

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CARNECIA ROBINSON
3508 6th St SE
Washington DC, 20032

FLORENCE R. BARBER
1138 Barnaby Terrace SE
Washington DC, 20032,

Plaintiffs,

V.

DISTRICT OF COLUMBIA
BOARD OF ELECTIONS,

Defendant.

1:20-cv-01364-DLF

DEFENDANT'S ANSWER

The Defendant, Board of Elections (hereinafter the “Board”), hereby responds to Plaintiffs’ Complaint pursuant to Fed. R. Civ. P. 8(b) and this honorable Court’s minute order dated June 3, 2020. Defendant states the following in response to the individually numbered paragraphs in the Complaint as follows:

- 1-3. Defendant admits the allegations of Paragraphs 1-3.
- 4-6. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraphs 4-6.
7. Defendant admits the allegation of Paragraph 7.
8. Defendant admits in part and denies in part the allegation of Paragraph 8. Plaintiffs' exhibit D is a letter from a United States Postal Service (USPS) Government Relations Representative who stated that the Congress Heights Station is experiencing a personnel shortage coupled with an increase in parcel volume.

- 9-15. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraphs 9-15.
- 16. Defendant denies the allegation of Paragraph 16. The Board only allows 10 voters inside each vote center to maintain social distancing.
- 17-23. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraphs 17-23.
- 24. Defendant admits in part and denies in part the allegation of Paragraph 24. The Board selected three Vote Centers in Ward 8: Barry Farm Recreation Center, Anacostia High School, and Malcolm X Opportunity Center. The Board denies the selection of 3 Vote Centers in Ward 8 will further depress voter participation.
- 25. Defendant admits that the two most populous voting precincts, 125 and 116, are located closer to Southern Avenue S.E.
- 26. Defendant admits that Barry Farm Recreation Center and Anacostia High School are geographically located on the opposite end of Ward 8 from voting precincts 125, 121, 116, 126, and 124.
- 27. Defendant admits Malcolm X Opportunity Center is roughly the geographic center of Ward 8.
- 28-30. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraphs 28-30.
- 31. Defendant admits voters in the precincts along Southern Avenue are closest to Malcolm X Opportunity Center.
- 32-36. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraphs 32-36.
- 37. Defendant admits Malcolm X Opportunity Center is not within a short walking distance to precincts 125, 121, 126, and 124.
- 38-39. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraphs 38-39.
- 40. Admitted.
- 41-42. Paragraphs 41 and 42 present legal conclusions and questions of law to be determined solely by the Court to which no response is required.
- 43. Admitted.
- 44. Admitted.

45. Denied. The Board did not change every aspect of the voting process; rather, they closed polling precincts and utilized District-wide Vote Centers to accommodate social distancing to comply with CDC guidelines.
46. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 46.
47. Denied. The Board was first made aware of claims that some Ward 8 residents had not received the Voter Guide by May 11, 2020 in correspondence from Absalom Jordan dated May 11, 2020 that requested that the Board either relocate the Barry Farms Recreation site to Hendley School or add Hendley School as an additional polling site.
48. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraph 48.
- 49-51. Paragraphs 49 through 51 present legal conclusions and questions of law to be determined solely by the Court to which no response is required.
52. Admitted.
- 53-54. Paragraphs 53 and 54 present legal conclusions and questions of law to be determined solely by the Court to which no response is required.
55. Admitted.
- 56-59. Defendant lacks knowledge or information sufficient to admit or deny the allegations of Paragraphs 56-59.
- 60-62. Paragraphs 60 through 62 present legal conclusions and questions of law to be determined solely by the Court to which no response is required.

DATE: June10, 2020

Respectfully Submitted,

/s/ Rudolph M.D. McGann
RUDOLPH M.D. McGANN, Bar No. 471731
Staff Attorney
District of Columbia Board of Elections
1015 Half Street SE, Suite 750
Washington, DC 20003
Phone: (202) 727-9149

CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of June, 2020, a true and accurate copy of the foregoing answer was served on opposing counsel listed below by electronic case filing service.

Aristotle Theresa
STOOP LAW
1604 V St SE
Washington DC, 20020
(202) 651-1148
actheresa@stooplaw.com

/s/ Rudolph McGann
RUDOLPH MCGANN