

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Jimmie Williams,)	
Challenger)	Administrative
)	Order #22-006
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for the
)	Office of Ward 7
Tyrell Holcomb,)	Committeeman
Candidate.)	Democratic State Committee

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on April 22, 2022. It is a challenge to the nominating petition submitted by Tyrell Holcomb (“Mr. Holcomb”) in support of his candidacy for the office of Ward 7 Committeeman to the Democratic State Committee in the June 21, 2022 Democratic Primary Election (“the Primary Election”). The challenge was filed by Jimmie Williams (“Mr. Williams”) pursuant to D.C. Official Code § 1-1001.08 (o)(1) (2001 Ed.). Chairman Gary Thompson and Board members Michael Gill and Karyn Greenfield presided over the hearing. Both parties appeared *pro se*.

Background

On March 23, 2022, Mr. Holcomb submitted a nominating petition to appear on the ballot as a candidate in the Primary Election contest for the nomination for the office of Ward 7 Committeeman to the Democratic State Committee (“the Petition”). The minimum number of signatures required to obtain ballot access for this office is 100 signatures of District voters who are duly registered in the same ward and party as the candidate. The Petition contained 120

signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (“D.C.M.R.”) § 1603.1, Karen F. Brooks, the Board of Elections’ Registrar of Voters (“the Registrar”), accepted all 120 signatures for review.

On March 26, 2022, the Petition was posted for public inspection for 10 days, as required by law. On April 4, 2022, the Petition was challenged by Mr. Williams, a registered voter in the District of Columbia.

Mr. Williams filed challenges to a total of 42 signatures. Specifically, the signatures were challenged pursuant to Title 3 D.C.M.R. § 1607.1 of the Board’s regulations on the following grounds: the signer is not registered; the signer’s voter registration was designated inactive on the voter roll at the time the Petition was signed; the signer, according to the Board’s records is not registered to vote at the address listed on the petition at the time the petition was signed; and the signer is not a registered voter in the same party as the candidate at the time the Petition was signed.

Registrar’s Preliminary Determination

The Registrar’s review indicated that a total of 29 of the 42 signature challenges were valid. Specifically, the Registrar found that 11 signature challenges are valid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed, eight are valid because the signers were not registered at the time the petition was signed, three are valid because the signer is not registered to vote in the same party as the candidate at the time the petition was signed, and seven are valid because the signatures were pre-dated. Accordingly, the Registrar preliminarily determined the Petition contained 91 presumptively valid signatures, which is nine signatures below the number required for ballot access.

On April 14, 2022, Mr. Holcomb submitted 7 change of address forms. Two of these forms were accepted, but five were rejected because they were from individuals who were not registered.

Accordingly, the Registrar credited candidate Holcomb with two signatures that had initially been determined to be invalid. This left the candidate's nominating petition with 93 signatures, seven signatures below the number required for ballot access.

April 18, 2022 Pre-Hearing Conference

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel convened a pre-hearing conference on Monday, April 18, 2022. Mr. Williams was not able to attend due to an unexpected emergency at his place of work. Therefore, the pre-hearing conference proceeded with only Mr. Holcomb. In her findings report issued prior to the prehearing conference, the Registrar outlined her determinations with respect to the validity of each signature challenged and provided a key code explaining the notations she used to indicate the basis for upholding or denying each challenge.

Mr. Holcomb raised a single concern with the challenge. Specifically, he argued that signatures on petition sheet 11 that had been invalidated because the signature on the circulator's affidavit pre-dated the date of the signatures on that sheet should be found valid. He explained that it was his understanding that the first signature on sheet 11 was the signature of the circulator and that the circulator mistakenly understood that a petition sheet would be disregarded if there was a discrepancy between the date of her signature as an elector and as a circulator. For that reason, the circulator dated the circulator affidavit March 22, 2022, which was the same day she signed the sheet as a voter. The next signature on that sheet was also dated March 22, 2022. The remaining signatures were dated March 23, 2022. This resulted in eight signatures on sheet 11 postdating the date of the circulator's signature by one day (note: one of these eight signatures was invalid for other reasons). Mr. Holcomb stated that he intended to have the circulator present at the meeting of the Board to attest to these facts.

Further Registrar Review

After additional review of the challenge, the Registrar of Voters determined that two signatures that had been initially been determined to be invalid were, in fact, valid. Therefore, Mr. Holcomb was credited with two additional signatures. This left the candidate's nominating petition with ninety-five signatures, five signatures below the number required for ballot access.

On April 20, 2022, Mr. Holcomb submitted an affidavit from the circulator sheet 11. In the affidavit, the circulator averred that, when she signed the circulator affidavit on March 23, 2022, she mistakenly thought the date was March 22, 2022.

April 22, 2020 Board Hearing

During the Board hearing, Mr. Williams urged the Board to accept the Registrar's report. Mr. Holcomb asserted that the challenges to sheet 11 should not be upheld. He presented the circulator of that petition sheet, Ms. Shirley Thompson-Wright. Ms. Thompson -Wright was sworn in and testified that the March 22, 2022 date on her circulator affidavit was an inadvertent error. She stated that she was in a rush on the day in question and that she inadvertently wrote March 22, 2022 when she had actually signed the affidavit on March 23, 2022.

Discussion

The minimum number of signatures required to obtain ballot access for this office is 100 signatures of District voters who are duly registered Ward 7 Democrats. The Petition contained a total of 120 presumptively valid signatures. While Mr. Williams filed challenges to a total of 42 signatures, only 25 of those challenges were initially found to be valid. This left the Petition with 95 presumptively valid signatures.

The Board's regulations provide that the Board may waive any formal petition errors. *See* 3 D.C.M.R. § 1606.4. We have waived error concerning the date on the circulator's affidavit

where there was no substantial evidence that the circulator acted in a manner inconsistent with the circulator's oath. *See Moore v. Butler*, Administrative Order #20-024 (issued Sept. 4, 2020) (waiving as formal error pre-signed circulator affidavit). The situation concerning the seven signatures dated one day after the circulator's signature on petition sheet 11 cannot reasonably be distinguished from *Moore v. Butler*. Therefore, we find that Mr. Holcomb should be credited with seven signatures previously found to be invalid. This means that he has three signatures above the number needed for ballot access.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 102 valid signatures - three signatures above the number required for ballot access. It is hereby:

ORDERED that the challenge to the nominating petition of Tyrell Holcomb for office of Ward 7 Committeeman of the Democratic State Committee in the Primary Election is hereby **DENIED**, and that Mr. Holcomb is therefore granted ballot access in the Primary Election.

Date: April 22, 2022



Gary Thompson
Chairman
Board of Elections