

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Carlene Reid,)	
Challenger)	Administrative
)	Order #20-025
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for the
)	Office of Ward 8 Member
Ryan Washington,)	of the State Board of
Candidate.)	Education

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 2, 2020. It is a challenge to the nominating petition submitted by Ryan Washington in support his candidacy for the office of Ward 8 Member of the State Board of Education filed by Carlene Reid (“Ms. Reid”) pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). The parties did not appear. Chairman D. Michael Bennett and Board members Michael Gill and Karyn Greenfield presided over the hearing.

Background

On August 4, 2020, Ms. Washington submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 General Election contest for the office of Ward 8 Member of the State Board of Education (“the Petition”). The minimum requirement to obtain ballot access for this office is fifty signatures of District voters who are duly registered in the same ward as the candidate. The Petition contained 83 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 signatures for review.

On August 8, 2020, the Petition was posted for public inspection for 10 days, as required by law. On August 17, 2020, Ms. Reid, a registered voter in the District of Columbia, filed a challenge to the Petition.

Ms. Reid filed challenges to 46 signatures pursuant to title 3 D.C.M.R. § 1607.1 of the Board's regulations. She asserted the following grounds; the signer is not registered; 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 signature is not dated; 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; the circulator of the petition failed to complete all required information in the circulator's affidavit; and the signer was not a registered voter in the ward from which the candidate seeks nomination at the time the petition was signed.

Registrar's Preliminary Determination

The Registrar reviewed the challenge to determine the validity of the challenged signatures. The Registrar's initial review indicated that 35 of 46 challenges were valid. She determined nine are valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed. She determined two are valid because the petition does not include the address of the signer. She determined eleven are valid because the signature is not dated. She determined one is valid because the signer is not a registered voter in the ward from which the candidate seeks nomination at the time the petition was signed. She determined ten are valid because the circulator of the petition failed to complete all required information in the circulator's

affidavit. The Registrar initially concluded that the candidate's Petition included 48 valid signatures, two signatures below the number required for ballot access.

Subsequently, the Registrar timely received information from Mr. Washington indicating that there were discrepancies in the Registrar's report. After additional review of the challenge, the Registrar determined that two signatures that had been initially determined to be invalid were, in fact, valid. The Registrar also timely received one change of address form from Mr. Washington on August 31, 2020. Accordingly, the Registrar credited Mr. Washington with one signature that she had initially determined to be invalid. The Registrar's updated preliminary report reflects her conclusion that the candidate's Petition includes 51 valid signatures, one signature over the number required for ballot access.

September 1, 2020 Pre-Hearing Conference

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel ("OGC") convened a prehearing conference with on Tuesday, September 1, 2020. Mr. Washington appeared with his attorney Reggie Govan. Ms. Reid appeared *pro se*. The parties confirmed that they received the Registrar's updated preliminary report.

Ms. Reid noted that there were several pages of the Petition on which the petition circulator had signed and dated the circulator affidavit prior to obtaining all the signatures on that petition sheet. She stated that she had been informed in training that pre-dating a circulator affidavit sheet could invalidate all the signatures on the page. She observed that the Registrar had found some signatures on pages of the Petition with this issue to be valid. The Registrar responded that she had deemed all ten of signatures on sheet 3 of the Petition, which Ms. Reid had referenced, to be invalid. On sheet 5 of the Petition, the Registrar explained that she had marked four signatures on this page as valid signatures. The Registrar confirmed she had also found all signatures on sheet

6 to be invalid because the circulator affidavit was incomplete. The Registrar further specified which two signatures that she had initially determined to be invalid, but then credited to Mr. Washington in her updated preliminary report. The circulator affidavit signature did not pre-date these two signatures, contrary to the Registrar's initial preliminary determination.

Ms. Reid accepted the Registrar's explanation and the Registrar's preliminary determination. She did request that the Board update its training regarding the circulator affidavit, which she said had informed her challenges.

Mr. Washington did not offer any specific response, other than to thank the Registrar for considering his earlier response to the preliminary report and the change of address form that he had submitted.

Following this conference, the OGC contacted Ms. Reid to request that she complete a challenger withdrawal form. Ms. Reid did not execute and return this form prior to the September 2, 2020 Board hearing.

September 2, 2020 Board Hearing

On September 2, 2020, the Board included this matter on its agenda for public hearing. The parties did not appear. An attorney with the Office of the General Counsel testified that the parties had been properly notified of the Board hearing. The Board voted to proceed *ex parte*. The Registrar presented the Board with her preliminary determination of the challenges.

Discussion

Ms. Reid agreed at the pre-hearing conference to withdraw her challenge based on the Registrar's preliminary report. Title 3 D.C.M.R. § 1606.4 states that, after the receipt of a properly filed challenge, the Board's staff shall search the Board's registration records to prepare a

recommendation to the Board as to the validity of the challenge. The Board accepts the Registrar's report as the basis for its determination regarding Ms. Reid's challenge.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 51 valid signatures, which meets the requirements for ballot access. It is hereby:

ORDERED that candidate Ryan Washington is granted ballot access in the contest for the office of Ward 8 Member of the State Board of Education in the November 3, 2020 General Election.

A handwritten signature in blue ink, appearing to read "D. Michael Bennett", with a long horizontal flourish extending to the right.

Date: 9/4/2020

D. Michael Bennett
Chairman
Board of Elections