

Testimony of Brian Lederer
Before the Council of the District of Columbia
Committee on Government Operations and the Environment,
Chair, Councilmember, Mary Cheh
January 19, 2011

Good afternoon, Madam Chair, members of the Committee. I am testifying today on the proposal submitted by Rukey W. Suleman, II., to use the financial condition of the city to change voting from the normal 143 precincts in our eight wards on one day to 16 voting sites in eight ward over three days in the April 26, 2011 Special Election for an At-Large Member of the Council.

Although I am testifying as an individual, I am a former Chair of the Ward Three Democratic Committee and legal counsel now to the Ward Three Democratic Committee. I worked as a lawyer in the Mayoral Election on the Voter Protection Legal Team of our new Mayor. I also worked as a counsel on the Voter Protection Team for now President Obama in Virginia in 2008. I have worked on election day in almost every election in the District since 1986, in three Presidential elections, multiple primaries, Congressional and Senate races since 1972 in New York, New Jersey, Hawaii, Michigan, Washington State, Vermont, among others.

This proposed change is a bad idea, being done without proper process, or input because of money. It will help suppress voting, confuse voters, set a bad precedent, and undermine voting rights in a city whose home rule authority is a triumph of the Civil Rights movement for voting rights. It may also set a precedent against a one-city

community based governance being implemented to bring all communities and all ward together to establish common ground for our future.

Yes the District has a financial challenge – which only makes the lack of process and community discussion a bad habit to establish. That habit could lead to many last minute changes without input, a very bad precedent for our city needing a one city process to be established.

The BOEE has the authority to have started this consideration immediately following the September 14, 2010 primary when it was obvious there would be an at-large vacancy. The BOEE should have drafted a proposal, placed it in the DC register, invited public comments, held a Board meeting to consider the comments and proposal, to hear from the public, and make a decision or recommendation for consideration of the Council. How do we know or how can we test the details of the letter from the Executive Director, including the cost estimates. As a veteran of utility rate cases, I have learned that costs estimates are often shaky – and should never be accepted on mere assertion.

Now, we are in a hurry, in the middle of the Special Election process, creating uncertainty for voters and for candidates. We should not make such a momentous decision on the fly. The proposal should be rejected while BOEE gets it house in order on the voter lists, and establishes a process to determine – with full community input – how we should conduct our elections and vote, a hard earned right, that should not be easily compromised.