

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

James Harnett,)	
Challenger)	Administrative
)	Order #22-004_
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for the
)	Office of the Mayor for DC
Corren Brown,)	Statehood Green Party
Candidate.)	

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 Corren Brown (“Ms. Brown”) in support of her candidacy for the office of Mayor in the June 21, 2022 DC Statehood Green Primary Election (“the Primary Election”). The challenge was filed by James Harnett (“Mr. Harnett”) pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). Both parties appeared *pro se*. Board Chairman Gary Thompson and Board members Michael Gill and Karyn Greenfield presided over the hearing.

Background

On March 23, 2022, Corren Brown submitted a nominating petition to appear on the ballot as a Mayoral candidate in the Primary Election (“the Petition”). The minimum number of signatures of required to obtain ballot access for this office is 40 signatures of District of Columbia voters who are duly registered members of the DC Statehood Green Party. The Petition contained a total of 48 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 48 signatures for review.

On March 26, 2022, the Petition was posted for public inspection for 10 days as required by law. On April 3, 2022, the Petition was challenged by Mr. Harnett, a registered voter in the District of Columbia.

Mr. Harnett 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 grounds that that some signers were not registered, and other signers were not registered to vote in the same party as the candidate at the time the petition was signed.

Registrar's Preliminary Determination

The Registrar's review of the challenge indicated that a total of nine of the 12 signature challenges were valid. Specifically, the Registrar found that one (1) challenge was valid because the signer was not registered at the time the petition was signed, and that eight challenges were valid because the signers were not registered to vote in the same party as the candidate at the time the petition was signed. Accordingly, the Registrar preliminarily determined that the Petition contained 39 presumptively valid signatures, which is one signature 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 with both parties on Monday, April 18, 2022. In her findings report issued prior to the prehearing conference, the Registrar indicated that the number of valid challenges did not leave Ms. Brown with the requisite number of signatures to qualify for ballot access. The Registrar also provided a report outlining her determinations with respect to the validity of each

signature challenged, as well as a key code explaining the notations she used to indicate the basis for upholding or denying each challenge.

During the prehearing conference, David Schwartzman appeared as a witness on behalf of Ms. Brown. Mr. Schwartzman, who was also a circulator for Ms. Brown, stated that the Petition actually contained 50 signatures. He asserted that the signature of a voter named “Brian Becker” was missing. The Registrar clarified, and Mr. Schwartzman accepted, that the Petition actually contained only 48 signatures. Moreover, despite Mr. Schwartzman’s claim that he personally collected Brian Becker’s signature, a review of all nine petition pages during the pre-hearing conference revealed that that name did not appear on any of the petition sheets submitted.

In addition, understanding that Ms. Brown had not signed her own petition, Mr. Schwartzman argued that the Board should credit Ms. Brown’s submission of the Petition and her signature as a circulator on two pages as a substitute for her signature, and then count that substitute in the overall total signatures submitted. In support of this contention, Mr. Schwartzman argued that a candidate submitting a nominating petition is obviously endorsing themselves for the position, and thus their submission should be counted *pro forma* as a signature in fulfillment of the minimum signature requirement. Mr. Harnett asserted his disagreement with this argument.

Discussion

The minimum number of signatures of required to obtain ballot access for this office is 40 signatures of District of Columbia voters who are duly registered members of the DC Statehood Green Party. As a result of the challenge filed by Mr. Harnett, the Board finds that the Petition contained a total of 39 valid signatures - one signature below the minimum number required for ballot access. While Mr. Schwartzman argues that the Board should automatically add one signature for each candidate because their submission is a self-endorsement of their candidacy,

there is simply no statutory authority for the Board to do so. Nor can the Board count toward the signature requirement Ms. Brown's signature on the circulator affidavit. The purpose of that signature is to attest as to the circumstances under which signatures on a petition were collected; it is not to indicate support as a signer on a petition.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 39 valid signatures - one signature below the minimum number required for ballot access. It is hereby:

ORDERED that the challenge to the nominating petition of Corren Brown for the office of Mayor in the Primary Election is hereby **GRANTED**, and that Ms. Brown is therefore denied ballot access in the Primary Election.

Date: April 22, 2022



Gary Thompson
Chairman
Board of Elections