

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Absalom Jordan,	)	
Challenger	)	Administrative
	)	Order #20-0006
	)	
v.	)	Re: Nominating Petition
	)	Challenge for the Office
	)	of Ward 8 Member of the
Frederick Hill III,	)	Council
Candidate.	)	

**MEMORANDUM OPINION AND ORDER**

**Introduction**

This matter came before the District of Columbia Board of Elections (“the Board”) on April 1, 2020. It is a challenge to the nominating petition of Frederick Hill III (“Mr. Hill”) for the office of Ward 8 Member of the Council filed by Absalom Jordan (“Mr. Jordan”) pursuant to D.C. Code § 1-1001.08(o)(1) (2001 Ed.). Mr. Hill appeared *pro se*. Mr. Jordan did not appear. Accordingly, the hearing proceeded *ex parte* pursuant to Title 3 of the District of Columbia Municipal Regulations (“D.C.M.R.”) § 403.4. Chairman D. Michael Bennett and Board members Michael Gill and Karyn Greenfield presided over the hearing.

**Background**

On March 4, 2020, Mr. Hill submitted a nominating petition to appear on the ballot as a candidate in the June 2, 2020 Democratic Primary Election for the office of Ward 8 Member of the Council (“the Petition”). The minimum requirement to obtain ballot access for this office is 250 signatures of District voters who are duly registered Democrats in the District of Columbia.<sup>1</sup>

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<sup>1</sup> See Title 3 D.C.M.R. § 1603.2(a).

Mr. Hill's Petition contained a total of 283 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 283 signatures for review.

On March 7, 2020, the Petition was posted for public inspection for 10 days, as required by law. On March 16, 2020, the Petition was challenged by Mr. Jordan, a registered voter in the District of Columbia. On the same date, Office of the General Counsel ("OGC") Staff Attorney Rudy McGann ("Mr. McGann") sent Mr. Hill an email informing him that Mr. Jordan had filed a challenge to the Petition.

Mr. Jordan filed challenges to a total of 58 signatures, pursuant to Title 3 D.C.M.R. § 1607.1 of the Board's regulations on the following grounds: the signer is not a duly registered voter; the signer's voter registration was designated as 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; the petition does not include the address of the signer; the petition does not include the name of the signer, where the signature is not sufficiently legible for identification; and the signer is not registered to vote in the same party as the candidate at the time the petition is signed.

### **Registrar's Preliminary Determination**

The Registrar reviewed the challenge to determine the sufficiency of the challenged signatures. The Registrar's initial review indicated that a total of 43 of the 58 signature challenges were valid.<sup>2</sup> The review further indicated that the remaining 15 challenges were invalid. Accordingly, the Registrar preliminarily determined that, based upon Mr. Jordan's challenge, the

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<sup>2</sup> The Registrar initially determined that 44 signature challenges were valid, but later credited Mr. Hill with one signature after he asked her to review a signature that had been determined to be invalid.

petition contained 240 presumptively valid signatures, 10 signatures below the number required for ballot access.

### **March 26, 2020 Pre-Hearing Conference**

Pursuant to Title 3 D.C.M.R. § 415.1, the OGC convened a pre-hearing conference (teleconference) on Thursday, March 26, 2020. Mr. Jordan appeared *pro se*, and agreed with the Registrar's report. Mr. Hill did not appear telephonically. Mr. Jordan was informed that one signature challenge (Page 9, Line 13), which was initially upheld, was determined to be invalid based upon additional review at Mr. Hill's request.<sup>3</sup> The Registrar's preliminary determination was amended to include the credited signature.

### **March 30, 2020 Response to the Registrar's Preliminary Determination**

On March 30, 2020, Mr. Hill sent an email response to the Registrar's preliminary determination in which he raised several concerns about how the Board processed both his candidacy and the challenge to the Petition. Specifically, Mr. Hill stated that he had been erroneously informed that he had qualified to appear on the June 2, 2020 Primary Election ballot as a candidate for the office of Ward 8 Member of the Council.

Mr. Hill's response discussed other matters such as COVID-19, the Mayor's prohibition against door-to-door soliciting, and Ms. Seegars' Facebook posts concerning the Registrar's preliminary determination. However, it did not include any evidence to oppose or cure the signature challenges.

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<sup>3</sup> Mr. Hill's nominating petition was challenged by multiple parties. During another pre-hearing conference on March 26, 2020, Mr. Hill informed the Registrar of his objection to her finding that Jacqueline Robinson's signature (Page 9, Line 13 of the Petition) was invalid, and asked her to review it. The Registrar had initially deemed Ms. Robinson's signature invalid because she had signed as "Jackie" instead of Jacqueline. Upon further review by the Registrar, Mr. Jordan's challenge was denied with respect to that particular signature, bringing Mr. Hill's total of presumptively valid signatures in connection with Mr. Jordan's challenge to 240.

Mr. Hill sent an email correspondence to the Board on March 30, 2020, with a response to the Registrar's preliminary determination. Mr. Hill took issue with the Registrar's findings, as well as how the Board processed his candidacy. He also took issue with being erroneously informed that he qualified to appear on the June 2, 2020 Primary Election ballot, as a candidate for the office of Ward 8 Member of the Council. The statement discussed several other issues, including the Novel Coronavirus (COVID-19)<sup>4</sup> and the Mayor's prohibition against door-to-door soliciting, but offered no additional evidence to oppose or cure the signature challenges.

### **April 1, 2020 Board Hearing**

On April 1, 2020, the Registrar presented the Board with her preliminary determination of the challenges. Mr. Jordan did not appear. Mr. Hill appeared telephonically. While Mr. Hill expressed his disagreement with the Registrar's findings, he did not provide any articulable evidence in opposition to those findings. The only signature he highlighted to demonstrate his contention that the Registrar's findings were flawed was the one that he had raised prior to the pre-hearing conference.

Mr. Hill also requested that the Board extend the period in which the 21 signatories to his Petition who were not registered to vote at the address listed on the petition at the time they signed it could submit address changes in light of the COVID-19 public health emergency. Finally, Mr. Hill informed that Board that his name should appear on the Democratic Party ballot in the June 2, 2020 Primary Election for the office sought because of what he viewed as the Board's mishandling of the ballot access process.

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<sup>4</sup> See Centers for Disease Control and Prevention, <https://www.cdc.gov/> (last visited April 4, 2020).

## Discussion

As a preliminary matter, the Board must address Mr. Hill's contention that his name should appear on the Democratic Party ballot in the June 2, 2020 Primary Election because he was informed by the Registrar in writing that he qualified as an official candidate.<sup>5</sup> While the incorrect letter was erroneously sent to Mr. Hill, that fact does not supersede the ballot access requirements outlined in the Board's governing statute and regulations, which require that a candidate must submit a minimum number of valid signatures to achieve ballot access. The Board also notes that the record reflects that Mr. Hill was informed of Mr. Jordan's challenge to the Petition the day it was filed.

Mr. Hill requests to extend the period in which signatories who were not registered to vote at the address listed on the petition at the time they signed it may submit address changes in light of COVID-19. This request cannot be honored because the period is set by D.C. Code § 1-1001.08 (o)(3).

The Registrar has determined that, as a result of Mr. Jordan's challenge, the Petition is left with 240 presumptively valid signatures - 10 signatures below the number required for ballot access. Moreover, while the regulations are clear that the Board can consider any evidence in support of and in opposition to a challenge, Mr. Hill did not provide any articulable evidence to oppose or cure the signature challenges raised by Mr. Jordan, save for the one signature he was credited with concerning Ms. Jacqueline Robinson.

The Board notes the Registrar's finding that, based upon, Mr. Jordan's challenge, the

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<sup>5</sup> An *Official Candidate Letter* was erroneously sent to Mr. Hill on March 9, 2020. This letter stated that Mr. Hill had qualified to appear as a candidate in the Ward 8 Member of the Council contest in the June 2, 2020 Democratic Primary Election. Mr. Hill was supposed to receive a *Preliminarily Qualified Candidate Letter*, which would have informed him that the Petition would be subjected to challenge in accordance with Board rules and regulations regarding the ballot access process. However, Mr. Hill was notified that two individuals had challenged the Petition promptly after the respective challenges were filed.

Petition does not have the requisite number of signatures to qualify him for ballot access. However, the Board also takes notice of its order of the matter of Seegars v. Hill (D.C. Board of Elections Admin. Op. #20-0006, April 6, 2020), in which it upheld the Registrar’s finding that the number of valid signatures in Mr. Hill’s petition was 167, 83 signatures below the number required for ballot access. Accordingly, the Board adopts the Registrar’s finding that the Petition does not have the requisite number of signatures to qualify him for ballot access, but finds that the Petition actually contains less than 240 presumptively valid signatures.

**Conclusion**

For the reasons indicated above, it is hereby:

**ORDERED** that candidate Frederick Hill III is denied ballot access for the office of Ward 8 Member of the Council in the June 2, 2020 Primary Election.

Date: April 6, 2020



D. Michael Bennett  
Chairman  
Board of Elections