

GOVERNMENT
OF
THE DISTRICT OF COLUMBIA

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BOARD OF ELECTIONS

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SPECIAL BOARD MEETING

+ + + + +

FRIDAY

FEBRUARY 14, 2025

+ + + + +

The District of Columbia Board of Elections convened via Video/Teleconference, pursuant to notice at 1:00 p.m. EST, Gary Thompson, Chair, presiding.

BOARD OF ELECTIONS MEMBERS PRESENT:

GARY THOMPSON, Chair
KARYN GREENFIELD, Member

BOARD OF ELECTIONS STAFF PRESENT:

MONICA HOLMAN EVANS, Director
TERRI STROUD, General Counsel
MARISSA CORRENTE, Registrar of Voters

ALSO PRESENT:

JAY PENUEL, Sign Language Interpreter

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

2 (1:01 p.m.)

3 MR. THOMPSON: All right, good
4 afternoon everybody, and Happy Valentine's Day.
5 I'm Gary Thompson, chair of the D.C. Board of
6 Elections. With us here today is Karyn
7 Greenfield by Zoom. We are both here. We have a
8 quorum. We've both had a chance to review the
9 agenda of this special Board meeting, and at this
10 time I would move that we adopt that agenda.

11 MS. GREENFIELD: And I second.

12 MR. THOMPSON: Okay. The agenda
13 having been adopted, we have three issues on our
14 special meeting agenda today. Also I wanted to
15 welcome Jay Penuel, who is there with sign
16 language translations. Thank you for being here,
17 Jay.

18 And with that I will turn the agenda
19 over to General Counsel Terri Stroud, who is
20 going to introduce the first issue.

21 MS. STROUD: I believe the first issue
22 is the issuance of petition in support of the

1 recall for -- submitted with the subject of the
2 recall being the Attorney General for the
3 District of Columbia, Brian Schwalb. And I just
4 want to confirm that Roshn Marwah, who is the
5 proposer for the agenda is present, and if he
6 could be elevated as a panelist so that we can
7 have him -- Roshn, R-O-S-H-N, Marwah. Yes.

8 So by way of background, this is a
9 matter that is a notice of intent to recall and
10 it was filed on January 16, 2025, by Roshn
11 Marwah, who is a registered qualified elector in
12 the District of Columbia. He properly filed a
13 Notice of Intent to recall Brian Schwalb, who is
14 the Attorney General for the District of
15 Columbia.

16 Marwah's filings included a copy of a
17 verified statement of contributions that has been
18 filed with the Office of Campaign Finance. That
19 verified statement of contributions includes a
20 statement of organization as well as a initial
21 receipt -- report of receipts and expenditures.
22 And Attorney General Schwalb was served with

1 notice of a recall on January 16, 2025, and he
2 was informed at that time that he could file a
3 response to the statement submitted in support of
4 the recall by January 27, and that such a
5 response would be included on the recall
6 petition. Attorney General Schwalb timely filed
7 a response on January 25th.

8 During the preparation of the petition
9 form, Board staff noticed that there were two
10 different versions of the proposer's statement in
11 support of the recall. There were some
12 variations in the third paragraph and minor word
13 changes in the second paragraph. One of the
14 versions which represented the properly filed and
15 accepted measure comported with the electronic
16 version that had been -- that the proposer
17 subsequently submitted. Unfortunately, the
18 Attorney General did not receive the correct
19 version of the proposer's statement.

20 Accordingly, Board staff provided the
21 Attorney General with the correct version on
22 Monday, February 3rd, which necessitated the

1 restarting of the statutorily mandated ten-day
2 period in which to submit the statement and
3 response to the recall. The new deadline for the
4 receipt of the statement in opposition to the
5 recall was February 13, and it was timely filed
6 on February 12.

7 And so the Board staff has prepared
8 and is prepared to issue to the proponent an
9 original petition form for adoption. And this is
10 the sole purpose of this proceeding, the issuance
11 of the recall. That is to say the only question
12 is whether or not the proponent adopts the
13 petition form that was prepared by Board staff as
14 their own. And so we're not -- the Board is not
15 asking whether they approve of the elected
16 official's response, but rather whether the
17 information submitted, i.e., the name, the
18 Statement of Reasons to Recall, their address, et
19 cetera, is correctly and accurately reflected on
20 the petition form that was prepared by the Board.

21 MR. THOMPSON: Okay. Mr. Marwah, can
22 you hear us okay?

1 MR. MARWAH: I can. Can you hear me?

2 MR. THOMPSON: We sure can. Thanks
3 for being here. The main question is have you
4 had a chance to review the petition that our
5 Board staff has prepared?

6 MR. MARWAH: I have reviewed the draft
7 of the petition sent to me by the Board staff.

8 MR. THOMPSON: All right, and do you
9 approve the petition form and adopt it as your
10 own?

11 MR. MARWAH: I do.

12 MR. THOMPSON: Well, thank you very
13 much for that and that being established, the
14 petition is available for circulation and I'll
15 just sort of state the obvious that this is a
16 process that's outlined in our Home Rule Act and
17 our regulations. We as the Board are merely
18 issuing or making the petition available to you
19 for circulation. We in no way agree or disagree
20 with its contents. We're completely 100 percent
21 neutral here. It's a process that's available to
22 you. So the petition is available, and at this

1 time I'll ask Registrar of Voters, Marissa
2 Corrente, to outline for you and others the
3 remainder of the recall process.

4 MS. CORRENTE: Sure. Thank you, Chair
5 Thompson.

6 MR. THOMPSON: Is your mic on?

7 MS. CORRENTE: It is. Okay. Thanks.

8 Pursuant -- so I'm going to read from a memo
9 that's dated for today. The beginning of the
10 memo was recapped and shared by General Counsel
11 Stroud. So I'm going to start with the part that
12 kind of -- where we pick up at this point in the
13 process.

14 So pursuant to D.C. Official Code 1-
15 204.112, a petition for the recall of a city-
16 wide elected official shall include the valid
17 signatures of ten percent of the registered
18 qualified electors of the District of Columbia,
19 which shall include ten percent of the registered
20 electors in each of five or more of the city's
21 wards. The number of registered voters used to
22 compute these requirements is "the latest

1 official count of registered electors by the
2 Board of Elections which was issued 30 or more
3 days prior to submission of the signatures for
4 that particular recall petition."

5 So while the signature requirement
6 cannot be determined yet, the current
7 calculations using the published January 31st,
8 2025, monthly voter registration statistics, mean
9 that overall for the entire District, which
10 there's 488,013 registered voters as of January
11 31st, that means that 10 percent of that is
12 48,801. And so the memo will include a more
13 detailed breakdown by each ward.

14 So both the proposer of the recall and
15 the elected official who is the subject of the
16 recall are advised to check with the Board on a
17 monthly basis as new statistics are issued to get
18 up-to-date estimates of the signature
19 requirement.

20 In addition, assuming the proposer of
21 the recall -- well, sorry, yes, as this petition
22 was formally adopted at today's meeting, the 180-

1 day period for circulating the petition pursuant
2 to D.C. Official Code 1-1001.17(g) expires on
3 Tuesday, August 12, 2025, at 5 p.m. So that's
4 the deadline for the completed petitions being
5 returned.

6 The proposer will be sent the
7 following documents to their provided email after
8 the Board meeting concludes, a PDF version of the
9 petition, this memorandum, and a secure link to
10 various ballot access handouts and forms. It is
11 the duty of the proposer to ensure that when the
12 petition is printed, the formatting matches the
13 original document, which for a recall petition is
14 on 8.5 by 14 inch double-sided paper and the
15 proposer of the recall is also responsible for
16 adhering and ensuring that all parties connected
17 to their efforts adhere to the pertinent rules,
18 regulations, and laws.

19 MR. THOMPSON: All right, thank you so
20 much.

21 Mr. Marwah, do you have any questions?

22 MR. MARWAH: Not at this time.

1 MR. THOMPSON: All right. Thanks for
2 being here. I think there's also a
3 representative here on behalf of the Attorney
4 General, Mr. Mehta. I just want to check and see
5 if Mr. Mehta has any questions or comments that
6 he'd like to make, and we'll let us promote you
7 here.

8 MS. MEHTA: Hi. My name is Dipa Mehta
9 and I'm representing the Attorney General. I do
10 not have any comments or questions at this time,
11 but thank you and I thank the Board.

12 MR. THOMPSON: And I apologize, Ms.
13 Mehta. Sorry, I said Mr.

14 MS. MEHTA: No worries.

15 MR. THOMPSON: Thanks for being here.
16 Okay, we'll turn next to the -- and General
17 Counsel?

18 MS. STROUD: Yes. I'm sorry, Mr.
19 Marwah, I'm not sure if you're still here, if I
20 would recommend that you look at dates for
21 trainings on circulations to make sure that
22 you're aware of the rules and regulations

1 pertaining to the petition circulation. I
2 believe that there's a schedule of brown bag
3 trainings with respect to petition circulation
4 that's on the website and be very helpful to
5 attend one of those trainings so that you can be
6 informed of the rules and regulations in an
7 instructional format, where you'll be made aware
8 of past orders that have dealt with issues
9 regarding petition circulations. It would be
10 very helpful for you to be familiar with those
11 rules.

12 MS. CORRENTE: And just to clarify,
13 that schedule is in the documents that are being
14 forwarded over later today.

15 MS. STROUD: Okay. So you have them.
16 Good.

17 MR. MARWAH: Okay. Thank you very
18 much. I appreciate that.

19 MR. THOMPSON: All right. Next on our
20 agenda in this special meeting today is a
21 Certification of Vacancy in the Office of Ward 8
22 Member of the Council.

1 That's for Executive Director Monica
2 Evans.

3 MS. EVANS: Yes, thank you and good
4 afternoon. The next order of business is the
5 Certification of Vacancy in the Office of Ward 8
6 Member of the D.C. Council. On February 4, the
7 D.C. Council voted to expel the Ward 8
8 Councilmember. We received the expulsion of
9 Councilmember Trayon White, Sr., Resolution of
10 2025 on February 5th, 2025. The expulsion
11 created a vacancy in the Ward 8 member seat. At
12 this point, the Board needs to declare the seat
13 vacant. Therefore, I ask for the Board to make a
14 motion and vote to certify the vacancy.

15 Mr. Chair?

16 MR. THOMPSON: Yeah. Thank you, I
17 will make that motion and I note for the record
18 that the resolution that was forwarded to us from
19 the Council does include in Section 9 the
20 specific point that the expulsion creates a
21 "vacancy" in the Ward 8 seat. And in addition,
22 we've also received and reviewed an opinion from

1 the Office of Attorney General, dated February
2 3rd, 2025, and it reviews and concludes that the
3 expulsion of a Councilmember constitutes a
4 "vacancy" for purposes of our election laws. And
5 maybe that's technical, but there's various ways
6 that a Councilmember may no longer be a
7 Councilmember, resignation, you know, death, and
8 recall are three other examples.

9 So we took a hard look at our laws,
10 starting with the Home Rule Act itself, Section
11 204.01(d)(1) states that in the event of a
12 vacancy, we shall hold a special election. So we
13 wanted to be certain that an expulsion is --
14 qualifies as a "vacancy" within the meaning of
15 the Home Rule Act, D.C. election laws, as well as
16 our regulations. So we've been very careful to
17 review that, and we now are in receipt of those
18 opinions from the Council as well as the OAG. So
19 that legal point having been covered, there is a
20 vacancy which means we shall hold a special
21 election, so therefore I move that we certify the
22 vacancy and proceed with plans to hold that

1 special election.

2 MS. GREENFIELD: And I second it.

3 MS. STROUD: Okay. We'll take a roll
4 call vote with respect to that.

5 Chair Thompson?

6 MR. THOMPSON: Chair votes aye.

7 MS. STROUD: Member Greenfield?

8 MS. GREENFIELD: Votes aye.

9 MS. STROUD: The ayes have it, and the
10 Board has thusly declared -- or certified a
11 vacancy with respect to the Ward 8 seat on the
12 Council, for the Ward 8 member of the Council.
13 And as the Chair indicated and the Executive
14 Director indicated, we will have a special
15 election.

16 MS. EVANS: Thank you, and the draft
17 election calendar will be posted on our website
18 later today, but just as far as a few key dates,
19 nominating petitions will be made available on
20 Tuesday, February 18. On Thursday, April 17,
21 will be the last day to file nominating
22 petitions. Early voting will run from Friday,

1 July 11 through Monday, July 14, and the special
2 election will be held on Tuesday, July 15. And
3 again, the calendar will be posted on our
4 website, the draft calendar will be posted on our
5 website later today. Thank you.

6 MR. THOMPSON: All right. Thank you.
7 Anything else on that issue?

8 MS. EVANS: No.

9 MR. THOMPSON: Great. Turning then to
10 the final issue for our meeting today, which is a
11 rulemaking to Title 3 of our municipal
12 regulations.

13 MS. STROUD: Okay, thank you, Mr.
14 Chair. And this is related to the last agenda
15 item, the declaration or certification of a
16 vacancy by the Board. Our regulations did not
17 cover expulsion as a means of creating a vacancy,
18 and so we are taking action to establish,
19 consistent with Section 9 of the Council
20 resolution that was just referenced, Council
21 Resolution 26-0017, which was approved on
22 February 4, that the Council's expulsion of a

1 member results in a vacancy that triggers
2 procedures for filling vacancies. So this
3 rulemaking will address that, and it will also
4 provide clarity regarding the date upon which
5 vacancies occur. And so this rulemaking would
6 change -- amend certain provisions of Chapter 9
7 of Title 3 of the D.C. Municipal Regulations.
8 That chapter is titled Filling Vacancies. And we
9 will submit this -- with the Board's leave,
10 submit this rulemaking to the D.C. Register,
11 where it will be published.

12 We expect that it will be published on
13 February 28, but maybe it could be published
14 earlier since we're giving them, the Register,
15 more time. We just missed the deadline by --
16 well, actually, I think we might have missed it
17 by a couple of days at this point. But to go
18 into the D.C. Register on February 28 and again,
19 it will indicate what the purpose of these
20 amendments are, which are what I just indicated,
21 and if it's published in the D.C. Register on
22 February 28, the deadline to provide comments

1 would be March 31st, 2025. And we will also post
2 this rulemaking on the Board's website at the
3 conclusion of the meeting, so that the public may
4 have access to it prior to its publication in the
5 D.C. Register. And with that, I would ask for a
6 motion from the Board for leave to submit this
7 for publication in the D.C. Register in the next
8 available issue.

9 MR. THOMPSON: Thank you. The chair
10 so moves that it be submitted to the D.C.
11 Register.

12 MS. GREENFIELD: I second.

13 MS. STROUD: Okay, we'll take a roll
14 call vote.

15 Mr. Chair, your vote?

16 MR. THOMPSON: Aye.

17 MS. STROUD: Member Greenfield?

18 MS. GREENFIELD: Aye.

19 MS. STROUD: And the ayes have it and
20 the measure -- or the rulemaking will be
21 published in the D.C. Register in the next
22 available edition -- or submitted for

1 publication.

2 And that concludes my report -- or my
3 agenda items.

4 MR. THOMPSON: Anything else? All
5 right, well it's been a quick meeting. Thanks
6 everybody for being here. We will see you next
7 on March --

8 MS. STROUD: The next meeting is
9 Monday, March 3rd, at 10:30 a.m.

10 MR. THOMPSON: That will be for our
11 regular meeting, where we'll also take public
12 comments, so with that, Happy Valentine's Day,
13 and I move that we adjourn.

14 MS. GREENFIELD: I second.

15 MR. THOMPSON: All in favor.

16 (Whereupon, the above-entitled matter
17 went off the record at 1:20 p.m.)
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In the matter of: Special Board Meeting

Before: DC BOE

Date: 02-14-25

Place: teleconference

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Court Reporter

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