

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Anthony Muhammad,)	Administrative Order
Challenger)	#22-024
)	
)	Re: Challenge to Nominating
v.)	Petition Submitted for the
)	Office of the Advisory
)	Neighborhood Commissioner
Allyson Carpenter,)	for Single Member District 8C05
Candidate.)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 9, 2022. It is a challenge to the nominating petition submitted by Allyson Carpenter in support of her candidacy for the office of Advisory Neighborhood Commissioner for Single Member District (SMD) 8C05 in the November 8, 2022 General Election (“the General Election”). The challenge was filed by Anthony Muhammad pursuant to D.C. Official Code § 1-1001.08 (o)(1) (2001 Ed.). Board Chairman Gary Thompson and Board members Michael Gill and Karyn Greenfield presided over the hearing. Neither party appeared at the hearing. Accordingly, the Board proceeded with the hearing *ex parte*.¹

Background

On August 10, 2022, Ms. Carpenter submitted a nominating petition to appear on the General Election ballot as a candidate for the office of Advisory Neighborhood Commissioner for

¹ Pursuant to Section 403.4 of Title 3 of the D.C. Municipal Regulations, “[i]f any person or party waives the right to be present at the hearing or fails to appear at the hearing, the Board may proceed *ex parte*[.]”

SMD 8C05 in the General Election (“the Petition”). The Petition contained a total of 30 signatures. The minimum number of signatures required to obtain ballot access for this office is 25 signatures of registered qualified electors in the District of Columbia who reside in the same single member district as the candidate.

On August 13, 2022, the Petition was posted for public inspection for 10 days as required by law. On August 22, 2022, the Petition was challenged by Mr. Muhammad, a registered voter in the District of Columbia.

Mr. Muhammad filed challenges to a total of 12 signatures pursuant to Title 3 D.C.M.R. § 1607.1 of the Board’s regulations on the following grounds:

- 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, was not registered to vote at the address listed on the petition at the time the petition was signed;
- The signature is a duplicate of a valid signature;
- 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 registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the petition was signed.²

² Mr. Muhammad also challenged signatures on the grounds that the signer is not registered to vote in the same party as the candidate, but this is only a valid challenge for a partisan position during a primary election.

Registrar's Preliminary Determination

The Registrar of Voters' ("Registrar") initial review of the challenge indicated that a total of eight of the 12 signature challenges were valid. Specifically, the Registrar found that:

- Five are valid because the signer was 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 name of the signer where the signature is not sufficiently legible for identification; and
- One is valid because the signature is not dated.

Accordingly, the Registrar preliminarily determined that the Petition contained 22 valid signatures, three signatures below the number required for ballot access.

The Registrar's preliminary determination was provided to the parties via email on Thursday, September 1, 2022, along with a Nominating Petition Challenge Information Sheet that outlined the Registrar's determinations with respect to the validity of each signature challenged, as well as a document titled "Signature Key Codes for Nominating Petitions" that explained the notations used to indicate the basis for upholding or denying each challenge.

September 7, 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 with both parties on Wednesday, September 7, 2022. The parties were provided with notice of the conference on Friday, September 2, 2022. On the morning of the conference, Ms. Carpenter emailed the Office of the General Counsel ("OGC") and stated her intention to withdraw as a candidate in the contest for Advisory Neighborhood Commissioner for SMD 8C05. She was advised that, in order to complete her withdrawal, she would need to submit a signed candidate withdrawal form. She did not submit such form ahead of the conference. Accordingly, the OGC proceeded with the conference as planned. Mr. Muhammad was present at

the conference, and stated his acceptance of the Registrar's findings. Ms. Carpenter did not participate.

September 9, 2022 Board Hearing

Despite expressing an intent to withdraw as a candidate in the contest for Advisory Neighborhood Commissioner for SMD 8C05, Ms. Carpenter did not submit a candidate withdrawal form ahead of the time at which the Board was scheduled to hear the matter, September 9, 2022. Accordingly, the Board proceeded with the hearing as planned.

The Registrar read her preliminary determination report into the record. Based upon the report, and because Ms. Carpenter had indicated that she would withdraw her candidacy and did not present any evidence at any time that disputed the Registrar's findings, the Board's General Counsel, Ms. Terri Stroud, recommended that the Board accept the Registrar's findings. The Board adopts this recommendation, as well as the Registrar's findings. Accordingly, it is hereby

ORDERED that the challenge to the nominating petition submitted by Ms. Carpenter in support of her candidacy for the office of Advisory Neighborhood Commissioner for Single Member District (SMD) 8C05 in the General Election is **UPHELD**, and that Ms. Carpenter is denied ballot access.

Date: September 9, 2022



Gary Thompson
Chair
Board of Elections