

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Sirraya Gant,)	
Challenger)	Administrative
)	Order #22-005
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for the
)	Office of Ward 7
Dorothy Douglas,)	Committeewoman
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 Dorothy Douglas (“Ms. Douglas”) in support of her candidacy for the office of Ward 7 Committeewoman of the Democratic State Committee in the June 21, 2022 Democratic Primary Election (“the Primary Election”). The challenge was filed by Sirraya Gant (“Ms. Gant”) 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 21, 2022, Dorothy Douglas 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 Committeewoman of 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 156

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 156 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 Ms. Gant, a registered voter in the District of Columbia.

Ms. Gant filed challenges to a total of 80 signatures. Specifically, the signatures and affidavits 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, 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; the signature is not made by the person whose signature it purports to be; and the signer is not a registered to vote in the same party as the candidate at the time the petition is signed.

Registrar's Preliminary Determination

The Registrar's review of the challenge indicated that a total of 39 of the 80 signature challenges were valid. Specifically, the Registrar found that five are valid because the signer is not registered to vote at the address listed on the petition at the time the petition was signed, two are valid because the petition does not include the address of the signer, four are valid because the signatures are not dated, nine are valid because the signers were not registered at the time the petition was signed, six are valid because the signer is not registered to vote in the same party as the candidate at the time the petition was signed, three are valid because the petition does not

include the name of the signer where the signature is not sufficiently legible for identification and ten are 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.

Accordingly, the Registrar preliminarily determined the Petition contained 117 presumptively valid signatures, which is 17 signatures over 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 prehearing conference with both parties on Monday, April 18, 2022. 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.

Ms. Gant objected to the Registrar's decision insofar as the Registrar declined to validate challenges to signatures appearing on Petition sheets on which the date for the circulator's affidavit had been written over or otherwise marked-up.

Ms. Douglas countered that the Registrar should continue to honor those signatures. She asserted that she was the circulator of the Petition sheets at issue and that she had updated the date of her circulator affidavit as she gathered more signatures on a sheet. She maintained that the Board's staff had assured her that it was acceptable to write over or update the date of the circulator affidavit so that no signatures post-dated the date of the circulator affidavit.¹

¹ While the Registrar did not update her report following the prehearing conference, she did check the instances of changes to the circulator dates and ascertained that 59 signatures were on sheets where the change to the date of the circulator affidavit was initialed and 20 signatures were on sheets that had no initialing of the date write-over/mark-up. This information was emailed to the parties prior to the hearing.

April 22, 2020 Board Hearing

During the Board hearing, Ms. Gant reiterated her position that entire petition sheets should be invalidated because the date on the circulator's affidavit was written over or marked up. Ms. Douglas reiterated that she was the circulator of the sheets at issue and that she had understood that, as she continued to collect signatures, she should update the date on the circulator affidavit form at the bottom of the petition sheet.

Discussion

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 timing of 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). Ms. Douglas's modifications of the date on her circulator affidavit was intended to reflect that she was attesting to all the signatures on a petition sheet. Under these circumstances, we cannot say that she is not entitled to the same relief granted in *Moore*. We therefore credit the signatures that appear on sheets where the circulator affidavit date was written over or marked-up.

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 156 presumptively valid signatures. While Ms. Gant filed challenges to a total of 80 signatures, only 39 of those challenges were valid. The Board upholds the finding of the Registrar that the petition contains 117 presumptively valid signatures.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 117 valid signatures – 17 signatures over the number required for ballot access. It is hereby:

ORDERED that the challenge to the nominating petition of Dorothy Douglas for the office of Ward 7 Committeewoman of the Democratic State Committee in the Primary Election is hereby **DENIED**, and that Ms. Douglas is therefore granted ballot access in the Primary Election.

Date: April 22, 2022



Gary Thompson
Chairman
Board of Elections