

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Paul Trantham,)	Administrative Hearing
Challenger)	Docket No. 18-026
)	
v.)	Challenge to the Nominating Petition
)	of Darrell Danny Gaston, Candidate
Darrell Danny Gaston,)	for Advisory Neighborhood
Candidate.)	Commissioner from SMD 8B04
)	

MEMORANDUM OPINION AND ORDER

This matter came before the District of Columbia Board of Elections (hereinafter referred to as “the Board”) on August 31, 2018. It involves a challenge to the nominating petition of Darrell Danny Gaston (“Mr. Gaston” or “the Candidate”) as a candidate for the office of Advisory Neighborhood Commissioner from Single-Member District 8B04. The challenge was filed by Paul Trantham (“Mr. Trantham” or “the Challenger”). The Challenger asserted that his challenges, if valid, would leave the Candidate’s nominating petition below the statutory minimum of 25 signatures of duly registered voters, thereby disqualifying the Candidate from ballot access in the November 6, 2018 General Election.

Chairman D. Michael Bennett and Board member Mike Gill presided over the hearing. Both the Challenger and the Candidate appeared *pro se*.

This Memorandum Opinion constitutes the Board’s findings of fact and conclusions of law.

I. FINDINGS OF FACT

1. On August 8, 2018, Eugene Simms submitted a nominating petition containing 30 signatures to appear on the ballot in the November 6, 2018 General Election as a

candidate for the office of Advisory Neighborhood Commissioner from Single-Member District 8B04.

2. The minimum petition requirement for ballot access for the office of Advisory Neighborhood Commissioner is 25 signatures of qualified electors registered in the same Single-Member District as the candidate. D.C. Official Code § 1-309.05 (b)(1)(B).
3. The Candidate's petition was posted for public inspection on Saturday, August 11, 2018 for 10 days as required by law. D.C. Official Code §§ 1-309.09 and 1-1001.08 (o)(1).
4. On August 20, 2018, Paul Trantham, a registered voter in the District of Columbia, filed a challenge to the Candidate's nominating petition. The Challenger challenged a total of 21 signatures. Each signature challenged was referenced by line and page number, citing the specific ground or grounds as required by 3 DCMR § 1606.2 (a). Among the grounds upon which the Challenger sought to disqualify signatures on the Candidate's petition were that: (1) the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed; (2) the individual signers, according to the Board's records, are not registered to vote at the address listed on the petition at the time the petition was signed; (3) the petition does not include the address of the signer; (4) the petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification; (5) the signature is not made by the person whose signature it purports to be; and (6) the signer is not a registered voter in the Single-Member District from which the candidate seeks nomination at the time the petition was signed.
5. On August 21, 2018, both the Candidate and the Challenger were sent notice by email confirming receipt of the Challenge, providing a copy of the Challenge and notice of the

time period to cure signature defects by change of address. The same email provided notice of the date and time of a scheduled prehearing conference concerning the Challenge. The Candidate notified Board staff that he would not be able to attend the prehearing conference.

6. A prehearing conference was held at 2:00 PM on Monday, August 27, 2018 at the Board's offices at 1015 Half Street SE Suite 750. Both the Challenger and the Candidate were in attendance.
7. At the prehearing conference, the Registrar of Voters ("the Registrar") gave her preliminary report concerning the Challenge. The Registrar's report concluded that 3 of the individual challenges were valid and 18 of the challenges were invalid. The Registrar further concluded that as a result of the 3 valid challenges, the Candidate's nominating petition contained 27 signatures, 2 signatures over the requirement for ballot access.
8. The discussion during the prehearing conference focused on the Challenger's understanding of the Registrar's determinations on each of the challenges. The Challenger disputed that 3 individuals were registered voters (Aneas Turner (Sheet 2, Line 18); Alexis Bumpers (Sheet 2, Line 10); and Iyon Johnson (Sheet 2, Line 17)). Additionally, the Challenger indicated that he could not find records for these 3 individuals, as well as other challenged petition signatories, in a background check and public records application (Truthfinder) that the Challenger had purchased. The Registrar provided both the Challenger and the Candidate copies of the 3 voters' registration profiles in order to confirm their registration status. The Candidate did not dispute any of the factual findings in the Registrar's report at the prehearing conference.

9. Both the Candidate and the Challenger were notified by email on Tuesday, August 28 that the matter was scheduled for a public hearing to be held on Friday, August 31 at 12:40 PM.
10. The hearing on this matter occurred on Friday, August 31, 2018, beginning at 12:56 PM. Both the Challenger and the Candidate appeared *pro se*.
11. At the hearing, the Registrar provided the Board with her preliminary report of the challenge, which was identical to the report discussed in the prehearing conference held on August 27th. In summary, the Registrar concluded that the Candidate's petition contains 27 signatures, 2 signatures above the number required for ballot access.
12. At the hearing, the Challenger disputed that 4 challenged signatories lived at the address provided on the petition (Donte Brown (Page 1, Line 5); Lavar Moody (Page 1, Line 6); Tamiko Swan (Page 1; Line 11); and Alexis Bumpers (Page 2; Line 10). The Challenger stated that he visited the address listed on the petition for Donte Brown on August 30th, and a woman at the residence stated that Donte Brown does not reside there.
13. At the hearing, the Candidate did not express any disagreement with the factual findings and recommendation in the Registrar's report.

II. CONCLUSIONS OF LAW

14. The District of Columbia Election Code provides, in relevant part, that nominating petition challenges shall occur in the following manner:

Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition. A copy of the challenge shall be sent by the Board promptly to the person designated for the purpose in the nominating petition... The Board shall receive evidence in support of and in opposition to the challenge and shall determine the validity of the challenged nominating petition not more than 20 days after the challenge has been filed. D.C. Official Code § 1-1001.08 (o)(1)-(2).

15. District law clearly provides that for the purpose of verifying a signature on any nominating petition, the Board shall first determine if the address on the petition is the same as the address shown of the signer's voter registration record. D.C. Official Code § 1-1001.08 (o)(3). District law does not direct the Board to compare a petition signatory's address with any other government or privately-owned record in the nominating petition review process.
16. In light of the evidence submitted into the record, the Board accepts the Registrar's report and review of the challenged signatures and the voter registration applications that the Candidate timely submitted. The Board also accepts the Registrar's conclusion that after the valid challenges of 3 signatures, the Candidate's nominating petition contains 27 signatures, 2 signature above the statutory requirement for ballot access.
17. Because the Candidate's nominating petition contains the valid signatures of at least 25 qualified electors registered within the same Single-Member District as the candidate, the Board concludes that the Candidate qualifies for ballot access in the November 6, 2018 General Election.

ORDER

Based on the findings of fact and conclusions of law contained in the Board's Memorandum Opinion, it is hereby **ORDERED** that the Challenge filed by Mr. Trantham is rejected. It is further **ORDERED** that Mr. Gaston, the Candidate, be granted ballot access in the November 6, 2018 General Election.

August 31, 2018

A handwritten signature in blue ink, appearing to read "D. Michael Bennett", is written over a horizontal line.

D. Michael Bennett
Chairman, Board of Elections