Mr. Harnett, on your side, too, to go through these signatures to make sure they're valid. I don't know, is that a public service, election integrity service you provide or -- as a citizen, or just something that you're engaged or retained to do by a party?

MR. HARNETT: I'm not paid by anybody
to do what I do.

MEMBER BOGGS: Okay. That's a lot of work, too, so commend you for that. It's important.

So the consistent piece, you know, I just wonder if this is consistent with the more recent Fair Election Law. It's something that perhaps the City Council will take another look at in the future. And on the one hand, we provide a very liberal interpretation of the technical requirements to Mr. Harnett's challenges and said, okay, that -- it didn't -- maybe didn't check all the boxes, but it's okay. And on the other hand with Ms. Hamilton, we -- Reverend Hamilton we notice there were some technical glitches. We say, well, that's not okay.

So it's a consistency issue and, you know, I always like Ralph Waldo Emerson, his quote on consistency, which is a foolish consistency is the hobgoblin of little minds and adored by little statesmen and philosophers and
minds, but with consistency -- simply nothing you can do. So I like that quote. I'm actually arguing maybe the opposite here, I'm inconsistent so that the consistency in some cases is important.

So I just wanted to make those observations and before, Gary, you, Mr. Chairman, had made your might be final comment here.

CHAIR THOMPSON: All right. Yes. Thank you for that Board Member. Go ahead.

MS. STROUD: You have made a motion and I would just want to establish that we take a roll call vote, with respect to that.

CHAIR THOMPSON: Well, let me finish the motion. But, yeah, Board Member Boggs, thank you so much for those comments. I wholeheartedly agree. My experience on this Board has shown me that our, maybe our Council needs to revisit some of the details of petition challenges and clear some things up.

And, you know, I sympathize greatly with candidates like Reverend Hamilton who are in
this position. You know, that said, the statute is pretty specific here with respect to the requirement that the signer be registered at the address listed. There's a window of time to cure that, but that particular requirement is in the statute at, I think you cited it, 1-1001.0803, something like that. It's quite clear.

When you turn to the form for the petition challenge, it does state at the top that the challenger should list the basis and cite the statute. That is not specifically required in a statute or regulation, that the listing, the reference to the regulation. It's really, it's substance over form and it's of a liberal nature.

And in this particular case, it's really clear when you go down the petition challenge sheet, you know, starting at line six, et cetera, where the challenger has stated the substantive basis. It's pretty straightforward, you know, voter not registered, registration at a different address. Each one of those does have a particular DCMR reference, if you want to drill
down on the regulation.

But my understand is, it's the point of the instruction on the sheet is to assist the Registrar to make sure that she understands the nature of the challenge. And, you know, taking substance over form in this case, it certainly was quite clear, and also clear to the candidate, what the substance of the challenge was. So, that particular point to reference the regulation is not -- it's a guideline, not a statutory requirement. So I'm just -- that's, at least, that's my reading, so --

MS. STROUD: And Mr. Chair, to your point, with respect to that, what the statute provides specifically in Section Eight of the statute 1-1001.0801 is that any registered qualified elector may, within the ten-day challenge period, challenge the validity of a petition by written statement, signed by the challenger and filed with the Board, and specifying concisely the alleged defects in the petition. So that is what the statute requires.
And then, through rulemaking, in order for us to assist challengers and candidates and our team, with respect to how to effectuate that, we added, we promulgated that regulation. But the statute requires precisely what was done in this instance, which is the precise specification of concisely the alleged defects in the petition. And so that was, that occurred in this matter, in this instance.

CHAIR THOMPSON: Yeah. It's -- this is the most painful part of being on the Board, we have to follow the letter of the statutes and regulations here, so I very reluctantly move to adopt the General Counsel's recommendation and deny the candidate ballot access, based on Mr. Harnett's challenge.

MS. STROUD: Okay. And the Chair having made the motion, we'll just take a roll call vote. Mr. Chair?

CHAIR THOMPSON: Aye.

MS. STROUD: Mr. Boggs, Member Boggs?

MEMBER BOGGS: Reluctantly, aye.
MR. HARNETT: Sorry, just a procedural question. Does that motion need to be seconded?

CHAIR THOMPSON: Well --

(Simultaneous speaking.)

CHAIR THOMPSON: Yeah, I guess. The motion's made. J.C., do you second it?

MEMBER BOGGS: I second it, yes.

CHAIR THOMPSON: Okay. For the record, the Chair votes aye.

(Simultaneous speaking.)

MS. STROUD: And the vote -- and Mr. Boggs?

MEMBER BOGGS: Aye.

CHAIR THOMPSON: Okay.

MR. HARNETT: Sorry. Your microphone is off.

MS. STROUD: My apologies. With that the Board has unanimously ruled that Reverend Hamilton be denied ballot access in the contest for U.S. Senator in the June 4, 2024 Democratic Primary Election.

CHAIR THOMPSON: Okay. Thank you,
everybody. Reverend Hamilton, again, our condolences for what you're dealing with today. I'm very sorry to hear that, and you hang in there and keep the faith. And we were really fortunate that, for your candidacy and I hope you return in that regard in another day, another capacity. You want to have some final words, Reverend, please go ahead.

MS. HAMILTON: Thank you all, and thank you for being willing to be sensitive to the state of my emotions right now, while also giving me an opportunity to articulate what we feel is, you know, two worthy challenges, if you will, to this. The next steps after being denied by the Board are, could you articulate those for me?

MS. STROUD: Well, you have the ability to appeal the Board's decision, which was announced today, within three days. And so the appeal would be due on Monday --

MS. HAMILTON: Okay.

MS. STROUD: -- File an appeal with
the D.C. Court of Appeals.

    MS. HAMILTON: Okay. Just for the record, we do plan to do that. Thank you.

    CHAIR THOMPSON: Thank you for that. And as I've said before, I'm very happy that there is an appellate process above us. I think, you know, everybody's work, everybody's determination should be reviewed by somebody else. So we welcome the appeal, for sure.

    So, with that we will turn to -- the next matter is Trezell Ragas versus Hamilton, which challenges the same candidate. And in light of the determination we just made, I was going to move that we declare the matter moot. But I see Mr. Quintana is here, do you want to comment on this, or?

    MR. QUINTANA: On the mootness of it?

    CHAIR THOMPSON: Yeah.

    MR. QUINTANA: Yes, Mr. Chair. The challenger in this case had a smaller number of challenges. In the end the candidate came up 119 valid signatures short, so it's a smaller
universe than the previous challenge. But, with
the Registrar's report I feel very comfortable
with it, so if it's moot then it's moot.

CHAIR THOMPSON: Okay. Well, let me
ask the General Counsel's opinion. Should we
nevertheless proceed with this and make a
separate determination, or should we --

MS. STROUD: I think, yes, for the
benefit of the parties, or to allow candidate,
Challenger Ragas to just state for the record --
I mean, I don't think it's necessary but I just
want to provide the opportunity for Ms. Ragas,
should she wish to proceed with this matter.

CHAIR THOMPSON: Okay. So thank you.
I withdraw my motion, that was just my instinct,
more looking at the clock than anything else. So
we should certainly go through this process and
hear from the challenger here, and also Reverend
Hamilton if she would like to speak to this
challenge. So I'll --

MS. STROUD: Yes. So, Ms. Ragas, if
you could just state your name and address for
the record?

MS. RAGAS: Yes. Good morning, everyone. Trezell Ragas, address is 3504 7 Street Southeast, Washington, D.C. 20032. And I have my attorney, James Abely, on and I was wondering if you all could unmute him so he can speak on my behalf, please?

MS. STROUD: Thank you.

MR. ABELY: Thank you, Members of the Board and staff. I'm James Abely, I'm here on behalf of Ms. Ragas, my D.C. bar number is 443585. We really need to preserve our right to appeal, so on the record I would like to preserve our right to appeal, please.

MS. STROUD: If you could, both of you, state your -- if you could state your professional address for the record, Mr. Abely?

MR. ABELY: Yes, ma'am. My mailing address is Post Office Box 30010 in Sea Island, Georgia -- that's S-E-A, Island, Georgia -- and the zip code is 31561. I have a mailing address in the District of Columbia but I'm not very --
the mail there is slow.

MS. STROUD: Okay, so what we'll do is, we'll have the Registrar read her report and then have Mr. Quintana outline what the issues are, and then proceed in the manner as we did in the hearing before this one.

MS. CORRENTE: Thank you. So similarly, because these were similar challenges, the reports were, or the challenges were kind of reviewed together, to make sure that they were consistent. And so the reports were issued in the same time period. So, an initial report was issued and then, this was a follow-up report that was issued April 4 following the pre-hearing conference.

So, on March 6 Wendy Hamilton submitted a nominating petition to appear on the ballot as a candidate for the primary election for U.S. Senator for the Democratic Party. The requirement is 2,000 signatures, the petition contained 2,595 signatures. During the ten-day challenge period, the petition was challenged on
March 18, 2024 by Trezell Ragas, a registered voter in the District of Columbia.

Challenger Ragas filed challenges to 1,119 of the signatures submitted, enumerated by line and page number on individual challenge sheets. The signatures were challenged pursuant to the Board's regulations in Title 3 Chapter 16 of the D.C. Municipal Regulations. There were a number of different challenges made of the signatures, which are outlined in my report.

My initial review of the challenges indicated that 725 of the 1,119 challenges were valid. Then, on April 2, 2024 the Office of General Counsel convened a pre-hearing conference involving all parties, wherein these findings were discussed. At the pre-hearing conference, Candidate Hamilton contested some of the findings and ultimately asked for further review of specific signers, enumerated by their specific sheet and page number. Candidate Hamilton also shared a list of signers who she believed may have timely filed address change forms.
So the scope of that, of those additional names, was 144 signers, and of those, in this instance, 11 were credited back to the candidate. My updated review of the challenge indicates that 714 of the 1,119 challenges are valid, again for specific regulatory defects. This leaves the candidate's nominating petition at 1,881 signatures which is 119 signatures below the number required for ballot access.

CHAIR THOMPSON: And I just note for the record, looking at the report, I mean, some of those reasons are beyond dispute. Like 203, the signer is not registered to vote at all, 146 not registered to vote in the same party as the candidate, and other examples like that. In this particular case, 240 is the mismatch on the address and, which we've talked about, so.

MS. CORRENTE: And a note about that, as well. So, if we see somebody who has the same name as the signer, we see that they're a registered voter, we code it as an address change. But in the instance of some of the forms
that Candidate Hamilton submitted, it ended up being that the voter was actually a new registration. So that wouldn't, that's not an address update, and if we had just given that, it's actually a voter who's not registered.

Or, there was another instance where an address change form was given and it turned out it was a voter who was actually inactive at the time. But, again, because there's a list of names, we give -- we can't determine exactly who it is, we give them the option to try to correct it. So it's not always the case that it turns out to be credited back, it sometimes turns out to be still a valid challenge.

CHAIR THOMPSON: Right. So, in other words, if we, D.C. Council did pass this new law that all, as long as you're registered to vote somewhere in the District in a city-wide race, it counts as a signature. And then you did drill down on the 240 that were identified as having this address mismatched, it wouldn't all necessarily pass. There might be all kinds of
other reasons why that particular challenge is nevertheless valid, because of, they're not registered or they're inactive or, in fact, it is a different person with the same name. Am I correct?

MS. CORRENTE: Correct.

CHAIR THOMPSON: Yeah. So we just don't know whether, in this particular case, among those 240 we would find 119 or more to credit. It's an unknown. So it's not an assumption. Okay. All right, Mr. Quintana, would you want to take us through the pre-hearing conference in this regard?

MR. QUINTANA: Thank you, Mr. Chair, Members of the Board. First of all, as the previous, counsel Christine mentioned, these two pre-trial -- pre-hearing conferences were held at the same time, so it's a lot of repetition. I would ask that the Board incorporate by reference the previous description of the pre-hearing conference, and I'll just add a little bit more to that --
CHAIR THOMPSON: So noted.

MR. QUINTANA: The most important thing is that the candidate, at the continuation of the conference, of the pre-hearing conference, acknowledged that she had not identified a sufficient number of address cures to get her to the required 2,000 required signatures.

Her issues, the lack of the Registrar's report, and while, yes, it is nice to have someone else limit your work, the purpose of that statute is not to establish the residency requirements of the signers of the petition but to help the Registrar identify the voter, if they're a valid voter. It's the only way to ensure that the signer is that signer, can only be conclusively proven with some other information. We're not going to ask for last four or other things like that, we ask for the address so we can verify. It's not a residency requirement, it's, the purpose of the statute is to assist the Registrar.

The lack of the -- the notice, as you
heard, did say that it was ten days from the notice of the challenge, it repeats the statutory law. The statutory scheme basically outsources the review of signatures to the voters of the District of Columbia, and that's what happened in this case. She had the challenges and she could have gone through all of them to see which ones were valid on her own. The need for the ten days is severe, we have to do the lottery after this, there's a whole schedule, and that's why the ten-day requirement is there.

With respect to the one she did submit a change of address, the register dealt with those, the Registrar. Her second issue was a, just a general bad faith argument. But there weren't any specific signatures that were addressed, and counsel for the challenger vehemently opposed the idea that any of this was done in bad faith.

And then, finally, the technical requirements that you already dealt with. But besides that, at the end of the day there just
aren't enough valid signatures.

CHAIR THOMPSON: Okay, thank you for that. I think we'll turn now to Reverend Hamilton or Professor Scriven, if you'd like to comment at this time with respect to this challenge?

MS. HAMILTON: I'll go first and just make a couple of observations, then I will defer to Dr. Scriven. But let me just say, the Registrar, you all just had a discussion about even if the 240 with, or within those there could be some additional things that, you know, may become revealed that invalidate that signature but there's just no way of knowing. If it's that difficult, or if all of that could happen to the Registrar, in terms of deciphering the validity of the signature, how in the world can a candidate, without the access to the same information and techniques that a Registrar has, be expected to validate in the same manner and in the same way?

I think it's unrealistic. This is
just me putting that on the record. Based on that conversation, you all just talked about even how difficult it can be and that there may be one or two things wrong. We don't have access to that kind of knowledge to know that, so we have to go on the good faith of what the signers are, you know, giving us at the time that they're giving us. I just wanted to say that.

And then, secondly, Attorney Quintana just mentioned that we had the time to go through the challenge, the challenges, and rectify them. Let it be clear, Ms. Ragas challenged 1,119 of our signatures. Out of the 2,595 signatures that we submitted, she challenged 1,119 signatures. To suggest that we would have time or a ten-day window to go through, review, and rectify 1,119 signatures, before even having the Registrar's report available to us to know if the Registrar had found that same number of challenges valid, is, it's very difficult to do.

So I just want to go on record about what is being expected of the candidate, in terms
of this challenge process. Now, yes, we had an
argument, Mr. Quintana brought it up, regarding
good faith and bad faith. And I will let him
make that argument as it pertains to the Ragas
challenge.

CHAIR THOMPSON: Okay. Yes, so, Dr.
Scriven, please go ahead.

MR. SCRIVEN: Yes. Thank you very
much, Reverend, I appreciate it. So we'll just
be brief. This will be less than one minute.

Yes, so we do have a concern with the
nature of the challenges in the Ragas challenge,
and we're basing this challenge on Regulation
1606.2(d) which states that a petition is
properly filed "if it appears on its face to be
based on good faith review of each signature and
circulator affidavit."

So our concern is that in the Ragas
challenge, more than one in three of the
challenges were overturned by the registry. And
we think we have some reasons that might explain
this. And I'll just give one or two examples and
I'll be finished.

First of all, several pages on this challenge include a regulation. The same regulation listed for every page. For example, on Sheet 13 every single line says that the challenge is being made because the signature is illegible.

Well the registrar found, as we did when we checked it, that actually seven of those are perfectly legible. And when you have entire sheets saying the same thing that's an example of what we consider to be not in good faith. But what it also does is put some undue burden on the candidate to do a bunch of work that shouldn't really need to be done.

Another example. Sheet 71 to 73 frequently cite regulations that don't exist. 1607.3, 1607.4, 1607.5. But we're not aware of any of those things existing so we're spending time looking, what are these regulations.

So beyond that we found examples, and this is backed up by the registrar, there are
more than a hundred examples of challenges that were later tossed and found to be valid based on what can be called simple mistakes. For example, the challenger wrote the name White as a surname rather than Wright. Or Horbert rather than Hurbert. Or McCan rather than McCarn. Or Honter rather than Hunter. Or in one case claiming someone's name was Petal's when it was actually Peter.

Now these errors are indeed quite simple and they're expected in a challenge like this. However, they are not expected at the frequency in which they occur in this particular challenge. It is very easy to reconcile with a quick look at the voter records that the name that is Hunter, but you are identifying as Honter, is probably one that should be allowed.

Finally, in providing the grounds for their challenge this form includes a key. It's up at the top of the challenge. A key that includes at the beginning, a key where they describe their challenge based on a key they are
using. And that key, I believe, is in reference to the codes that are provided by the Board of Education in 1607.

And the code says things like 1607(a) equals inactive, (b) equals wrong address, et cetera. Those are all fine. And there's one code, it says 1607, I'm quoting here, "1607.1(g) equals (f)." So we're trying to figure out what does that mean.

And then when they say what code it corresponds to, they say that anytime they mention 1607.1(f), that means unqualified circulator. Well that's not quite, that's confusing because in fact Code f is what should correspond to illegible signature.

But as we're going through this form we're very confused and saying to ourselves, well wait, are they saying the unqualified, the circulator's signature is incorrect or is it the signature itself? So that was very confusing.

So my last point is, to summarize this, we contend therefore that there is
sufficient evidence to suggest that this
challenge was made not in good faith. Creating
an unnecessary burden on the candidate to do work
that should not have been needed, and should not
have been needed to be done. So we're asking the
Board to consider whether this challenge should
be accepted as valid at all. Thank you.

CHAIR THOMPSON: Okay, thank you so
much. Let me ask the registrar, or Mr. Quintana,
if they have any comment on this?

MS. CORRENTÉ: So we have some
conflicting pre-hearing conferences. I wasn't in
all of this one. I'll defer to Mr. Quintana to
speak to, the conversation from the pre-hearing
conference just because I wasn't in all of it.

MS. STROUD: So as an initial
question, was this argument raised at the
pre-hearing conference because of course issues
that were going to be brought before the Board
had to be raised at that level in order to be
presented to the Board. So to the extent that
this was, this argument was raised they're not,
is something that we need to --

MR. QUINTANA: At the Board hearing it was vaguely alleged. It was not alleged with the specificity as it was here. And honestly, most of it dealt with Mr. Harnett's challenge. And they seemed to have dropped the faith argument on that. So it was briefly alluded to. And like I said, Counsel strenuously objected to the idea of bad faith.

I will say in response to those comments, while it may be difficult to collect these signatures that the statutory scheme places the burden on the person seeking access to provide 2,000 ballot addresses, not 2,000 ballot addresses if it's easy.

I would also add that as someone who, like yourself has collected signatures, you can go on our website as you collect the signatures and verify the voter status simultaneous, you can't do that anymore?

MS. CORRENTE: No.

MR. QUINTANA: I'm sorry. I was
trying to do it before the hearing, it seemed to work. Never mind.

(Off microphone comment.)

MR. QUINTANA: What's that?

(Off microphone comment.)

MR. QUINTANA: Oh.

CHAIR THOMPSON: Each individual can.

(Off microphone comment.)

MR. QUINTANA: -- on our website.

Okay, never mind. But they do have access to it.

CHAIR THOMPSON: Yes.

MR. QUINTANA: And I will say in terms of bad faith, there were 719 ballot challenges here. So the counsel mentioned, or representative mentioned that a third of them were overturned. In my experience you try to get 50 to 100 percent signatures than you need to (audio interference) So it's hard to argue bad faith when there were 719 ballot --

CHAIR THOMPSON: Yes.

MR. QUINTANA: -- challenges.

CHAIR THOMPSON: It strikes me that
two-thirds of the challenges are upheld and the overall challenge is upheld is pretty hard to say that the challenger has acted in bad faith.

MR. QUINTANA: And if anything, and I understand what he was saying about 1606, 1607 and what they put, but it's easy to tell that they meant 1606, not 1607.

MS. HAMILTON: Can I add something here. And, Mr. Harnett --

CHAIR THOMPSON: Briefly.

MS. HAMILTON: Mr. Harnett did put in the chat, we did raise this issue. One thing I'll say is that the pre-hearing conference, we were encouraged at the time to, that they were going to pretty much focus on the Harnett challenge because it had more, a higher number of invalid signatures. A 181 at the, originally, to, I believe it was 130, for the Ragas challenge.

And so the bulk of the pre-conference hearing focused on the Harnett challenge. So we did raise this particular issue about the bad
faith, or excuse me, good faith. But it was really talked about as the decision was made early on in the pre-conference hearing to focus on the Harnett challenge due to the fact that it had found that more invalid signatures had been found on that challenge than on the Ragas challenge at the time.

MR. SCRIVEN: If I may just briefly, I thank you. I appreciate that. Also, thank you, Mr. Harnett, for confirming.

We did bring up this. We absolutely did bring this up. We did not go into the details because we were told that we needed to just bring up the issues we wanted to discuss. So I did not go into the detail that I went through today, but we did certainly bring it up.

MS. HAMILTON: And I want to say one more thing. There's a lot of signatures. I work full-time, I want to put that out, as does my team. At the beginning of the pre-hearing conference when we expressed concern about not having received the registrar's report until the
day of the hearing, so therefore we had not had the time, as a team, to kind of look over and review it.

You know, we were instructed that that was not, you know, that was not a good enough reason and that we needed to prioritize this report when we received it. And that's not an option for working people.

So I want that on the record, that whatever comes of these hearings, that we take these things into consideration if we really want the regular every day person to be able to participate in the political process. The discouraging that but suggesting somehow that we compromise what we do every day in an effort to participate I think is counterproductive.

CHAIR THOMPSON: Thank you. Here's how we're going to proceed. I just want to make sure, see if Mr. Quintana has a comment, and then we're going to hear from Mr. Abely on behalf of the --

MR. QUINTANA: That's what I was going
to say.

CHAIR THOMPSON: -- the challenger.

MR. QUINTANA: Yes. My only comment is that the statutory scheme is clear, we don't have enough numbers.

CHAIR THOMPSON: Okay. So let's hear from the challenger, I think Mr. Albany you're going to speak, Abely, sorry, on behalf of the challenger from your seaside location in Georgia.

MR. ABELY: Thank you, Mr. Chairman. And thank you Staff, we appreciate everything that, sometimes the unsung people behind the scene at the Board of Elections do. Thank you so much, Staff.

Very important. Mr. Harnett, I'm sorry, Ms. Ragas did cite DCMR in her challenges. That is different from what Mr. Harnett apparently did. I'm impressed with the work that Mr. Harnett did. But I want to point out that Ms. Ragas went further. She actually did cite the DCMR.

We are going to incorporate please,
and if we can have this on the record, we'd like
to incorporate by reference all of Mr. Harnett's
arguments. We need to preserve our right to
appeal. I think we are going to have to go
forward with this hearing because I don't know
what's going to happen with the Harnett case.

I don't, I'm concerned that Mr.
Harnett might, for some reason, withdraw his
challenge. We need to continue ours. We need to
preserve our right to seek review at the D.C.
Court of Appeals if necessary.

With respect to the comment I've heard
here today about difficulty, I'm probably the
oldest person in this room who's been involved
with D.C. politics. My first, I worked on my

It is a lot of work. And what used to
happen back in the day is, as you collected
signatures you verified them as you went. You
don't have to wait till the end of the process to
check your signatures and make sure they're
valid.
So the argument that there is this, oh, it may be, maybe the number 2,000 is too heavy. Maybe it is too much. And it is a lot of work to collect 2,000 signatures. I've done more signature collecting on so many D.C. campaigns I can't remember them all.

And it is a lot of work. Your Saturdays are gone, you're at Easter Market, you're at the Safeways, you're at ANC meetings. And it's work. But that's an argument for the D.C. Council. Maybe they need to reduce the number to 2,000.

But what you can do is check them as you collect them. And that's what we used to do. Didn't always, you knew -- if you did that properly you could get to 2,000 by the end of the day, the time. If you checked as you went you actually knew, you don't have to wait until the end.

With regard to legibility, I want to get into the good faith issue. Obviously, Ms. Ragas should be commended. She's doing a civic
duty as a citizen. This is her participation in the process.

And I have to tell you, I'm a little offended that somebody who is not a D.C. resident comes in and criticizes the work and the, of a D.C. citizen to participate in the political process. I don't know how things are done out in Maryland, but here we recognize our citizens who engage in the process positively as Ms. Ragas did.

With respect to, you know, legibility, legibility is a subjected matter. What may be legible to some is not legible to others.

Again, I want to incorporate Mr. Harnett's arguments by reference. I'd like to point out that Ms. Ragas did cite the DCMR and we're preserving, please, all of our rights to seek review at the D.C. Court of Appeals. Thank you.

MR. QUINTANA: If I may?

CHAIR THOMPSON: Okay. Yes, Mr. Quintana.
MR. QUINTANA: And, Counsel, when you say you want to incorporate all of his arguments, do you also mean you want to incorporate all of his signature challenges?

MR. ABELY: Yes, sir. Please.

MR. QUINTANA: Is that --

CHAIR THOMPSON: I think each challenge will stand on its own based on the, because there's a process for identifying what is being challenged that's incorporated into this particular challenge. And I was just, I'm just thinking out loud. I don't see how you can adopt challenges from a different challenge that weren't made here.

MS. STROUD: Right. Yes, the challenge period is closed and so the challenges have to stand on their own.

CHAIR THOMPSON: Yes.

MS. STROUD: So challenges that were not made with respect to one petition cannot be made, you know --

CHAIR THOMPSON: Yes.
MS. STROUD: -- to that petition at this point, so.

CHAIR THOMPSON: Yes.

MR. QUINTANA: And I wanted to make sure I understood --

CHAIR THOMPSON: Okay.

MR. QUINTANA: -- his comment now.

CHAIR THOMPSON: I took the comment to mean, I adopt his arguments or contentions --

MS. STROUD: Correct.

CHAIR THOMPSON: -- but I -- okay.

MR. SCRIVEN: May I ask a question?

Just one question of the Counsel?

CHAIR THOMPSON: Yes. Like just a, Board you mean. Real quick because I want to get the general --

MR. SCRIVEN: Okay, very quickly. So I just want to, so for the future, because the statutes does say that something is not considered in good faith if "a substantial amount of challenges are found to be, to not reasonably apply."
Is there a precedent for what would, like, you know, if I'm claiming one out of three is there a precedent that would establish what would be considered a substantial amount?

CHAIR THOMPSON: I'll turn to the General Counsel for that, and then we'll hear her recommendation.

MS. STROUD: So --

CHAIR THOMPSON: Your mic.

MS. STROUD: -- I just want to make sure I'm clear on your question. You're asking about the regulation pertaining to what constitutes a good faith, a challenge --

MR. SCRIVEN: Yes. Correct.

MS. STROUD: -- that's not --

MR. SCRIVEN: Yes.

MS. STROUD: What's your particular question again?

MR. SCRIVEN: So the wording is that it can be considered that if a substantial amount of the challenges are found to not reasonably apply. So I'm just wondering if there is some
number or a rough number where the Board would say, yes, actually this is too many challenges that have been overturned. So one-third apparently is not enough so what would be the number? Is it half, is it three-quarters?

MS. STROUD: Well, so the registrar, in her review of the challenges, would (audio interference) that her review has revealed, I mean, substantial I would suspect, we have not, the Board has not ruled on what that number would be specifically.

But in the review, when you're looking at, when the registrar is looking at the challenges, if she determines that a large volume of challenges are alleged to have defects that they could reasonably be construed to have, then a determination would be made. And on that basis either just that portion of signatures could be stricken or challenges could be, you know, rules could be not valid challenges, or the whole petition could be determined to be, that we need to like reject in its entirety.
MR. SCRIVEN: Okay, thank you.

Because I noticed Mr. Harnett's overturn rate, I don't know if that's the correct phrase, was about 10.2 percent. And for Ms. Ragas it was more than 35 percent.

CHAIR THOMPSON: All right, so noted.

Yes.

MS. STROUD: Yes.

CHAIR THOMPSON: So at this time let me ask General Counsel Stroud if she has a recommendation.

MS. STROUD: My recommendation would be that Reverend Hamilton be denied valid access in this matter for the reason of not having a sufficient amount of valid signatures to, or the 200, 2,000 signatures needed to gain ballot access in this contest.

CHAIR THOMPSON: Okay. And before I make a motion, Board Members Boggs, do you have any comment?

MEMBER BOGGS: I do not.

CHAIR THOMPSON: So I will make the
motion as recommended by the General Counsel that
on the basis of this separate challenge by Ms.
Ragas that the candidate be denied valid access.
And I do want to say specifically in my motion
that I find Ms. Ragas' challenge to be in good
faith. It's something that goes to character
really, and so I want to be clear on the record
that I do believe the challenge was made in good
faith, as Mr. Abely argued. Is there a second?

MEMBER BOGGS: I second.

MS. STROUD: Okay. And the roll call
vote, the Chair has made the motion. Mr. Chair?

CHAIR THOMPSON: The Chair votes aye.

MS. STROUD: Member Boggs?

MEMBER BOGGS: Aye.

MS. STROUD: And with that, in this
matter, the Board has unanimously ruled that
Candidate Hamilton is denied ballot access on the
grounds that she does not have a sufficient
amount of signatures on her petition to gain
ballot access in the contest of U.S. Senator in
the June 4th, 2024, democratic primary election.
CHAIR THOMPSON: All right. And also, I stand well corrected on the, my initial comment about mootness. I think it is important. I very clearly see now that these challenges be handled separately, ruled upon separately. The point was made Mr. Harnett might withdraw his challenge, and so this challenge would still stand separately.

It also can be appealed in the same manner. And maybe those appeals will be consolidated, but --

MS. HAMILTON: Chair, I'd like to state that I would, first and foremost, let me say that our suggestion of good faith is not a testament to Ms. Ragas' character. I don't know Ms. Ragas, I've never met her, I am not in a place to make any judgment regarding her character or motivation. We are utilizing specifically the good faith description that is in the code and the statute speaking to the validity of the signatures, not to the challenger herself. So please put that on record that it's
not any type of indictment on her character. And also that we do plan to appeal the Board's decision in this matter as well. Thank you.

CHAIR THOMPSON: Thank you. And I didn't, thank you for your additional comment. Having made it I want to make sure the other side, if they, Mr. Abely wants to comment for the last word here on that point?

MR. ABELY: I just want to thank you, Mr. Chairman, for recognizing the good faith of Ms. Ragas. And I thank you, Ms. Hamilton, for recognizing that as well. Thank you.

CHAIR THOMPSON: Okay. All right, thank you, everybody. I know that was not easy.

MR. SCRIVEN: Thank you so much. Appreciate you hearing our case.

CHAIR THOMPSON: Never easy. And I certainly share in the comments, thanking the registrar in particular, and everybody on the BOE staff that had to do, has done so much work on these challenges. It's really a tremendous amount of very detailed work. So it's very much
appreciate, I think by everybody recognizes that regardless of the outcomes and determinations. So thank you.

We're not done. We have one more challenge. Ms. Ragas has also challenged Ankit Jain's candidacy. And I'll turn to the General Counsel for that.

MS. STROUD: Thank you. And we just want, I just want to be an, I think, I know Ms. Ragas is here.

(Off microphone comments.)

MS. STROUD: Ms. Ragas?

MS. RAGAS: Yes, ma'am, I am here.

MS. STROUD: Okay, thank you. And if you could just state your name and address for the record?

MS. RAGAS: Sorry, it accidentally muted me again. Trezell Ragas, address, 3504 7th Street, Southeast, Washington, D.C. 20032. And I would love for my Attorney, James Abely, to speak on my behalf during this hearing. Thank you so much.
MS. STROUD: Okay. And, Mr. Jain, if you can state your name and address for the record?

MR. JAIN: Yes. My name is Ankit Jain and I'm at 1117 10th Street, Northwest, Number 109, Washington, D.C. 20001.

MS. STROUD: Okay. So we will hear first from the registrar, and then we will hear from the State Attorney, LaKetha Walker. And then the parties will have the opportunity to respond to the reports given.

MS. CORRENTE: Thank you. So an initial report was provided to the parties, and then after the pre-hearing conference an updated report was provided dated yesterday, April 4th, 2024.

On March 6, 2024, Ankit Jain submitted a nominating petition to appear on the ballot as a candidate in the June 4th, 2024, primary election for the Office of U.S. Senator for the Democratic Party. The minimum requirement to obtain ballot access for the office is 2,000
signatures. The petition contained 3,201 signatures.

The petition was posted for the Republican inspection for the ten day challenge period. And it was challenged on March 18th, 2024, by Trezell Ragas, a registered voter in the District of Columbia. Challenger Ragas filed challenges to 100 and, sorry, 1,556 of the 3,201 signatures submitted, numerated by line and page number on individual challenge sheets pertaining to Title 3, Chapter 16 of the DCMR, D.C. Municipal Regulations, on many different grounds.

I will also note that additionally signatures that were, appeared to be written and collected digitally through a commercial software program were also challenged.

On March 29th, 2024, Candidate Jain alerted the Board to six potential address update forms timely submitted. Two of these forms, one is for Sheet 40, and 220 resulted in addressed updates and were applied accordingly.

By initial review of the challenges
with these ballot address updated incorporated
indicated that 813 of the 1,556 challenges were
valid, which left the candidates nominated
petition with 2,288 signatures, 388 signatures
above the number required for ballot access.

Should be noted, in the absence of
this challenge -- sorry. It should be noted as
well that this challenge did not fully appear on
its face due to a good faith review of each
signature, pursuant to Title 3 of the DCMR,
1606.2(d).

There were multiple challenge sheets
that alleged defects versus a substantial number
of signatures that were not reasonably found to
apply to such signatures. So on Sheet 342, ten
lines were challenged. The last eight lines that
were challenged on the grounds that the signer
was not a registered voter were actually blank.
On sheet 322, all ten signatures were challenged,
either as illegible or inactive signature not
matching wrong party respectively, yet none of
these defects applied to any of those signatures.
These are just two examples from multiple challenge sheets in which defects were alleged that could not reasonably be found to apply to the signatures challenged. Due to this finding, all sheets that exhibited this pattern could have been dismissed from the review process. Ultimately though, the challenge with or without these pages did not bring the candidate below the threshold for ballot access.

On April 2nd, 2024, the Office of General Counsel convened a pre-hearing conference involving all parties wherein these findings were discussed. Both Candidate Jain and Challenger Ragas raised their opposition to the validity of either the challenge or the petition respectfully in its totally.

Each party also contested specific points regarding the findings. Ultimately, only Challenger Ragas asked for an additional review of the findings.

Any items referenced in the narrative portion of the challenge that Challenger Ragas
submitted did not, and that did not correspond entirely with the page and line number of the portion of the challenge were not given a secondary review. In addition, any contested findings that were not directly identified by their page and line number at the pre-hearing conference were not given a secondary review.

Challenger Ragas also shared a document the day, that day in advance of the pre-hearing conference contested the initial findings and sheets, 276, 277 and 292, connected to circulator Ashish Kanswal. That itemized list contained a university of 30 signatures across the three sheets. Six were not originally itemized on the nominating petition form sheet by line number so were not reconsidered. Of the remaining 24 signatures, 19 were already credited as valid challenges. The remaining five signatures were reviewed and determined to be valid challenges.

As such, my secondary review indicates that 818 of the 1,556 challenges are valid.
Ultimately this leaves the candidates nominating petition with 2,383 signatures, 383 signatures above the number required for ballot access.

CHAIR THOMPSON: Okay.

MS. WALKER: Good morning, Mr. Chair, and to the Board.

CHAIR THOMPSON: Good morning.

MS. WALKER: As stated previously, we did convene the pre-hearing conference. I will advise, the challenge itself was filed on March 18th, the notice was sent to the parties on March 19th of the hearing conference.

At the conference the challenger did ask that her Counsel, Mr. Abely, speak on her behalf. At which time the majority of their argument lay in the issues dealing with fraud or forgery pertaining to two specific signatures that were found within pages that were circulated by Mr. Ashish Kanswal as stated by the registrar.

And beyond that, there was also a concern by the challenger with digital signatures that were collected. And also with circulator
affidavits that predated voter signatures.

I will note that within the challenge itself, aside from the individually marked pages that list valid line and page number of challenges, that there was also a four-page multi-page narrative that was filed along with their challenge that described other issues that the challenger took issue with. Within that they specifically cited 14 pages that were enunciated by, or excuse me, that were circulated by Mr. Kanswal and ask that there be a review of the entirety of the 14 pages that were filed in the petition for him.

Aside from that, the other issues that were raised by the candidate, specifically were to the fact they disagreed by the findings, particularly by the registrar, as they felt that the entire math of the challenge should be found out because it was not made in good faith.

As mentioned by the registrar, she cites to two specific examples within her report where she did feel like on the face of those
particular pages, as well as maybe some others within the actual petition, they may not have had the potential for good faith.

Mr. Abely did argue also during the pre-hearing conference that because he felt that there was fraud within the body of the petition, as in as much as they were articulating, that the entirety of the candidate's petition should be thrown out. And he cited to a case, in fact naming Williams v. Brazil, which the Board previously dealt with an issue of fraud. We did not go into an expanse of that, but those were the solitaire confides of what we discussed.

And so, with that, knowing that there was going to be such a separate agreement, and if the parties were very far aligned from one another, this matter was turned over for Board hearing on today's date.

CHAIR THOMPSON: All right, thank you for that. Given that the finding is that the candidate is 383 signatures above the number required and therefore would qualify for ballot
access, we'll turn first to the challenging side. And Mr. Abely will speak to that.

MR. ABELY: Thank you, Mr. Chairman. Make sure I'm unmuted.

CHAIR THOMPSON: Okay.

MR. ABELY: Thank you, Mr. Chairman. Preliminarily I'd like to go, mention three things. We have a witness today, who's made great efforts to join us and who has studied this issue. Dr. Fenoff. Dr. Roy Fenoff. And I'm hoping he can testify soon. I think the Board is going to find his testimony to be compelling.

I also want to point out that we requested that one circulator, a non-D.C. resident circulator, be subpoenaed to appear today. That would be, and I may mispronounce his name for which I apologize, I hope I won't, Mr. Ashish Kanswal. Who circulated, as Counsel has indicated, a large number of petitions. I argue that all of his sheets should be excluded. And I think there was massive fraud.
And I think this is really important. The case that we are hearing today is unique, is sui generis. I think it's unprecedented in the District of Columbia.

As I indicated earlier, I've been involved with challenging petitions and collecting signatures for 30 years in D.C. I have never, in all of that time, ever even heard of the case in which deceased persons signed petitions. In 2002 of course there was the Tony Williams case, Mayor Williams was kicked off the ballot.

But even in that case, Scotty Bishop did not put dead people's name on the mayor's pages. Engaged in fraud, but he didn't use dead people's names.

But in the Jain petition there are two deceased people signing the petitions that I know of. And I'm going to argue there's a lot more fraud.

I think they're all, and I'm asking this bard to throw out all of Mr. Jain's
petitions. He should be removed from the ballot. He can run as a write-in candidate just as Mayor Williams did. This Board removed Mayor Williams from the ballot in 2002. I was a volunteer for Mayor Williams at that time. We had to order 30,000 pencils with his name on it so that the Mayor could run as an incumbent as a write-in candidate.

I think that Mr. Jain should be removed from the ballot, he can run as a write-in candidate. But this Board has to send a message today. And the message has to be, you cannot commit fraud in the District of Columbia, that the Board will take it seriously. Thank you.

CHAIR THOMPSON: Okay. Yes, thank you. You mentioned a witness, Roy Fenoff?

MR. ABELY: Dr. Roy Fenoff. Yes, sir.

CHAIR THOMPSON: And is this somebody with personal knowledge of these facts?

MR. ABELY: He's an expert. A handwriting expert. He is a renowned nationally recognized handwriting expert. I hope he is on
with us now. He's a professor of this, he has a
PhD in handwriting analysis of all things.

CHAIR THOMPSON: What's the purpose --

MR. ABELY: And I think his testimony
will be compelling. And I'm asking for the Board
to consider it.

MS. WALKER: Mr. Chair, before we of
that I want to add, if it's all right?

CHAIR THOMPSON: Yes.

MS. WALKER: The names that are being
mentioned specifically here, and the two names
that were brought up at the pre-hearing
conference, while they were names that were
within the petition, I will add that these were
not part of a challenge that were enunciated for
the grounds in which were brought up during the
pre-hearing. So the fraud that was alleged for
those particular signatures, those were not the
challenge reasons that were brought up within the
challenge that Ms. Ragas filed.

So upon the registrar's review of that
sheet in particular, those were not a basis or a
reason to, for consideration, am I correct? The
reference to the two names?

MS. CORRENTE: I'm sorry, you're --

CHAIR THOMPSON: The two "deceased"

people.

MS. WALKER: They were found to be not

registered.

MS. CORRENTE: Not registered.

MS. WALKER: Right.

CHAIR THOMPSON: Okay.

MS. WALKER: So, as in as much as

there is an argument today with referenced to

these are deceased persons and we need to verify

the validity of those signatures, I don't know if

that's so much at play today --

CHAIR THOMPSON: Yes.

MS. WALKER: -- because those were not

issues that were challenged by Ms. Ragas when it

was presented. That was not the basis for which

they asked for a review.

CHAIR THOMPSON: Okay.

MR. ABELY: And that's --
CHAIR THOMPSON: Thank you for using, hold on. Thank you for using the word alleged because I don't know if there was fraud or somebody intentionally meant to write down a person they knew to be deceased. I just don't know.

But I also wanted to clarify, if all of the signatures collected by the circulator, Mr. Kanswal, were thrown out, how many signatures are we talking about? Is it more than 383?

MS. CORRENTE: No. So Mr. Kanswal circulated 14 petition sheets, and that's a total of 133 signatures. And in my initial review, 51 of them were thrown out. And then in the review of the three pages that were asked at the pre-hearing conference, which was Page 276, 277 and 291, I removed five more signatures.

CHAIR THOMPSON: Okay.

MS. CORRENTE: Now I'll note that on these pages that not each line was challenged. So we only looked at, we only reviewed the lines that were challenged. Reconsidered those. And
so ultimately the number of signatures that we
invalidated from Circulator Kanswal was 56. And
so I believe, if my math is correct, that leaves
77 --

CHAIR THOMPSON: Oh.

MS. CORRENTE: -- in place.

CHAIR THOMPSON: I got 87, but.

MS. CORRENTE: Oh, is it 80, maybe it
is. But 133, no, I think it's 77.

CHAIR THOMPSON: Okay, thank you.

(Laughter.)

CHAIR THOMPSON: Seventy-seven. So
we're talking this idea that we should throw out
all of Mr. Kanswal's signatures if we, even if we
said yes to that we're talking about 77 more, I'm
not saying we're doing that --

MS. CORRENTE: Yes.

CHAIR THOMPSON: -- but it would only
be 77 more.

MS. WALKER: And if I could add one
other point, Mr. Chair? I do want to also just
talk about, there is, I think patently mistake in
understanding what the Williams v. Brazil matter
response was from the Board at that time.

There was indeed an issue with fraud
dealing with a number of circulators in that
particular case. And in that instance the Board
said, if we throw out the particular sheets
affecting that circulator that would be
appropriate, not to throw out the entirety of the
petition itself.

So I think there is a difference
between what is being stated by Mr. Abely as
opposed to what he's asking the Board to do
today.

CHAIR THOMPSON: Okay, thank you.
Thank you. But even in the William's case we
didn't throw out the entire --

MS. WALKER: Correct.

CHAIR THOMPSON: -- candidate, on that
case.

MS. WALKER: That's correct.

CHAIR THOMPSON: All right. I do want
to hear from the witness. Any other comments?
MR. ABELY: May I? May I address those issues briefly?

CHAIR THOMPSON: Mr. Abely, yes, briefly. And then if you could just present your witness and maybe voir dire --

MR. ABELY: Yes, sir. And, you know, the point by Counsel is well taken, ma'am. What I do want to point out is that the court of appeals stated in its opinion in the Williams case, that the Board had authority to throw out all petitions, a candidate off the ballot, if, and I'm quoting from the decision, "if the nominating petitions were so tainted by fraud, a strong appearance of fraud, they may be discounted in their entirety by the election board."

And I also point out, and if you look at Footnote 3 of the Williams decision, the court of appeals stated that they understood that Mayor Williams himself did not authorize the fraud. Was not aware of the fraud.

I argue that this is a different case.
That Mr. Ashish Kanswal is an agent of the candidate Mr. Jain. Thank you.

CHAIR THOMPSON: Okay. So we'll turn next to your witness, Dr. Fenoff. We'll unmute you, sir. And if you could just introduce yourself, tell us your qualifications real quick, and I'm sure we'll recognize you as an expert.


I do a couple of different things. I'm an associate professor at the Citadel in the Department of Criminal Justice. And I'm also forensic document examiner and handwriting expert in private practice. I've been doing that, the handwriting work, for 16, 17 years now. And I do a lot of handwriting related cases.

And I do work all across United States. Testified in multiple courts in different jurisdictions. And if you would like me to go any further on my experience and stuff I'd be happy to do so.
CHAIR THOMPSON: No. And I assumed those courts recognized you as an expert?

MR. FENOFF: Yes, sir.

CHAIR THOMPSON: Well that's very sufficient. So the Board recognizes your expertise, and we appreciate you being here to provide your testimony. I don't know if Mr. Abely wants to lead you through a direct examination or if you just want to, you can proceed with your findings if you like. We don't have too much procedure here in that regard. Up to you.

Sorry. Apologize, we have to continually unmute people. Go ahead, Mr. Abely.

MR. ABELY: Yes. I want to make things easier for the Board. I'm more than happy to do a direct with Mr. Fenoff but if, I, you know, if you all are willing to dispense with where you went to college and all that we can go right into his testimony?

CHAIR THOMPSON: Please. Yes, tell us what you left out, Mr. Fenoff, and what you found
and what your opinions are.

        MR. FENOFF: Okay. I submitted some exhibits. I don't know if you have those. I guess my question for you is, do you want me just to state what my opinion was and what I did or do you want me to show you anything, because the exhibits. But I could do it either way.

        MR. ABELY: The exhibits were submitted. We got them this morning, and I thank, Dr. Fenoff, for working probably overnight to do them. And I think he pulled an all nighter. They were emailed in this morning. And I don't know if the Board has had a chance to look at them.

        CHAIR THOMPSON: I have not. I'm seeing them now on the screen. But --

        MS. STROUD: I guess my question first is, are you going to be testifying with respect to the signatures that were circulated by Mr. Kanswal or are there others that you're going to be testifying to?

        MR. ABELY: Just Kanswal.
CHAIR THOMPSON: All right. So why don't you just go ahead and summarize what you left out and what you found with respect to Mr. Kanswal's signatures that he obtained.

MR. FENOFF: So I, normally when you, when you see pages, you know, for petitions like this, what we normally see are signatures with a lot of uniqueness and variation in them. Because they're purportedly authored by individuals, and handwriting is identifiable because your signature is unique to you. No one has the same handwriting features and characteristics.

But what we saw, what I saw in this petition, was that there were a lot of clusters of signatures with similar characteristics and features. For examine like, for example, like the placement of the signature on the signature line, the upward slopping of some signatures. You also had this underscoring of the signatures.

And I can tell you, after doing this for more than 15 years I'm looking at literally thousands or tens of thousands of signatures that
people that sign their name and underscore their signature isn't as common. I'm sure there are people that do that, but when you have a petition with ten signatures on it and several of them on the same page have the same placement and the same slopping and the same underscoring and the same, what we call line quality which is like the rhythm and the smoothness of the signature, then that raises a flag that those things are, you know, not actually varying or actually similar in a way.

So then what I did was, is I took the four pages of petitions, which each had ten signatures, so a total of 40, and I started grouping them. And that's what that exhibit shows, is like I put in a group one, a group two, and a group three and a group four, and I just grouped them based on, you know, commonality.

So for example, some of them was only like the first name was written, no last name was signed. And then they were sloping up with the underscore. And then others were less legible.
And so then, I grouped them in that way. And then after I grouped them, meaning like, you know, all of the ones in group one were authored by the same person, all of the ones in group two were authored by the same person, and so on.

And then when I finished that then you can start comparing the groups to each other. Are there features within one group that you're finding in another group. And then, so you just keep narrowing it down until you get to a point where, all right, how many different writers are potentially there.

And what I found, and what I think is, is that more likely than not all of the signatures on the document were probably authored by one person.

And the second thing was, when I looked at the circulator, at the bottom of the petition there is a bunch of printing of the address and information, then a signature. And what you notice with the signature is it, the line quality is very similar to all the
signatures on the document. The upward slope is similar to a lot of those signatures on the document. You have the underscoring. There's a lot of letter forms that are consistent.

But then if when you go to the petition and you look at the address side of it, not the signature side but the address side of each individual, there is variation in there. There is some variation, but there is a lot of letter forms and things that are consistent with spacing and letter forms, line quality.

There was definitely features that I think were intentionally maybe incorporated into it to make some things look different. Disguise, intentional alterations is something that we tend to see. You know, if you have one or two authors trying to sign a bunch of names they don't want them to look alike so they're trying to make these signatures look as different as they can to get pass the guardian and be accepted as authentic.

But what they focus on when they do
this really is more of the pictorial quality of it. So they're trying to make them look different or look the same, but they're not necessarily focusing on like arrangement, placement on the signature line, some of the connecting strokes, the beginning and ending strokes, size and proportions. Those are things like experts, like myself, that's what we look at. People, you know, signing other people's name or trying to simulate, they don't think about those things, they're just thinking about, how does it look in the end.

So I found a lot of similarities to the circulator, in both the printed addresses. And then when you look at the writing of the printed address and then you compare it to the signature, what you notice is, in a lot of the signatures there's a lot of similarity to the printed address.

And if the printed address has handwriting features and similarities that are consistent with the circulator, then you conclude
that the circulator signed the printed portion of
the address. And then the printed portion of the
address has handwriting features and
characteristics that are found within some of the
signatures, then the conclusion is, is that the
circulator filled out that part and they signed
the name.

Now some of the other signatures it's
not so clear, necessarily, who the author is
because it's either not really legible, like in
some of the signatures you'll get what we call a
thready writing where you'll have like, maybe you
can make out the first letter, the capital letter
of the first name, and then all of the letters,
the lower case letters in the middle, they're
just really like a thready stroke, you can't
really make them out. And then there is like
some printing and other things, and there is
nothing really to compare back to the circulator
to determine whether or not they did that.

But when you compare the line quality
and other things you can start combining groups,
then it becomes pretty clear that, you know, all
of the signatures on there are most likely not
authored by the person's name that is associated
with them.

And then on that exhibit, one more
thing, there was on Page 2, there were a few
signatures, and you can look at that, that I
received from Mr. Abely, that were pulled from
the voter record. And so there was one, two,
three, four, five, six, seven of them I had. And
then I pulled the name off the sheet to match
that. And you can see none of those are
consistent at all. In fact, they're not even
close. So that's a red flag in and of itself.

When you see that immediately a red
flag should fly up and you should say, all right,
pull that signature out, we need to take another
look at that because that's a red flag. In fact
two of them, from my understanding the two at the
top, Ethel Spencer and John Tisdale, were both,
are both deceased from my understanding.

But one thing you'll also notice on
that Page 2, is if you look at all of the
comparison signatures, the petition signatures,
notice how similar they all appear in line
quality placement within the box. And what that
is telling you is that all of those signatures
there were authored by the same individual. And
that individual was not any of the individuals
identified in that voter record.

And so that's what I found throughout
all four of those pages. They were all
relatively consistent with each other, so my
conclusion on that is more likely than not all of
the signatures on there are fraudulent.

CHAIR THOMPSON: And you say those
four pages, how many signatures are we talking
about on those four pages?

MR. FENOFF: Each page had ten.

CHAIR THOMPSON: Okay.

MR. FENOFF: And I had sheet 276, 277,
278 and 291. And each had ten, so a total of 40
that I looked at.

CHAIR THOMPSON: Okay. And is it your
opinion that those 40 signatures on those four sheets were more likely than not fraudulently created by the circulator?

MR. FENOFF: Yes.

CHAIR THOMPSON: And if you look beyond those four sheets, at all of the sheets that the circulator signed or just those four?

MR. FENOFF: Sir, those were the only four I looked at so I can't testify to any other sheets. Just those four.

CHAIR THOMPSON: Okay. I don't have any other questions. Let me just ask Ms. Walker, anybody else --

MS. WALKER: No, I do not.

CHAIR THOMPSON: -- on our team?

MS. WALKER: No, sir.

CHAIR THOMPSON: All right, well thank you very much, Dr. Fenoff, that was fascinating.

MR. ABELY: Could we, could I ask Dr. Fenoff a couple questions?

CHAIR THOMPSON: Oh yes, sure. Keep going. He's your witness.
MR. ABELY: I'll keep it brief because I know the Board is busy. And I don't know if the Board Members can take a look at Sheet 276. And, Dr. Fenoff, if you happen to have 276 available, please sir.

MR. FENOFF: I do.

MR. ABELY: I'm just going to, you've done such a great narrative, thank you. But I think it might help the Board to just go through an example of some of the things you discussed.

Could you take a look at 276, and I'll come back to two signatures on that page in just a moment. But could you perhaps provide the Board with some examples of some of the things you just discussed?

MR. FENOFF: Yes. So if you look at, on Sheet 276, Lines 6, 7 and 8. You'll notice the signatures, as how they all are located in the exact same location in each one of those boxes. Where you had, if you consider the four sides of a box, and as you're looking at that box you look to the far left-hand side where it says,
sign here, there's a certain distance from that edge of the box to where the beginning stroke of each signature begins. And you'll notice that they all are very consistent, not only where they start but how they rise, and how the underscore is similar in all of those.

You'll also notice that even if you just look at them, and you're not a handwriting expert you don't know, but you look at those, you go, they just look similar to me. And the reason for that is, is because the size and proportion in what we call the line quality is consistent. They were all done by the same person. And so, although they're different names you can see what the line quality, the letter forms, the spacing, the arrangement, the sloping and stuff that they're all the same.

Now if you go over to six, seven and eight again, but go to the address side of the page, and what you'll notice, is if you start looking at those letters and numbers, like the number two and so one, that even though there is
some variation in how those letters might be
made, like there might be bigger or smaller, the
spacing may be a little different. But you'll
notice that a lot of the letters and numbers,
like the number 2, the letters S come to mind,
they're similar in a sense because those
addresses were filled out by the same person.

And so then, when you start comparing,
what I was talking about earlier, that printed
script down to the bottom of the page when you
look at the circulator, look at the number 2,
look at the S's, you start looking at that in the
spacing and what you see is those are consistent.

In some of the signatures where there
is printing and things you'll see some of these
letters are very clear. And then if you compare
the address side back to the signature you go,
okay, yes, the address and the signature were
authored by the same person, and the address line
was authored by the circulator, therefore logic,
right, the circulator is the one who authored
that signature. And that's how I came to some of
my conclusions that way.

    But throughout these pages you can see that. You'll find signatures that are very consistent with each other in their arrangement spacing, and then there is some variations with some too. But --

    (Simultaneous speaking.)

    MR. FENOFF: Go ahead --

    MR. ABELY: Go ahead, Board, I'm sorry.

    CHAIR THOMPSON: No, no, I'm --

    MR. ABELY: Okay.

    CHAIR THOMPSON: -- I --

    (Simultaneous speaking.)

    MR. ABELY: If I could ask you, Dr. Fenoff, you just mentioned Line 8 on Sheet 276, could you please describe, just tell us a little about that if you could? If everyone could please look at Line 8 because it's the heat of our argument.

    CHAIR THOMPSON: Yes.

    MR. ABELY: On 276 please.
MR. FENOFF: Yes. So if you look at
the John Tisdale written out, look at the J in
the John, and then look at the J in the
signature. Those are done by the same
individual, right? So just that one stroke
along.

Even how the J connects to the O.
Look on the side with the address, look how the J
connects to the O, and then look how the J
connects to the O in the signature. The distance
between the O and the J, and the arrangement and
all of that is very similar there. Even the
ending strokes to the end, and then moving in the
same movement and moving in the same direction.

So that's another example of how that
individual, who signed it, is the one who
authored the address. So then if you take that
address and go, well, you know, there is some
differences there, that looks a little different
than say, Line 10 down below. Oh I absolutely
agree with that, it does. But when you go
through the whole petition and you do that to all
the addresses and things and you start comparing
them back, what you're seeing there is
signatures, in my opinion, being intentionally
altered in ways to make them look different to
you.

But a lot of the connecting strokes,
the placement, the spacing, the size and
proportion, the line quality, they're very
consistent throughout. Those are things that a
forger or someone trying to simulate or disguise
don't think about. They're focused more on, I
need to make it look different.

But as you go through all four pages
and you start comparing those, that's why you
have to group things first to get
similar-to-similar. And then once you get them
in those groups then you can start comparing
back. And then it kind of completes a story of
what was going on.

MR. ABELY: Dr. Fenoff, can you tell,
compare some of these signatures to the
circulator's signature? You made a conclusion, I
I think I heard you say that you thought that the circulator signed some of these signatures. Could you please describe that please?

MR. FENOFF: Yes. So if you look at the circulator's signature down at the bottom of the page, notice how it rises from left to the right. So it has an upward sloping. You also have that underscore.

Now keep in mind, the underscore is not as common as you might think within the general population. Yes, there are people who do this, but I can go weeks and months looking at hundreds of thousands of signatures and not see someone underscore their name.

The fact that he does that, and then you look up above and you have numerous examples of signatures all signed by the same person, you have an underscore, you have an upward slanting signature, and then on top of that you have a very similar line quality, size and proportion measurements with it.

The key here is, is that no two people
have the exact same handwriting. You can't sign
your name the exact same way twice.

So what I'm describing to you are
identifying features within the body of
handwriting. And so when you identify those key
features that are unique to you, and you find
them multiple times throughout the petition
signature, and then you look at the circulator
and that person has those same key identifying
characteristics, there's only one conclusion you
can make there is that, well, you found yourself
your author of a lot of those signatures.

MR. ABELY: And you think that author
is Mr. Kanswal?

MR. FENOFF: Yes.

MR. ABELY: Thank you. Going back to
Mr. Tisdale, who I believe died, you compared Mr.
Tisdale's signature as it appears in the
petitions, to what you found in the Board of
Election's exemplar. Could you please describe
that?

MR. FENOFF: Yes. So on that Page 2
of my exhibits, I was given some voter record
signatures. Not the best quality, but, you know,
if you look at the John Tisdale signature as it
was in the voter record and you look at the one
here, first off, you just the first name John.
By the way, which is unusual in and of itself.
You know, most people sign their first and last
name, and you have a document here where you have
half, I don't know what the total number is I
had, but you had, I don't know, 15 or more
signatures where there is only the first name
signed or the last name signed. And same line
quality, same, again.

But when you look at the John Tisdale
signature as it is in the voter record compared
to that one they're not even close. It's not
even there. They're just not even close. He
doesn't underscore. He doesn't, you know, his
signature doesn't slant up.

And by the way, handwriting is habit
form, this is not something we consciously think
about. So anytime you sign your name you don't
think about how you're going to sign your name
you just sign it. And if you signed it five
times in a row it would remain relatively
consistent not exactly the same, but you're not
thinking about it.

And so if you have a signature that
you don't underscore your name, you don't just
one day just change it and start underscoring it
and leaving out the last part of your name. That
isn't something you do because it's a habit form.
So that, in and of itself, is a pretty
significant indicator that these are different
authors.

CHAIR THOMPSON: If --

MR. FENOFF: Let alone in fact that
Mr. Tisdale was deceased.

CHAIR THOMPSON: If I could interject
in the interest of time? I mean, we haven't used
time limits but I think, I for one have heard
some very convincing expert testimony with
respect to these 40 signatures, and I don't know
if we need to go through other examples to kind
of drive the point home. I think we've heard it.

I'm not saying I'm cutting you off,

but I was going to suggest that if we could

conclude with the expert, and then Mr. Abely, if

you could summarize your argument? Because I

think you're going to make some inferences from

this about the remainder of the circulator --

MR. ABELY: Yes. I --

(Simultaneous speaking.)

MR. JAIN: Am I allowed to --

CHAIR THOMPSON: Okay.

MR. JAIN: Am I allowed to ask him

three yes or no questions? I don't know how the

process works here.

CHAIR THOMPSON: I was going to

suggest that we conclude with the expert, Mr. Abely summarize, and then, oh, and then I'll ask,

Mr. Jain, you can cross examine the witness, and

then we'll turn to Mr. Jain's side of this

challenge.

At some point we're going to need a

break. We've been going for more than, almost
two and a half ways and I for one could use a little break. And so why don't we see if we can conclude with the witness for starters and then take a break.

MR. JAIN: May I ask one question? I have one witness who needs to leave by 12:45. I don't know if it's possible to just go out of order and have, he's like a five minute witness, three minute witness maybe.

CHAIR THOMPSON: Hold on, let me make sure that Mr. Abely, do you have anything?

MR. ABELY: I'd like to just, if I may, just, I really want to just, if I can ask one more question of Dr. Fenoff and then I'll just go into injecting in on cross?

CHAIR THOMPSON: Okay, one more question. Go ahead.

MR. ABELY: Okay. So, Dr. Fenoff, one more. Looking at the pages you got in front of you, could you just help the Board understand why you believe Ashish Kanswal signed these signatures? And you don't have to stick to Page
MR. FENOFF: Well, the consistency and line quality, the underscoring, letter form similarities.

MR. ABELY: Could you provide an example? That you haven't provided yet. Is there an example you can provide?

MR. FENOFF: Well, there are many. I'll try to find another one. A different one maybe that might be helpful to you.

(Pause.)

MR. FENOFF: I thought I had one written down here. If you look at 278.

MR. ABELY: 278.

MR. FENOFF: Go to Line 8. Isaiah James.

MR. ABELY: Yes, sir.

MR. FENOFF: If you look at the M, and how the M is written, not only in James, but if you look at that James and the, J-A-M-E-S, on the printed side you'll see those M's are consistent and the same. The J, again. But you have many
of those in there. If you go down to the
circulator name part of that you see the same
kind of M's form there.

So that's just another example of, not
only is there a line quality similarity, not only
is that signature consistent with those other
signatures I pointed out earlier from that first
page, 276 I think it was, where it's the
arrangement in the box, the sloping up, the
underscoring and stuff, but you also have those
letter forms. And what you'll notice too on the
circulator, if you take the four address parts of
each page, there is variation between them for
that circulator as well.

So you have to take all of that into
common, but that's just another example of it.
But really it comes down to the arrangement, the
line quality, the size and proportions, the
underscoring and legibility and things like that.
It's a combination of many things. It's not just
one thing I can really just point at and say,
that's the key, you know. It's a multiple of
many things.

And you have to factor in that you have an individual here that is writing things and making things, trying to make things look different and incorporating what I would call some disguise or distorted writing to get it past a guardian.

MR. ABELY: Thank you.

CHAIR THOMPSON: Okay. So just to be clear, Mr. Jain, you can now cross examine the witness. I mean, just you can ask him questions.

MR. JAIN: Yes.

CHAIR THOMPSON: But you can ask him questions. And then we will get to your case, and then you also can present your witness as well.

MR. JAIN: Yes.

CHAIR THOMPSON: So --

MR. JAIN: I just have three very short questions. So, Mr. Fenoff, you looked at four pages, correct?

MR. FENOFF: Yes.
MR. JAIN: That's 40 signatures, correct?

MR. FENOFF: Yes.

MR. JAIN: And every single page you looked at was from Circulator Ashish Kanswal, correct?

MR. FENOFF: Yes.

MR. JAIN: Okay, no further questions.

CHAIR THOMPSON: So with that, and I'll ask Mr. Abely to, I guess before you rest your case so to speak, do you have any, like a concluding, you know, summary argument to make here?

MR. ABELY: Yes, sir. Please.

CHAIR THOMPSON: Okay, go ahead.

MR. ABELY: I think we've heard today, one of the things I will point out is that I have here, we didn't get into Ms. Ethel Hope Spencer, who is one of the signatures, but Dr. Fenoff looked at her signature as well. I know his testimony is concluded, but I think he's testified that Ms. Ethel Hope Spencer's signature
was fraudulent.

I have here her obituary. Ms. Ethel Hope Spencer died on July 5th of 2022. Mr. Tisdale died in January of 2022. But somehow they both signed these petitions for Mr. Jain.

Having a dead person sign nominating petitions is, I believe, unprecedented in the District of Columbia. I have never heard of a case like that before. Maybe it has happened and I didn't hear about it. It makes the Scotty Bishop fraud and the Williams case look minor.

And I want to point out that I did request during the pre-hearing that Mr. Kanswal be available today to testify. I made a request to the Board that he be subpoenaed. I asked Mr. Jain specifically to have him here. And he's not here. My guess is if he were here he'd have to plead the Fifth Amendment. Just as Scotty Bishop did in the Williams case.

I think this is very, very serious. I think the Board has to send a message that it will not tolerate election fraud like this in the
District of Columbia. We're not going to allow, Mr. Kanswal lives in Virginia, we're not going to allow people to come in from out of state and sign dead people's name to a U.S. Senate position. We're not going to allow it.

And I think the Board needs to stand firm and say, Mr. Jain, you're not going to be on the ballot. If you want to run as a write-in candidate you can, but you're off. This is unprecedented. This case is sui generis. It is egregious.

Mr. Jain could have come in and said, you know what, I'm sorry, it was wrong, we encourage the Board to take action. You could have had your witness here. Your circulator here. This is very, very serious.

And I think the Board has to kick Mr. Jain off the ballot. And it is authorized to do so. The Williams case makes that clear. It says that an election board can remove a candidate from the ballot when there is a strong indicia of fraud for the purpose of protecting election
integrity.

And if this, if that's not the case here then I don't know what the case is. Thank you.

CHAIR THOMPSON: All right. Thank you so much. I tell you what, before we hear before Mr. Jain, and Mr. Jain, you can take just as much time to tell us your view of things and present your witnesses, I'm just going to move for a five minute recess so we can stretch our legs, you know, use the facilities.

I'll say "five minutes," but I'll make sure everybody is back. But let's try to be efficient in our break and resume in five minutes.

PARTICIPANT: If it's the Chair's prerogative then --

MEMBER GREENFIELD: Yes.

CHAIR THOMPSON: Yes, I'll call for a recess. And I think J.C. is still out there somewhere. There he is.

MEMBER BOGGS: Yes.
CHAIR THOMPSON: So, and Karyn has joined us. Karyn Greenfield.

MEMBER GREENFIELD: Yes, Chair.

CHAIR THOMPSON: Our Board Members are here, I'll note for the record. I think because she hasn't heard all this evidence she won't participate in the determination on this particular matter, but when we get to the next item she will. So I'll see everybody, it's 12:04, how about at 12:10 we'll resume. Thank you.

(Whereupon, the above-entitled matter went off the record at 12:05 p.m. and resumed at 12:10 p.m.)

CHAIR THOMPSON: Thank you. It's time to hear from Mr. Jain. And before you proceed, I'll just put this in perspective. I do want to repeat that if we invalidate all 133 of the signatures on Mr. Kanswal's sheets, the candidate would still be 306 by my count above the required amount. So you know, I don't know if that impacts the scope of what you want to talk about,
Mr. Jain, but I think -- And I think maybe the sort of big question I have anyway before you start is did you have any involvement with Mr. Kanswal as he went about filling out his sheets. Go ahead, Mr. Jain.

MR. JAIN: Yeah, thank you. I'm going to try not to belabor my points. I think we can keep this relatively brief, although I do want to make sure I get, you know, everything we need in the record in case Challenger pursues this to the bitter end.

So by my count, I had 307, could be 306 signatures above the limit if every single one of Circular Kanswal's signatures are removed. And I think just like getting to the heart of the point, they would have to prove a massive -- I think the phrase they use is "massive fraud" to knock this campaign off the ballot. They pointed to four sheets from one circulator, 40 signatures out of 3,300 signatures that they claimed were fraudulent. And they did not point to a single signature -- not a single signature by any other
circulator other than Mr. Kanswal that they
allege are fraudulent. And yet they are alleging
this campaign committed a massive fraud upon the
people of D.C. So I think that is the heart of
the matter. They didn't show any sort of massive
fraud.

So I want to go through three things.
I just want to start by explaining why the Board
should dismiss the challenge on its face without
any consideration of its specifics as made in bad
faith. Then I'm going to talk about how the case
law and the Williams case among other cases, cuts
against the argument that the Challenger is
making. And finally, while it is not our burden
to prove -- to disprove fraud, it is the
Challenger's burden to prove fraud, we will still
call several witnesses.

I'm sorry. I am in a hotel room and
there was an earthquake and so I'm wondering if
it's related to that. Give me a second. Maybe
this is going to stop. Okay, I think I'm going
to go ahead and go forward and I'll let you know
if I have to stop for some reason.

    CHAIR THOMPSON: Okay. No worries.

    MR. JAIN: Yeah. Okay, so the third thing I'm going to do is we're going to call several witnesses who will testify about the campaign's process and who will make sure that the Board knows that there was no massive fraud committed by this campaign, including our field director and deputy field director. And they can speak more to interactions with Mr. Kanswal. I'm happy to add on if there's any questions you have for me, but maybe I'll start with them and then we can have me add on as necessary.

    And so I'm going to go a little bit out of order though because we have one witness who has a 12:45 stop and so I'm wondering -- I'm going to start with calling a witness who was a circulator for this campaign who will discuss his process for circulating and that he did not commit fraud if I may.

    CHAIR THOMPSON: You may and I'm not going to call on you, Mr. Abely, but you will get
a chance to cross examine the witness with each round. So go ahead and present your witness, Mr. Jain.

MR. JAIN: Okay. Mr. Rothman -- Harris Rothman, can you -- can we unmute him?

CHAIR THOMPSON: And we're going to swear the witness in as well.

MR. ROTHMAN: Good afternoon.

CHAIR THOMPSON: Good afternoon. You want to swear -- We're just going to swear you in real quick, Mr. Rothman.

MS. STROUD: Hi, Mr. Rothman. Do you swear to tell the truth, the whole truth, and nothing but the truth with respect to -- swear or affirm to do so with respect to the testimony you're about to give?

MR. ROTHMAN: I so swear.

CHAIR THOMPSON: So go ahead, Mr. Jain. You can ask -- You can key it up with questions or we can just hear directly from the witness.

MR. JAIN: Yeah. Mr. Rothman, do you
just want to talk about your involvement in
circulating petitions and how you went about it
in your interaction with the campaign in doing
so?

MR. ROTHMAN: Sure. So to begin with,
I circulated petitions on three days, very
briefly on one of those days and I don't think I
collected any signatures. But I went to bat with
a clip board seeking to collect signatures on
February 3rd, February 13th very briefly, and
February 24th.

My process generally was that I had a
clip board and I had some of Mr. Jain's campaign
literature and that I would stand in public and
flag down people that I thought weren't walking
too quickly by me and ask them if they would be
willing to sign a petition for Mr. Jain if they
were registered Democrats in D.C.

MR. JAIN: Mr. Rothman, did you ever
fraudulently sign a petition for anybody?

MR. ROTHMAN: No.

MR. JAIN: Okay. And when you had
your -- (audio interference), who was the one who
signed their signature on any petition you did?

      MR. ROTHMAN: The people that I
flagged down.

      MR. JAIN: Okay. And how many -- how
many sheets would you say you turned in about?

      MR. ROTHMAN: I believe I had two on
the first day. I didn't get any signatures on
the second day as far as I recall. And I think
it was just one on the third day. Outside of
that, I did collect a signature from -- now that
I'm thinking, outside of those three dates where
I was collecting publically, it was just from my
girlfriend when she was in my residence. I don't
know if that was on a separate sheet, so if so,
that would have been a fourth sheet, but it would
have been, I suppose, either three or four then.

      MR. JAIN: Okay. Did you interact or
witness any other volunteer circulators?

      MR. ROTHMAN: Well, I actually at one
point volunteered alongside you, Mr. Jain, so I
suppose I witnessed you collecting signatures.
MR. JAIN: Did you see any other any circulators you volunteered with in this campaign committing fraud?

MR. ROTHMAN: No.

MR. JAIN: Okay. I have no further questions. I don't know if anybody else would like to ask any questions.

CHAIR THOMPSON: Okay. I'm going to turn to Mr. Abely. It's not an episode of law and order. If you've got a legitimate cross examination question, please go ahead.

MR. ABELY: Yes, sir. I'm sorry. Really, I have an administrative matter. Can we please excuse Dr. Fenoff?

CHAIR THOMPSON: Oh, yeah. Sorry, I didn't mention that. Yes. Dr. Fenoff, you're excused. We thank you for being here. And so with that, do you have a question for this witness?

MR. ABELY: No, I don't. I just wanted to excuse Dr. Fenoff. Thank you.

CHAIR THOMPSON: Thank you. And Mr.
Rothman, you're also excused. We have -- I guess we have kind of a time crunch. We have a board member that needs to leave by 12:30. You know, I'm tempted to make a motion before then so as not to lose his participation. But let's go ahead, Mr. Jain, maybe to see how much --

(Simultaneous speaking.)

MR. JAIN: Yeah. Maybe what I'll do is I'll shorten it to just talk about, you know, the precedent and then I'll call my field director so that she can talk about her interactions with Mr. Kanswal.

CHAIR THOMPSON: Okay, that would be great. Go ahead.

MR. JAIN: Yeah, okay. So the Challenger continually cites the Williams case as a reason to disqualify every single petition collected by any circulator in this campaign due to alleged fraud by one circulator. The Williams case said nothing of that -- of the sort as I think the Council for this Board has pointed out. I think the phrase was patently mistaken
misunderstanding of the Williams case.

So the Challenger argues that there was -- argues that alleged forgeries by one petition circulator who collected less than 3 percent of all signatures collected in this campaign to disqualify every circulator's petition signatures. You know, the Board Chair has already reconsidered this argument in the motion for a subpoena and rejected it. And we agree with the Board Chair and the case law supports that view. What case law shows is that only the signatures collected by a circulator who committed fraud are to be disqualified. And it argues against signatures by other circulators not accused of fraud from being disqualified.

In the Williams case, as the Board attorney mentioned, this Board and the DC Court of Appeals explicitly only considered invaliding signatures on sheets circulated by the circulator the Board found had committed fraud. And I'm just going to give you one quote. This Board wrote, "The Board was prepared to review the
entire nominating petition signature by signature
and rule on the validity of each individual
challenge. However, it became perfectly clear
that even if the Board accepted all of the
Mayor's legal arguments, there was still no
scenario possible in which the Mayor could obtain
2,000 signatures without including signatures
attributable to the --" So you can see there,
they're only considering invaliding the
signatures collected by the circulators who
committed fraud.

One more quote from the DC Court of
Appeals. They wrote that, "We hold it was within
the Board's authority to disallow all of the
signatures affected by the wrongdoing." Affected
by the wrongdoing, which is only the signatures
collected by the circulators who were alleged to
have committed fraud.

I will note that this case is not sui
generis as Mr. Abely keeps on saying. And in
fact, in that case there was a dead person who
the Williams campaign put on. The Williams
campaign signed for St. Paul I in that case who I believe is a historical figure who is now dead. And so there's at least one example of a dead person being signed for in a fraud case. And in that case, the Board only threw out the signatures by the circulators who committed fraud.

I mean just as an example of some other people who were signed in this case. Jehovah's Witness, Robert DeNiro, Rosa Parks, Tony Blair. Someone signed June 31st -- One of the circulars wrote June 31st as a date that the signature happened, which is a date that does not exist. And one circulator reportedly collected 540 signatures in that case in one 24-hour period, which would be one signature every two minutes for 24 hours straight.

So I don't think that this case is actually sui generis. And one of the main reasons I think that it's actually not sui generis or I'll say Mr. Abely says that this case is worse than the Williams case. In the Williams
case, over 78 percent of all signatures collected by the campaign were collected by the three circulators who had committed forgeries. And the person who was in charge of the signature collection process was himself someone who had committed forgeries.

In our case as our field director will testify, the person who is accused of forgery, Asheesh Kanswal was one of two paid petition circulators who collected 3 percent of all signatures collected by the campaign. And the campaign actually had no connection with Mr. Kanswal before the need came up to have a paid signature collector. So if we're talking about the facts of the situation, the facts were much, much more egregious in the Williams case. And even in that case, the Board decided not to toss every single signature collected by every circulator.

This case is -- I'm just going to cite one more case for the record, I won't go into it,

Now this case is more akin to the case -- the Board of Elections case of Henderson v. Ryan by Ms. Kathy Henderson than it is to the Williams case. There as here, the Challenger, Ms. Kathy Henderson asked that the entire petition be rejected for alleged forgeries. And the Board pointed out in that case that Ms. Henderson produced no voter who signed Ms. Ryan's petition and denied having done so, nor did she offer credible forensic evidence calling into question the validity of the signatures such as testimony from a handwriting expert. Moreover, Ms. Henderson subjected opinion as the authenticity of the petition signatures was rebutted by the signature authentication conducted by the Board's Registrar, as well as by Mr. Ryan's contrary testimony.

So just as in that case, here, the
Challenger has produced no voter who denied having any signature or having any -- who denied having signed any petition circulated by anyone other than Mr. Kanswal. They have not offered any evidence contesting the validity of the signatures of the 40+ circulators who are not Mr. Kanswal. In fact, they only contested four pages from Mr. Kanswal out of the 12 total. And so they obviously had the ability to look through all of them and didn't seem to think that the others were problematic.

And the Board has looked at numerous allegations of signature forgery by other circulators alleged during this challenge and rejected those challenges. I'll repeat. The Board has already looked through several signatures and found that they matched the ones the Board has on file.

Now I just want to point out that electronic signatures are perfectly valid as long as it's actually physically signed by the -- by the person signing it, which is the case here.
And if the Board would like, we do have a witness who signed an electronic signature petition who's welcome to testify. But I don't -- I'm looking at the clock and I don't want to take too long. So I just want to call my field director, Ali Lenk and see if she can testify to her relationship with Mr. Kanswal.

CHAIR THOMPSON: And before we hear from her also, don't worry about the time. If Board Member Boggs needs to go, that's fine. We can finish hearing the evidence. I can make a motion on the record. We would then, you know, table that and since Board Member Greenfield is here, she can review the evidence -- the transcript and the recording. And then we'll come back on the record at like 4 o'clock today and do, you know, a quick vote -- roll call vote. So we can -- We have a way under our regulations to go ahead and finish off with the evidence here, notwithstanding that Mr. Boggs has to go.

MEMBER BOGGS: I'll try to hang in to get this one done if possible.
CHAIR THOMPSON: Okay. Okay, that would help. So let's hear from your field director then.

MR. JAIN: I believe she's unmuted.

MS. LENK: I'm unmuted. Can you hear me?

CHAIR THOMPSON: Yes. And if you could state your name and then we'll swear you in please.

MS. LENK: Great. My name is Alexandria Lenk. Do you need my address as well?


MS. STROUD: Okay, thank you. Do you promise -- swear or affirm to tell the whole truth -- the truth, the whole truth, and nothing but the truth with respect to the testimony that you're about to give in this matter?

MS. LENK: I do. I so swear.

MR. JAIN: Okay. Ali, could you just describe the process the campaign took in
training circulators and assigning circulators to locations? And then your relationship with Mr. Kanswal?

MS. LENK: Yes. So as you mentioned, we had nearly 50 people collecting signatures over the course of our campaign throughout the signature collection period. I came on about mid-February. So prior to me coming on, Zemzem Lemma was acting as field director. When I came on, those responsibilities were transferred over to me. I would reach out to volunteers, get them scheduled for shifts. We would try to have volunteers scheduling with another person, usually myself or Zemzem or another person who had collected signatures with us before.

Prior to their shift, we would reach out to them, kind of give them a breakdown of how the signature collection process would go. We would inform them that we were only collecting signatures from registered democratic voters in D.C. And then we would provide them with the materials, the literature, the petition forms,
and a clip board. And then I would provide them
with a location, usually farmer's markets,
sometimes like outside metro stations, or at
other events in D.C. where we expected there
would be a large number of extra voters. And
then we had them collect those signatures and
return those forms back to us.

Then as far as my relationship with
Asheesh, he was already collecting signatures for
the campaign when I came on in February. The
extent of my communications with him were via
WhatsApp message. I would send him locations as
I did with our other signature collectors for him
to collect those signatures. And then I would
check in with him at the end of his shift, asking
how many signatures he had collected. And then
he would turn in those -- the copies of those
sheets. I never -- He never turned any of those
sheets into me.

Were there any other questions? Oh,
he also -- he quit. He quit, I think about two
weeks before the end of the signature collection
period abruptly without notice.

MR. JAIN: Also paid?

MS. LENK: Yes, he was a paid signature collector -- one of two.

MR. JAIN: And was he paid -- how was he paid, Ali?

MS. LENK: How was he paid? Per signature.

MR. JAIN: Okay. Who did he turn signatures into -- the sheets into when he completed a circulator sheet?

MS. LENK: I believe he either uploaded a copy to a shared platform or turned in those copies physically to another volunteer who turned them into you or turned into you indirectly to the best of my knowledge.

MR. JAIN: Yeah. Yeah, I think he turned in the vast majority of the sheets directly to me. Let me ask you, did you ever tell any circulators to commit fraud -- to fraudulently collect signatures?

MS. LENK: Absolutely not.
MR. JAIN: Did you tell Mr. Kanswal to fraudulently collect signatures?

MS. LENK: Absolutely not.

MR. JAIN: And did you yourself collect signatures?

MS. LENK: I did collect signatures, yes.

MR. JAIN: Did you yourself fraudulently collect any signatures?

MS. LENK: Absolutely not.

MR. JAIN: Did you observe other people -- other volunteers collecting signatures?

MS. LENK: No. I did observe other volunteers collecting signatures, but none of them were fraudulent.

MR. JAIN: Okay, yes. Still let me just ask the question. Did you observe any circulators fraudulently collecting signatures?

MS. LENK: Absolutely not.

MR. JAIN: Did you observe volunteer circulators collecting signatures from actual registered voters?
MS. LENK: Yes, many.

MR. JAIN: Let me see if I have any other questions. I think that those are all my questions for you, Ali. If the Board has any questions, they're welcome to ask. We also have our deputy field director, Zemzem Lemma on who can also speak to her relationship with Mr. Kanswal.

CHAIR THOMPSON: No questions from the Board. So now yes, Ms. Lenk, some possible cross examination from Mr. Abely.

MR. ABELY: I'll keep it brief. Thank you, ma'am. How much was Mr. Kanswal paid per signature?

MS. LENK: I was not in charge of negotiating the per signature amount that he was paid. I believe it was either $2 -- I think it was $2 or $3, or $5, but that is not -- that would be a question for Ankit. I do not know off the top of my head.

MR. ABELY: Thank you, ma'am.

CHAIR THOMPSON: Okay. Yeah, Mr.
Jain, it's your case. Do you want to call another witness or --

MR. JAIN: Yeah, I'll call Zemzem Lemma, my deputy field director.

CHAIR THOMPSON: Okay.

MS. LEMMA: Hello.

CHAIR THOMPSON: Welcome. Could you state your name and address please?

MS. LEMMA: Yeah. My name is Zemzem Lemma. My address is 11700 Decade Court Reston, Virginia 20191.

MS. STROUD: Thank you, Ms. Lemma and if you could swear or affirm that the testimony you're about to give is the truth, the whole truth, and nothing but the truth?

MS. LEMMA: I do so swear.

MR. JAIN: Thank you. Zemzem, can you just describe your process of interacting with volunteers and asking them -- assigning them roles to collect signatures and your relationship with Mr. Kanswal?

MS. LEMMA: Yeah. So like Ali
mentioned, she came in, in February. So I was kind of in charge of training the volunteers before that. And similar to what Ali said, it was a pretty simple process. We just told them what you had to do to collect the signatures on the sheet. And then we also just gave them the material to collect the signatures. So we had a Zoom call with all the signature collectors at the time, which also included Asheesh -- Mr. Kanswal. And that was the first time I had interacted with him and also trained him on that call. So we went through the protocol of how to collect signatures. And then from there, he was able to go out in the field and do it on his own.

MR. JAIN: And could you describe like more specifically your interactions with Mr. Kanswal like over the course of like when you were field director?

MS. LEMMA: Yeah. I personally didn't interact with him one on one too much. If we did interact it was like in a group setting with all of the volunteers. Just would tell me where to
go, which locations to go to on which date. But aside from that, there wasn't too much of a relationship.

MR. JAIN: Mmm hmm. Do you know, Ms. Lemma, how many paid circulators the campaign had?

MS. LEMMA: Two.

MR. JAIN: And do you know about how many volunteer circulators the campaign had?

MS. LEMMA: I think it was like about 50.

MR. JAIN: Okay. Do you know -- If you had to estimate, what percentage of the signatures were collected by Mr. Kanswal?

MS. LEMMA: Definitely less than 5 percent.

MR. JAIN: Did you ever encourage or suggest to any volunteer circulator they fraudulently collect signatures?

MS. LEMMA: Absolutely not.

MR. JAIN: Did you yourself collect signatures?
MS. LEMMA: I did.

MR. JAIN: Did you ever fraudulently collect signatures?

MS. LEMMA: No.

MR. JAIN: Did you witness other circulators collecting signatures?

MS. LEMMA: I did.

MR. JAIN: Did you ever witness any or hear -- Did you ever witness any circulator fraudulently signing for people?

MS. LEMMA: No, I did not.

MR. JAIN: Did you witness circulators collecting signatures from registered voters?

MS. LEMMA: I did.

MR. JAIN: Who signed those circulator sheets when they collected the signatures from registered voters?

MS. LEMMA: The registered voters.

MR. JAIN: Okay. I think I have no further questions for Ms. Lemma.

MS. LEMMA: Thank you.

CHAIR THOMPSON: Thank you so much for
being here. Mr. Jain, what I'm going to suggest is you take up to three minutes to conclude your case. And then I'll give up to three minutes to Mr. Abely for a rebuttal comment. And then we'll ask the General Counsel for her opinion, and then I'll make a motion.

MR. JAIN: Okay, that sounds good. So what Mr. Abely is suggesting here is a massive fraud committed by this campaign to the degree where every single signature collected by any circulator for the campaign should be invalidated. As you just heard, no such fraud occurred. And again, it is Mr. -- I'm going to quote the regulation. Under 3 DCMR Section 424.1, "The party who asserts the claims bears affirmative duty of establishing the truth of the assertion." Therefore, it's Challenger's obligation to prove that fraud occurred through the campaign's petition process, not just fraud, but massive fraud that invalidates every signature. The Challenger has provided no such evidence.
You just heard evidence from our witnesses that no such fraud occurred. The Registrar has already gone through and adjudicated many challenges of signatures not matching from the campaign and found that signatures do in fact match. So the Registrar already has evidence that no such fraud occurred.

And Mr. Abely tries to cite the Williams case to argue that because of alleged fraud by one circulator, every single circulator affidavit should be -- should be thrown out by this Board. But the Williams case says no such thing. The Williams case specifically stated that only fraud committed -- only circulator petition sheets collected by circulators who are alleged to have committed fraud are the ones that should be thrown out.

And this Court considered a case very similar to the one that Mr. Abely's making just two years ago when Ms. Kathy Henderson tried to throw out every single petition sheet from three different challengers -- from three different
candidates for ANC. The Board rejected those
calls in every single case and in fact, Ms.
Henderson cited the Williams case in arguing that
the petition should be thrown out. The Board
rejected that argument saying that those cases
had nothing to do with the Williams case, just as
this case does not.

And finally, I just want to note again
that Mr. Abely is alleging that the entire
campaign committed a massive fraud, but did not
cite a single signature collected by any
circulator other than Mr. Kanswal that he is
alleging is fraudulent. And to accept Mr.
Abely's contention, would have to go against
years of Board case law and against basic common
sense. And so I ask the Board, one, not to
accept his claim.

And two, I would ask that the Board
dismiss the challenge completely as in bad faith
because it was not properly filed as it did not
adhere on its face to be based on a good faith
review of each signature and circulator
affidavit. In the interest of time, I didn't
really make that argument today, but you heard
the Registrar point that out. And there are
numerous instances of the challenger just making
bad faith challenges and as a result, the entire
challenge should be thrown out.

So we ask that the entire challenge be
thrown out. If not, we ask that the Board follow
precedent, listen to the evidence that it heard
today, follow basic common sense, and reject this
argument that every single signature collected by
any circulator in this campaign should be thrown
out. Thank you very much.

CHAIR THOMPSON: Thank you so much.
And thank you to all the witness that appeared on
your behalf. We'll turn now to Mr. Abely for
three minutes of rebuttal.

MR. ABELY: Thank you, sir. I do want
to refer quickly to the Williams case. So the
Williams decision by the Court of Appeals -- The
Court of Appeals stated in the Williams case that
the Board did have authority to throw out a
candidate -- throw a candidate off the ballot, even if there was sufficient number of signatures. I'll read directly from the case. "Other courts have generally concluded that nominating petitions tainted by fraud or the strong appearance of fraud may be discounted in their entirety by an election board." And it cites an example of an Arizona case where a mayoral candidate was thrown off the ballot because of fraud in some of the petitions, even though there was a minimum number required in the remaining petitions.

I think this is that case. If you look at footnote 3 of the Williams case, the Court of Appeals suggests that Mayor Williams knew nothing about the fraud. And frankly as somebody who was involved with that, I can tell you that's true. He didn't know. In this case, I'm making the argument that this is a smaller campaign. That's it's being run by a candidate who was more involved. He was collecting the signatures himself, he said that. Mayor
Williams, nobody was turning in the petitions to Mayor Williams who was running the city. I argue that Mr. Jain was the principal of his agent, Asheesh Kanswal.

I think the Board has to send a message. And it's that we're not going to tolerate fraud in the petition process. Sure, maybe we're asking for too many signatures and that's an issue for the Council. But the Board has to send a message today, we're not going to tolerate it. Remove Mr. Jain from the ballot. Let him run as a write-in candidate. He can do that. And send a message and maybe this will never happen again. Thank you.

CHAIR THOMPSON: All right. Thank you again for the excellent presentation. I am going to -- unless the Registrar or Ms. Walker has any comment, I will ask the General Council to make a recommendation.

MS. STROUD: Thank you, Mr. Chair. I would recommend in light of the evidence in the record, including the testimony that we've heard
today that the Board grant Mr. Jain ballot access in the context, but that he not be credited with the 77 signatures that were circulated by Mr. Kanswal that were not already invalidated by the Registrar voters and her findings. So he circulated 133 signatures, I believe 56 of those were found to be invalid already as a result of her review of the sheets at issue. And so I would recommend that the other remaining signatures that were not invalidated not be credited to the petition, which would still leave him with a number of signatures sufficient for ballot access, I think 2,306 over, I believe. That would be my recommendation.

CHAIR THOMPSON: Thank you. I will adopt that recommendation and so move consistent with everything the General Council just said. I'll just comment briefly that, you know, the expert, Dr. Fenoff presented a compelling case that the circulator, Mr. Kanswal forged signatures. And that's a very serious matter as Mr. Abely has noted. And it's something we do
take seriously. We're taking it seriously by this motion to strike all the signatures he collected. And we of course have the authority to pursue that matter in a separate proceeding involving Mr. Kanswal. So you know, to be continued with respect to Mr. Kanswal.

But meantime with respect to the candidate, Mr. Jain, I fully credit the testimony of his three witnesses that they, you know, witnessed valid signatures in the field by registered voters. That they had no knowledge or involvement whatsoever in Mr. Kanswal's circulator activity. In other words, this has every appearance of Mr. Kanswal being a rogue circulator. And I don't -- I just don't accept any inference that this impugns the candidate, Mr. Jain or his campaign in any way.

So I want to make it clear that this is a rogue circulator. So those signatures are out. The rest of the signatures remain and the candidate is still 306 valid signatures above the required amount, so I agree that he should be
granted ballot access. So that explains my rationale. And I'll see if there's a motion. I think Board member Boggs is still here.

MEMBER BOGGS: I second.

CHAIR THOMPSON: We have to unmute J.C. Boggs.

MEMBER BOGGS: There we go. Thank you. Yes, second.

MS. STROUD: Okay. So purposes of the roll call vote. Mr. Chair.

CHAIR THOMPSON: The Chair votes aye.

MS. STROUD: Member Boggs.

MEMBER BOGGS: Aye.

MS. STROUD: And with that, Candidate Jain is allowed ballot access in the context at issue for the June 4th, 2024 ballot -- primary election ballot. And again, this matter may be appealed to the D.C. Court of Appeals within 3 days of today as the Board has announced its decision on the record.

CHAIR THOMPSON: Yeah. And I also want to thank again, the challenger, Ms. Ragas
for bringing this -- and Council, Mr. Abely.

These are important issues. We've learned a lot about this. You brought something very important to our attention. And as I mentioned, we'll look into further proceedings in that regard. So thank you so much for your time and your effort in this challenge.

Okay, that concludes our nominating petition challenges. We've got some other items on our agenda -- I guess the regular part of our meeting agenda. And I'll turn to Terri Stroud for that.

MS. STROUD: Yes. So the next item on the agenda is the poll matters. There were initially two, but one has been -- Oh, I'm sorry. My apologies. The next matter on the agenda is the matter of referrals concerning the double voting matters that the Board has been investigating with respect to the 2020 general election. And we had two matters that were going before the Board, but one, Duncan is being continued to the next board meeting, which will
take place in May. And so we only have today, the matter of in re Ahaghotu. And our senior staff attorney, Christine Pembroke will be presenting with respect to the Board -- to the Board with respect to this matter.

CHAIR THOMPSON: I just want to note for the record, I believe Board member Boggs needs to go, which is fine. Board member Greenfield is here, so we continue to have a quorum with respect to these remaining matters.

MS. PEMBROKE: Thank you, Mr. Chair. So as the General Council mentioned, this matter involves a suspected double voting or illegal voting. It came to our attention through a report that was generated as a result of the Board of Elections participation in an organization called ERIC in which states share information about voting activity. And ERIC produced a report as part of its voter participation project regarding the 2020 general election.

And that report indicated that an
individual named Kelechi Ahaghotu voted in D.C. and also voted in Texas. And as a result of that, we began to investigate how it came about that an individual had voted twice in the same election. That was a presidential election. So what we found was that Kelechi Ahaghotu -- and I interviewed her during a pre-hearing conference was living in Texas at the time and she denied voting in D.C. -- in the D.C. election, but she admitted voting in Texas. She stated that it would have been impossible for her to have voted in D.C. because she could not have traveled for various reasons to the District at that time.

I obtained the voting records from Fort Bend County, Texas, which is where she had voted and compared her signature there. She voted in-person, so she signed what we call a poll pad here. There was an electronic signature for her on file. I compared that signature to the signature for Kelechi Ahaghotu of the same date of birth in the D.C. records and the signatures did not match. Now I'm not a
handwriting expert, but it seemed on the face of them that the signatures were not a good match.

So the question then was who had voted in the District? And to discount the possibility of some mistake, I also looked for other Ahaghtou's who were living in D.C. and found that there were several Ahaghtou's living at the address for Ms. Kelechi Ahaghotu. She had lived here for a while and then moved to Texas. And there were also several Ahaghotu's living in a residence just around the corner from her residence. And so I looked at the signatures for those individuals and there were none that were a good match, but there was one that was somewhat close.

It turned out that, that individual was a sibling of Ms. Ahaghotu's. I spoke to him and he stated that he did not vote in the D.C. general election in 2020, that he was in Maryland at the time. He did note that the vote center where the ballot was cast in Ms. Ahaghotu's name was just around the corner from the residence,
which is also around the corner from the other
residence where a number of Ahaghotu's lived.
And he had some theories about how a ballot might
have been erroneously cast in his sister's name,
but we really at that point didn't have the
capacity to pursue any of those leads.

So the issue before the Board at this
point is whether or not based on these
circumstances, the Board wants to refer the case
to a prosecutorial authority for further
investigation. And in connection with that, I
would just note there have been a couple of cases
the Board recently decided with similar types of
situations. There was the Lynfield case where it
appeared somebody had erroneously or fraudulently
cast a ballot in Mr. Lynfield's name. And the
pool of individuals that might have had access to
that ballot was the pool of individuals who might
have gotten into the mail room for a multi-unit
apartment complex. And the Chair commented on
the record that it would be really futile to
refer the case because trying to find out who
cast that ballot four years ago would really be impossible. There were no cameras. It would be really impossible to find out who was involved in that.

And then there was another case where a ballot was cast in the name of a voter who was living in Florida and she denied having cast it. And the residence at which she had lived in D.C. previously and where the ballot was sent could have been accessed by her family members or a smaller group of individuals that her family members might have been aware of, so there was some prospect there that the culprit could be identified. And in that case, the Board did refer the matter to prosecutorial authorities.

This case has maybe a broader pool of possible culprits involved than the second matter, but certainly nowhere near the number that might have been involved with the Lynfield case, which involved an apartment building. So just to provide context to where in the past you've made the decision to refer or not to
refer, I would just point that out.

I would also ask if Ms. Ahaghotu or any of her family members are here. I know they did try and get on -- they did try and join this morning and they waited a long time for the case to be called, but they may have had to leave. So I don't know if we can see if they can maybe raise their hand. It looks like they were -- they were not able to stay on the call. Ms. Ahaghotu did contact me the other day to say she was having some health issues and didn't think she could attend. And her brother was here apparently at the meeting earlier this morning and I just don't know if he could wait through all of these matters.

But depending on what the Board decides, one option would be to leave the record open if she wanted to make comments, depending on what your decision is today.

CHAIR THOMPSON: Well, it certainly sounds like there's zero suspicion of Ms. Ahaghotu and little to no suspicion of the
brother. You know, who else could have
intercepted this mail ballot -- filled it out?

MS. STROUD: It wasn't a mail ballot.
It was somebody who voted in-person.

CHAIR THOMPSON: Oh, in-person.

MS. STROUD: And that's partly why I
was so concerned about the possibility of an
innocent mistake because there were so many
Ahaghotu's from that house that could have
checked in. It was the Turkey Thicket vote
center right around the corner from the house.
So there might have been a mistake at check-in at
the voting place.

CHAIR THOMPSON: They walk in, they
give their name and address, and this is --

(Simultaneous speaking.)

MS. STROUD: Exactly.

CHAIR THOMPSON: So I mean personally
I wouldn't take up DOJ resources on this, so my
gut is to not refer it and let it rest. I mean,
any other views on that?

MS. STROUD: No, that was going to be
my recommendation --

CHAIR THOMPSON: Okay.

MS. STROUD: -- in this regard with respect to this matter, Mr. Chair. And we've seen in other matters that may come before the Board that, that has been the case. Well, they actually won't come before the Board, but we've seen that, that has been the case with error at the site.

CHAIR THOMPSON: I'll just say no referral at this time. You know, maybe there will be additional information that would bring this back before the Board, but I don't know -- I don't know if I need to make a motion to not refer it --

MS. STROUD: I wouldn't.

CHAIR THOMPSON: -- but I'm just not. No motion to refer.

MS. STROUD: Yeah. I guess the motion would be to not.

CHAIR THOMPSON: Okay. I move that we don't refer this at this time.
MS. STROUD: Is there a second?

CHAIR THOMPSON: Is there a second from Board member Greenfield? Sorry, we've got to unmute you.

MEMBER GREENFIELD: Yes, I second.

MS. STROUD: Okay. And so the roll call vote would be the Chair has voted --

CHAIR THOMPSON: Chair votes aye.

MS. STROUD: Member Greenfield?

MEMBER GREENFIELD: Aye.

MS. STROUD: And thus the Board will not refer the matter to prosecutorial authorities at this time.

CHAIR THOMPSON: Thank you very much.

MS. STROUD: The next item on my agenda is rulemaking to Title 3 of the DCMR, titled "Elections and Ethics". The first rulemaking is a final rulemaking, the purpose of which is to conform the Board's regulations to the Elections Modernization Amendment Act of 2022, provide for consistency between Board regulations, provide clarity regarding the
commencement of the appeal period for Board
decisions, adopt rules of conduct for attendees
at board meetings, and make other nonsubstantive
housekeeping updates and corrections of
typographical errors.

A second notice of proposed rulemaking
with respect to this rulemaking was published in
the DC Register on March 15th, 2024 at 71 DCR
002912 for a 7-day comment and review period in
accordance with 1 DCMR Section 309.5. The Board
did receive comments from the public concerning
the rulemaking that expressed concerns about its
validity. And if the Board has any comments with
respect to the comments that we received from two
individuals, then we can -- Do you want to
discuss them?

CHAIR THOMPSON: Yeah. When this
rulemaking was originally proposed, it included a
proposed Section 106 called "barring procedures".  
We certainly studied all of the comments that
were submitted at that time. We heard from
additional witnesses in our last meeting on this
subject -- three witnesses. And we then decided to exclude Section 106.

MS. STROUD: Yes.

CHAIR THOMPSON: It was for public notice. I have also studied very closely additional comments that have been submitted either through that public notice process or we also received some emails directly. I have been through them and carefully, you know, considered them. And at this time, I would move that we adopt the final rulemaking as we proposed and republish.

MS. STROUD: So with respect -- Is there a second?

MEMBER GREENFIELD: Yes, I'm sorry.

There is a second.

MS. STROUD: And so with the roll call vote, the Chair votes --

CHAIR THOMPSON: The Chair votes aye.

MS. STROUD: And Member Greenfield?

MEMBER GREENFIELD: Aye.

MS. STROUD: And so with that, this
notice of final rulemaking will be sent to the DC Register for publication in upcoming edition of the DC Register. And we will submit that today for publication.

And the next rulemaking is a proposed rulemaking that will impact the District's voter registration agencies. One moment. The purpose of these amendment to Chapter 5 of the DCMR -- titled through the DCMR is to clarify the obligations of the District's voter registration agencies under the National Voter Registration Act of 1993 or the NVRA and the enforcement process that applies in the event of noncompliance with the Act.

And so what the intention of these rules are is to ensure that not only the Board, but also the District's voter registration agencies who are either designated under the NVRA as voter registration agencies or have been designated by the mayor and the Council as voter registration agencies comply with monitoring requirements that have been set up too, so that
we are aware of the activity with respect to the
voter registration at these various agencies
around the District.

We have training -- a training program
where site coordinators, agency heads come to
training at our offices to become familiar with
how to comply with the NVRA. And we ask that the
agencies provide us with data on these activities
in terms of how many voters vote, how many voters
decided to register. And we also want to ensure
that they are complying with all rules regarding
the NVRA.

And so this just allows us to have
some teeth with which to get, you know, the
agencies to do their part. And it also makes
clear that the Board's Executive Director who is
the Chief Administrative Officer with respect to
the NVRA for the District of Columbia, it allows
her to bring civil action to Superior Court for
declaratory or injunctive relief with respect to
any noncompliance. And I mean that is something
that is set forth in the statute. But we are
just promulgating regulations to ensure that everybody is meeting their obligations under the NVRA in terms of the voter registration agencies.

And so as with every rulemaking, we'll publish this on the dedicated page on our website that pertains to rulemaking so that individuals can review the text of the rulemaking and review it so that they can provide comments. And so once this is published in the DC Register, there will be a 30-day review period during which people can review and provide comments. And so before the rulemaking is published in the DC Register, it will appear on our website. In fact, that will happen today.

And so with that, I ask for a motion to submit this proposed rulemaking to the DC Register for publication to begin that 30-day review period that we can hear from the public in terms of their opinions with respect to this rulemaking.

CHAIR THOMPSON: The Chair so moves.
MS. STROUD: Is there a second?

MEMBER GREENFIELD: Yes. I second.

MS. STROUD: Okay and we’ll take the roll call vote. Mr. Chair?

CHAIR THOMPSON: The Chair votes aye.

MS. STROUD: Member Greenfield?

MEMBER GREENFIELD: Aye.

MS. STROUD: Thank you. And so this will be submitted for publication in the DC Register for a 30-day review and submit period.

MS. STROUD: Okay. And I think the final item in my report is litigation status. So we are actually reporting today that we’re closing out three matters. The first one is Public Interest Legal Foundation v Monica Evans in her official capacity. This matter was filed in U.S. District Court for the District of Columbia under the NVRA. The suit alleged that the Board was out of compliance with NVRA’s public records provision. PILF requested records from the Board that were denied due to the requested records not being subject to the public
disclosure. On February 20th, 2024, the parties filed a joint proposed order to settle the matter. And that settlement was accepted by the Court. And so this matter is closed for purposes of reporting.

Stacia Hall v the Board is another case that has been resolved at the U.S. District Court level. This was a challenge to legislation that allowed non-citizens to vote in local elections. On March 20th, the Court granted the Board's motion to dismiss, finding that Plaintiff's lack standing to assert their claims. This matter is subject to appeal, so we'll see what happens, but for now it's closed in terms of the District Court.

The third matter that's being closed out is DC Democratic Party, et al., v. Muriel Bowser. This was a challenge -- And this is in the DC Superior Court. This is a challenge to the Board's acceptance of Initiative Measure 83. On March 28th, the DC Superior Court granted the Board's motion to dismiss ruling that the
challenge was not timely filed.

The fourth matter, which is ongoing is Dr. Shiva Ayyaurai v Merrick Garland and the Board. The Plaintiff in this matter sought a declaration that he was eligible to serve as President -- that he is eligible to serve notwithstanding the Constitution's Natural Borne Citizens Clause. The Plaintiff was born in India. Or alternatively that this qualification matter presents a nonjusticiable political issue for voters.

The most recent activity in this case is that motions to dismiss were filed by the District and the Board and Defendant Garland. The District Court Judge ordered that the Plaintiff respond to the motions to dismiss by March 22nd. The Plaintiff's response was filed on March 21st. On March 27th, the Justice Department on behalf of Defendant Garland sought an extension of time in which to reply.

The fifth matter is a matter having to do with an election worker who filed a matter
that was previously dismissed in DC Superior Court without prejudice. This Plaintiff is seeking $10,000 in damages based on a claim concerning an overdraft cost to his bank account when a stop payment was imposed on a $500 check issued for his service as an election worker. The complaint was dismissed -- all claims in this complaint were dismissed except for the claim dealing with liquidated damages for breach of contract. An answer is due this coming Monday with respect to that claim. And the Court has set a status conference for May 31st, 2024.

And the final matter is John Page v Monica Evans and that is in the U.S. District Court. On March 8th, the Plaintiff filed a complaint that seeks to prevent Donald Trump from appearing on the ballot. The complaint alleges that the Supreme Court's recent decision in Trump v Anderson does not apply to the District of Columbia because that decision pertains to the State's rights under the 14th Amendment and the Plaintiff is saying that D.C. is not a state. So
that opinion, which basically said that the states could not take action to prevent the President from ballot access with respect to any role he might have played on January 6th. That it's not within the State's purview to deny ballot access to the President. That, that is a matter that is left to Congress. And the OAG is filing a motion to dismiss on the Board's behalf in this matter.

And that concludes litigation status and that concludes my entire report.

CHAIR THOMPSON: Thank you. I don't know if that's a new record for the length of General Council's report. We'll turn then to the Executive Director's report. Thank you for sitting patiently through all this, Monica Evans.

MS. EVANS: Thank you and good afternoon. Executive Director's report for March 2024. March engagements: On March 6th, the Journal of National Security, Law, and Policy held a symposium at Georgetown University Law Center. I was asked to be a panelist. We
discussed lessons learned and challenges to
election integrity as a result of the 2020
election cycle.

On March 18th, the Council's Committee
on Executive Administration and Labor convened a
public round table with DC BOE to discuss 2024
election cycle readiness. Specifically, we
talked about communications, election worker
recruitment and training, equipment purchases,
and staff vacancies. We were able to convey key
dates and timelines leading up to the June
primary.

Precinct mapping: As required by our
regulations, DC BOE looked at our current
precinct boundaries to divide the District into
appropriate voting precincts based on our
election boards. During the 2024 election cycle,
we will keep the current precinct assignments
with modifications to address precincts that
cross ward boundaries.

ANC vacancies: We currently have 14
ANC vacancies for the 2023-2025 term. These
positions are in different stages of being filled
after candidate filing requirements are met in
open vote of registered voters of the affected
SMD will be held during regularly scheduled ANC
meetings.

LIS maintenance: We are now in the
90-day blackout window before the June primary.
Therefore we will not be removing any additional
voters from our registry as a result of LIS
maintenance. During the 2023 LIS maintenance
process, we removed 108,698 individuals from our
ticker registry and moved another 95,220 active
voters to an inactive status. As of March 31, we
have 451,499 active voters. We are still in the
process of updating addresses and validating new
addresses within D.C. Our communications and
outreach divisions are continuing their work to
establish partnerships with local universities to
aid and maintain the accuracy of our voter roll.
We have developed a flyer that the Voter
Education and Outreach Division is using during
their outreach efforts.
Voter registration rolls: In March, we registered 2,884 new voters and process 2,010 registration changes. In total, we prepared 4,894 voter registration cards to be mailed. Additionally, 50 registered voters moved out of D.C., 209 voters cancelled their D.C. registrations and registered with other jurisdictions, and 1,175 voters registered in D.C. after cancelling their registrations in other states. We are continuing to register voters using our website portal. To date, we have processed 44,898 applications using the portal. These include new voter registrations and updates to existing registrations.

Under the Local Resident Voting Rights Amendment Act, we are also registering non-citizens to vote in local elections using the database solution developed by VR Systems. We have deployed online registration. And non-citizens may also register to vote in our office using paper registration form. Translations are available in Spanish,
Vietnamese, Chinese, Korean, Amharic, and French. We have developed a flyer to assist with our outreach efforts and we are planning a town hall. In March, we registered 122 non-citizens to vote in local elections. Total non-citizen registration is at 208.

Media information requests: As mentioned last month, we have developed a policy regarding media and information requests that we receive. This is in effort to provide transparency and convey the process to the public. Essentially, we prefer that public information requests and media questions be submitted in writing. Requests are most often answered in the order in which they are received. And those with immediate deadlines from official media publications may be considered higher priority. Response time and answers available for public release may vary upon competing deadlines, external and internal factors, and readily available information. Opinions or comments that require information from DC BOE
leadership may require additional time.

   In addition, inquiries may be
converted to a FOYA request as needed or as
determined by the FOYA officer and/or
communications director. The requester will be
notified if such need arises and FOYA deadlines
will apply.

2024 election cycle year planning:
Our draft primary and general election calendars
for the 2024 election cycle are posted on our
website. Our vote center and mail ballot drop
box locations are also posted. The last day to
submit candidate nominating petitions was March
6th. And as we have heard, we are currently in
the nominating petition challenge period.

2024 voting options: During the 2024
election cycle, all registered DC voters will
receive a mail-in ballot. Voters may vote by
mail, in-person, or by depositing a ballot in a
drop box. BOE will have 55 mail ballot drop
boxes that will be placed throughout the city.
We will also operate 25 early vote centers and a
total of 75 election day vote centers. We are working with MPD to provide security and the Department of Public Works to place the mail ballot drop boxes. We are working with our mail house to begin mailing ballots during the week of April 29th.

Accessibility: We are conducting an accessibility survey of all 2024 vote centers before the primary election to ensure they are accessible. We have partnered with Disability Rights at University of Legal Services and the Office of Disability Rights to conduct surveys. As is our practice, we will also work with DGS to ensure vote centers are structurally accessible. Our accessibility coordinator has started conducting these visits.

Democracy Live: We have a meeting with Democracy Live to discuss the implementation of the electronic OmniBallot returns for ADA and -- voters. This portal will enable qualified voters to submit their ballots electronically. These voters will receive a unique pin code for portal
access, safeguarding the integrity of the voting process. The system is slated to go live no later than April 19th. We are also working with OCTO GIS to update the ARC GIS platform with the most recent data on vote center and mail ballot drop box locations. The where can I vote locator tool provides a user friendly interface where individuals can input any address and immediately find information regarding the closest vote center or mail ballot drop box location within the city. This information is available on our website under the voter section.

Election Worker Division: The Election Worker Training Division is actively recruiting and training election workers. During the 2024 election cycle, our goal is to recruit and train between 2,000 and 2,500 election workers. We will deploy approximately 1,700 election workers to serve at both center. Election worker training began on Tuesday, March 12th, 2024. As of March 30, we have trained 841 election workers.
Voter education and outreach: During the month of March, the Voter Education and Outreach Division conducted 41 outreach events on behalf of the Agency. Events included outreach to the DC Department of Employment Services, George Washington University's GW Latina Voice, the DC Bar Pro Bono Center, and American University Athletics.

DC BOE also celebrated Civic Learning Week from March 11th through March 15th. The purpose of Civic Learning Week is to focus on the importance of becoming active in civic engagement and democracy. DC BOE had an opportunity to visit schools in Wards 5 and 6. Students completed election worker applications and tested their voter registration knowledge.

Restore The Vote: The Restore the Vote Division held five outreach events in March. DC BOE partnered with Court Services and Offender Supervision Agency or CSOSA for three of the events as we addressed re-entering citizens. We participated in events with the Federal Pre-trial
Services Agency and the Federal Correction
Institution in Hazleton, West Virginia. The even
in Hazleton was the second event of its kind that
tested the viability of future WebEx meetings
with those incarcerate in the Federal Bureau of
Prisons. Discussions have begun regarding adding
additional events.

On March 25th, 2024, DC BOE met with
DataNet to discuss a home page redesign. DataNet
presented a visual design and shared a PDF file
containing the proposed layout, which is
currently under review by our Communications
Team. And that concludes my report.

CHAIR THOMPSON: All right. Thank you
very much. Next, we'll hear the campaign finance
report. I think General Counsel, William Sanford
is going to deliver that in lieu of Director
Collier Montgomery and then also give us his own
report. Welcome.

MR. SANFORD: Good afternoon. Good
afternoon. Is it on? I believe so. Good
afternoon. Good afternoon, Mr. Chairman and
distinguished Boardmember Greenfield. William Sanford representing the Office of Campaign Finance today.

CHAIR THOMPSON: Pull the mic a little closer.

MR. SANFORD: How's this, sir?

CHAIR THOMPSON: Yeah.

MR. SANFORD: Okay. I will present the Director's Report. I will summarize the report. The entire report will be posted at the Office of Campaign Finance website.

On March 14th, 2024, the Office of Campaign Finance partnered with the District of Columbia Public Library and joined other District agencies to participate in the Civic Fair. On March 27, 2024, the Office of Campaign Finance presented at a meeting of Advisory Neighborhood Commission Single Member District 1E07 and shared information regarding campaign finance programs.

In the Fair Elections Division, as of today's date, there are 14 certified participating candidates in the Fair Elections
Program. And the Office of Campaign Finance has authorized the disbursement of a total sum of $1,782,253.95 from the Fair Elections fund in base amounts and matching payments. During the month of March 2024, the Fair Elections Division completed 32 desk reviews and issued 11 requests for additional information letters.

As of March 2024, the total sum of 871,502.58 has been remitted for deposit in the Fair Elections fund. During the month of March, the Office of Campaign Finance received remissions from the following former candidates: Erin for DC principal campaign committee remitted $68,215.85 on March 22nd, 2024. Carisa Stanley Beatty, principal campaign committee remitted $79.53 on March 25th, 2024.

During the month of March 2024, the Office of Campaign Finance issued 42 post-election forwarded letters for the June '22 primary election and on November 8th, 2022 general election. Orders were initiated on March 13, 2023 and March 24, 2023. Today, Fair
Elections has issued 21 preliminary statements of all the findings and 21 final audit reports for the 2022 election cycle.

In the Public Information and Records Management Division, March 10th was required filing day. And in the traditional candidates committee area, there was a total of 17 required filers, 14 timely filed, 3 failed to file, and 3 were referred to the Office of the General Counsel.

In the area of Political Actions Committee, there was a total of 43 required filers, 33 timely filed, 1 requested an extension, which was granted, and 9 failed to file and were referred to the Office of General Counsel.

And now with regard to Independent Expenditure Committees, the total number of required filers filed timely. Regarding the Fair Elections Committee for March 10 required report, a total number of 22 filers were required to file reports, 19 timely filed, 3 failed to file their
reports and were referred to the Office of the General Counsel.

During the month of March 8th, new candidates registered for the 2024 primary election and they included the following:

Yolanda Fields registered on March 3rd, 2024.
David Gatling registered on March 11th, 2024.
Vilareal Johnson registered on March 14th, 2024.
And they all registered for the Ward 7 primary election.

Michael Reese registered on March 7th, 2024. Nathan Derenge registered on March 7th, 2024. Trayon White registered on March 28th, 2024. And they all registered for the Ward 8 primary election.

On March 6th, 2024, Quinn Nii registered for the Office of U.S. Shadow Senator primary election. And on March 4th, Joanne Young registered for the Republican National Committee primary election.

During the month of March 2024, two new candidates registered for the general
election and they were the following: Sherice Muhammad registered on March 24th, 2024 for DC State Board of Education Ward 7 general election. And LaJoy Johnson registered on March 6th, 2024 for the Office of State Board of Education Ward 8.

In the Report's Analysis and Audit Division, that division conducted 36 desk reviews of political action committees. One desk review of Constituents Services fund, 28 desk reviews of principal campaign committees, 8 desk reviews of Independent Expenditure Committees, 8 desk reviews of Initiative Recall Committees, issued 11 audit letters and requests for additional information and referred 3 cases to the Office of the General Counsel.

During the month of March 2024, the Report Analysis Division issued periodic random letters to the following committees: Ward 3 Democratic Committee and the documents were received on March 25th. Metro Washington DC PAC and the documents were received on the 22nd of
March 2024.

During the month of March the Report's Analysis and Audit Division also issued random audit letters to the following committees: Friends of Ebbon Allen Ward 7. The notification letter was issued on the 18th of March 2024. And the Committee to Elect Roscoe Grant Ward 7, audit notification letter was issued on March 18, 2024.

In the General Counsel's Division, during the month of March 2024, the Office of the General Counsel received 16 referrals, completed 16 informal hearings, and issued 19 orders, which included the following: Two orders to vacate were issued. Two orders in which a total of $18,550 in fines was imposed were issued. And 15 orders in which no fines were imposed -- were issued.

During the month of March 2024, the Office of the General Counsel imposed fines against the following respondents: A fine of $450 was imposed against the Service Employees International Union PAC and a fine of $18,100 was imposed against the Trayon for Mayor principal
campaign committee.

During the month of March 2024, the Office of the General Counsel had maintained to open investigations and they include the following: Docket No. OCFFI-2023-004. It was docketed on the 29th of December. Complainant was Edward Hanlon. The respondent was Brooke Pinto and the Committee to Elect Brooke Pinto 2024. The allegation was use of Government resources for campaign-related purposes. The order in this matter was issued on March 22nd, 2024.

The second matter was OCFFI-2023-005, docketed on the 29th of December 2023. Complainant again was Edward Hanlon, respondent again Brooke Pinto and the Committee to Reelect Brooke Pinto 2024. The allegation again was use of Government resources for campaign-related purposes. The order in this matter was issued on March 25th, 2024.

During the month of March 2024, there were no requests for interpretive opinions and no
show cause proceedings were conducted. And that should conclude both the Director's report and the Office of the General Report. The contents of both reports will be posted at the Office of Campaign Finance website by the close of business on today's date, the 5th of April 2024. And that concludes our report.

CHAIR THOMPSON: Thank you so much and a continued thank you to the OCF staff, as well as the BOE staff as we head towards the final two months before the primary. Much appreciated.

With that, our meeting will conclude with some open public comment. And we'll ask people to raise their hand by -- with their Zoom hands. When I call on folks, if you could start by stating your name and your address. And we'll go by a three minute clock if you could make all your comments within those three minutes. And then I'll see if anybody would like to respond. And so we're looking now to see if any hands are up and I'm not seeing any. I'll just give it a second.
We did get some emails requesting to speak and I see them present. I think Ms. Brazil sent us an email requesting to speak, so I want to be clear on the record that I'm giving her that opportunity. I don't see a hand raised. Yeah, so it's been a long meeting. So I don't know, you know, maybe folks didn't get a chance to stick around, but we'll be back next month for public comment as well.

So with that, I will move that we adjourn.

MEMBER GREENFIELD: I will second.

CHAIR THOMPSON: All right. Chair votes aye. All in favor?

MS. STROUD: Member Greenfield?

CHAIR THOMPSON: All in favor?

MEMBER GREENFIELD: Aye.

CHAIR THOMPSON: Thank you everybody for all your patience today. We really appreciate it.

(Whereupon, the above-entitled matter went off the record at 1:34 p.m.)
CERTIFICATE

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 04-05-24

Place: teleconference

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

[Signature]

Court Reporter