

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

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MONDAY

DECEMBER 16, 2019

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The District of Columbia Board of Elections convened a Special Board Meeting in Suite 750, 1015 Half Street, S.E., Washington, D.C., 20003, pursuant to notice at 10:00 a.m., Michael Bennett, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

MICHAEL BENNETT, Chair
MICHAEL GILL, Member

BOARD OF ELECTIONS STAFF PRESENT:

ALICE P. MILLER, Executive Director
TERRI D. STROUD General Counsel

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

2 10:27 a.m.

3 CHAIRMAN BENNETT: Good morning. This
4 is a Special Meeting of the D.C. Board of
5 Elections. And it's to address, say, one issue,
6 a meeting.

7 We have here today Board Member
8 Michael Gill, myself, Michael Bennett, Chair,
9 Alice Miller, who is the Executive Director of
10 the Board of Elections, and our General Counsel,
11 Ms. Terri Stroud.

12 And so, a special meeting to consider
13 the one issue. And we'll call the meeting to
14 order. We have a quorum in that two of the three
15 Board members are here. We don't have a third
16 Board member as of yet. But Michael Gill and
17 myself create a quorum.

18 With that, the meeting is opened. Mr.
19 Gill, can you give me a motion to accept the
20 agenda?

21 MEMBER GILL: Motion to accept the
22 agenda.

1 CHAIRMAN BENNETT: It's been properly
2 moved, and I second. And it's unanimous. The
3 agenda is accepted.

4 So let me start out with this one item
5 on the agenda. It's the consideration of results
6 of the challenge to the recall measure of Jack
7 Evans, Ward 2 member of this, of the City
8 Council.

9 What I'd like to do is to first allow
10 Mr. Gill and Ms. Stroud to address the, kind of
11 give some background for the record in terms of
12 why we're here, and particularly since the recall
13 measure did not meet the legal requirement to go
14 forward. But we still have to address the
15 challenge to the recall petition. Mr. Gill?

16 MEMBER GILL: So, thanks, Michael.
17 So, if I could ask our General Counsel, Terri, we
18 are reviewing a challenge to a recall petition,
19 two signatures. The last time we were here we
20 accepted a recommendation from the Board that
21 they did not get enough signatures and that
22 there's an order that will be coming out on that.

1 MS. STROUD: Yes.

2 MEMBER GILL: And so, but yet we're
3 here on the challenge. And so, by statute, we
4 review recall petition signatures regardless if
5 there's a challenge or not.

6 MS. STROUD: Yes.

7 MEMBER GILL: We review them --

8 MS. STROUD: We do.

9 MEMBER GILL: -- which is unlike how
10 we would handle a typical nominating scenario.

11 MS. STROUD: That is correct.

12 MEMBER GILL: We would accept
13 signatures --

14 MS. STROUD: As valid --

15 MEMBER GILL: -- as --

16 MS. STROUD: -- in the absence of a
17 challenge.

18 MEMBER GILL: And then, if there is a
19 challenge, we would then go through this review
20 process.

21 And so it may seem confusing that we
22 are doing two things, and in this case, we get to

1 the same result. But I just -- so can you
2 explain sort of what our obligations are as the
3 Board in that regard?

4 MS. STROUD: Yes. So the election
5 statute creates sort of a parallel process with
6 respect to the verification of recall and
7 initiative and referenda petitions, meaning that
8 the statute allows for, or mandates that the
9 Board conduct a verification process whereas we
10 go in and we look at each of the signatures on
11 the petition in the absence of a challenge to
12 determine whether or not they meet the statutory
13 requirements for ballot access.

14 There's a parallel process in the
15 election statute that allows for the public to
16 launch challenges to the same petitions when
17 submitted.

18 So, pursuant to the elections statute,
19 specifically D.C. Code Section 1-1001.17(k)(2),
20 the Board shall post within three calendar days
21 after the acceptance of a recall petition for
22 inspection the petition. And during a ten-day

1 challenge period after the petition is posted,
2 the public, any registered, qualified elector can
3 come in and file a challenge to the petition.

4 So the statute mandates that we
5 conduct the verification process as well as the,
6 allow for the challenge process to happen.

7 MEMBER GILL: Okay.

8 MS. STROUD: And that's in the
9 statute.

10 MEMBER GILL: Thank you very much.
11 That's all I have.

12 CHAIRMAN BENNETT: Okay. Great. I
13 wanted to read that into the record. And so now
14 I think we are at the point where, Ms. Miller,
15 you're going to provide the report.

16 DIRECTOR MILLER: Yep. Thank you, Mr.
17 Chairman.

18 I just want to say to say that this
19 report is prepared by registered voters, Karen
20 Brooks, who is here today. And if we have
21 questions, we can ask her specifically.

22 But just generally, as we know, Mr.

1 Eidinger submitted a recall petition for Jack
2 Evans on November 18th. That recall had a
3 challenge filed to it by Mr. Don Dinan. That
4 challenge was filed on the 29th of November. Mr.
5 Dinan challenged 3,152 signatures of the 5,627
6 signatures that was filed in the recall petition.

7 CHAIRMAN BENNETT: That was on behalf
8 of Jack Evans.

9 DIRECTOR MILLER: Right. He was a
10 challenger on behalf of the Ward 2 Council
11 member.

12 The challenge and the review of the
13 challenge indicated that there were a total of
14 681 that were not eligible to sign the petition.

15 By not eligible, I mean they were not
16 Ward 2 residents, not registered at the address,
17 not registered at the address at the time they
18 signed the petition, or not a registered voter,
19 681 of those.

20 We had 33 duplicate signatures. We
21 had 88 illegible, petition did not contain the
22 printed or typed name where the signature was not

1 sufficiently legible for identification.

2 And also, there were a number of
3 miscellaneous things that happened, that occurred
4 on the petition, things like missing information
5 such as the address and not dated. Of that,
6 there were 394 of those, and 105 signatures not
7 matching.

8 So, the total result of the challenge
9 indicated that 1,301 of the 3,152 challenges were
10 valid. Of that, it took them down to 1,101 below
11 the statutory requirement for certification to
12 the ballot, which he needed 4,994, 4,949.

13 CHAIRMAN BENNETT: Okay. And so --

14 MEMBER GILL: Do you need a motion to
15 --

16 CHAIRMAN BENNETT: Yeah, I need a
17 motion to accept --

18 DIRECTOR MILLER: Accept the
19 registrar's report?

20 CHAIRMAN BENNETT: Yep.

21 MEMBER GILL: So I make a motion to
22 accept the registrar's report.

1 CHAIRMAN BENNETT: It's been properly
2 moved. I second. And so it's unanimous. The
3 registrar's report is accepted. And I don't
4 believe there are any other Board members.

5 MEMBER GILL: Do we have to, do we
6 want to, do we have to vote on that report?
7 We've accepted it. But do we want to --

8 MS. STROUD: Yeah, we can -- we've
9 adopted the report.

10 MEMBER GILL: Right.

11 MS. STROUD: We're accepting the
12 registrar's report. And I recommend that you
13 accept the findings issued in the report, so get
14 a motion to that effect.

15 And I also want to note for the record
16 that neither the challenger nor the proposer are
17 present despite having been notified as to
18 today's meeting.

19 MEMBER GILL: All right. So a motion
20 that we've accepted the report and now a motion
21 to accept the recommendations and a vote.

22 CHAIRMAN BENNETT: It's been properly

1 moved and seconded. I second that. And so we'll
2 vote for the record. For me, Michael Bennett,
3 Chair, my vote is yes to accept.

4 MEMBER GILL: Yes from me.

5 CHAIRMAN BENNETT: Okay. So that's
6 unanimous.

7 MS. STROUD: And under the law, the
8 Board had 20 days from the date that the
9 challenge was filed to resolve the challenge.
10 And so an order is due no later than December
11 19th. And it will issue, we will have an order
12 prepared for the Board's signature on or before
13 that date.

14 CHAIRMAN BENNETT: Yeah. So,
15 effectively, the challenge has been resolved,
16 even though the petition itself didn't meet the
17 statutory requirements to be accepted and to go
18 forward.

19 MS. STROUD: Yes.

20 CHAIRMAN BENNETT: Okay. Any other
21 Board matters?

22 MEMBER GILL: No.

1 DIRECTOR MILLER: I have one thing --
2 (Simultaneous speaking.)

3 DIRECTOR MILLER: -- that I would just
4 like to put on the record. It has nothing to do
5 with the challenge or the recall at all, but just
6 I want to note for the record that the office
7 will close at noon on Thursday, December 19th.
8 We'll put in on the website. But our office will
9 close at noon on Thursday so the staff can enjoy
10 a holiday party.

11 CHAIRMAN BENNETT: Really?

12 DIRECTOR MILLER: Really.

13 CHAIRMAN BENNETT: Okay.

14 DIRECTOR MILLER: They work very hard
15 and deserve it.

16 CHAIRMAN BENNETT: Bah humbug. Please
17 put that on the record.

18 DIRECTOR MILLER: As you wear your
19 tie.

20 (Off mic comments.)

21 CHAIRMAN BENNETT: Anyway, I don't
22 have any Board matters. Do you have any Board

1 matters, Mr. Gill? Ms. Stroud, is there anything
2 else you'd like to bring forth --

3 MS. STROUD: No, I just want to say
4 happy holidays.

5 CHAIRMAN BENNETT: Okay. Great. This
6 special meeting is adjourned. Thank you.

7 (Whereupon, the above-entitled matter
8 went off the record at 10:36 a.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Board Meeting

Before: DC BOE

Date: 12-16-19

Place: Washington, DC

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



Court Reporter

NEAL R. GROSS

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