

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

Angela Hooker,
Complainant,

v.

Terrell Davis,
Respondent.

Administrative Hearing
No. 10-018

Re: Challenge to Nominating
Terrell Davis,
Advisory Neighborhood Commissioner
Single Member District 8EO6

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections and Ethics (“the Board”) on September 30, 2010. It is a challenge to the nominating petition of Terrell Davis (“Davis”) as a candidate for the office of Advisory Neighborhood Commissioner, (ANC) Single Member District 8E06 filed by Angela Hooker (“Hooker”) pursuant to D.C. CODE § 1-1001.08(o)(1) (2006). Board member Charles R. Lowery, Jr. presided over the hearing. The Complainant appeared pro se, but the Respondent did not appear, and the Board accordingly proceeded ex parte.

Background

On September 3, 2010, Davis submitted a Nominating Petition for the office of ANC 8EO6 with twenty-five (25) signatures. On September 6, 2010 the petition was posted for inspection, pursuant to D.C. CODE §1-1001.08(o)(1)(2006), for a full 10-day challenge period.¹

¹ D.C. CODE § 1-1001.08(o)(1) (2006) states in relevant part:

On September 13, 2010, Hooker filed a challenge to the petition in which she challenged eight (8) of the twenty-five (25) signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. Specifically, Hooker challenged signatures on the following grounds: 1) pursuant to 3 D.C.M.R. §1607.05 (b), some signatures were invalid because signers of the petition were not registered to vote at the address listed on the petition; 2) pursuant to 3 D.C.M.R. §1607.5(c), some signers of the petition were not duly registered voters; and 3) pursuant to 3 D.C.M.R. 1607.04, some signers did not provide their current addresses.

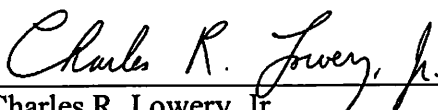
The Registrar of Voters' ("Registrar") review of the challenges referencing the Municipal Regulations concluded that all eight (8) of the challenges to Davis's nominating petition were valid – leaving the candidate with seventeen (17) signatures. The minimum requirement of signatures for this office is twenty-five (25), pursuant to D.C. Code §1-309.05(b)(1)(b) (2006). Accordingly, the Registrar concluded that the Candidate had not secured enough signatures on his nominating petition for ballot access.

Since Hooker gave no additional testimony and Davis was not present, the Board accepts the Registrar's review of the challenges and upon that basis finds that Mr. Davis does not have the requisite number of signatures for ballot access.

The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto if the original or facsimile thereof has been posted in a suitable public place for a 10-day period beginning on the third day after the filing deadline for nominating petitions for the office. Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition.

Based on the Board's findings and conclusions it is hereby ORDERED that Terrell Davis be DENIED ballot access in the November 2, 2010 General Election for the office of Advisory Neighborhood Commissioner, Single Member District 8E06.

October 1, 2010



Charles R. Lowery, Jr.
Member, Board of Elections and Ethics