

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

Michael Sindram,)	
)	
Challenger,)	
)	Administrative Hearing
v.)	No. 02-002
)	
Rebecca Smallwood,)	Re: Challenge to Nomination Petition
)	
Candidate.)	
_____)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on Thursday, January 3, 2002, and involved a challenge to the candidacy of Rebecca Smallwood, candidate for the office of Advisory Neighborhood Commissioner (“ANC”) in Single-Member District (“SMD”) 4B02. The challenge was brought by Michael Sindram. The Board was represented by Chairman Benjamin F. Wilson and Member Stephen Callas. Both the Challenger and the Candidate appeared pro se.

According to the evidence presented to the Board, Candidate Smallwood submitted a nominating petition containing a total of 32 signatures. The minimum signature requirement to qualify for the ballot for this office is 25 signatures of persons who are duly registered voters in ANC-SMD 4B02.

Challenger Sindram filed a total of 32 challenges to signatures on the nominating petition. Challenger Sindram also filed a challenge to the candidate, alleging that she was not a registered voter in the District. As required by the Board’s regulations, Challenger Sindram specified the alleged defects pursuant to 3 D.C.M.R. § 1309.2. Challenger Sindram alleged that Candidate Smallwood had failed to file the minimum 25 valid signatures of duly registered

voters in ANC-SMD 4B02 for the following reason(s):

- 2) The signature was made by a person other than the person whose signature it purports to be (3 D.C.M.R. § 1307.2);
- 3) the signer is not a duly registered voter (3 D.C.M.R. § 1307.4(c));
- 4) the signature is not dated (3 D.C.M.R. § 1307.4(d));
- 5) the signature is not accompanied by the signer's printed or typed address (3 D.C.M.R. § 1307.4(f)),and;
- 6) the petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification (3 D.C.M.R. § 1307.4(g)).

The review of the challenge conducted by the Registrar of Voters indicated that 2 of the challenges were found to be valid. This decreased the number of valid signatures obtained by Candidate Smallwood to 30 registered qualified electors, which exceeds the minimum number required for ballot access. The Registrar's review also revealed that Candidate Smallwood is, in fact, a registered voter in the District.

Thus, the challenge fails to provide an adequate legal basis upon which to reduce the number of valid signatures obtained by Candidate Smallwood below the legal minimum requirement. Accordingly, the candidate retains enough signatures to remain eligible for ballot access.

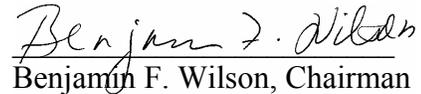
In view of the evidence presented, the Board finds that the challenge is insufficient to remove the candidate's name from the ballot. Therefore, the Board denies the challenge as specified herein and in accordance with the report of the Registrar of Voters. Accordingly, it is hereby,

ORDERED, that Mrs. Smallwood be granted access to the ballot in the forthcoming

election to fill the vacancy in ANC-SMD 4B02.

January 4, 2002

Date



Benjamin F. Wilson, Chairman

D.C. Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was mailed this 4th day of January, 2002 to the following parties: Michael Sindram, 6817 Georgia Avenue, NW #204, Washington, DC 20012, and; Rebecca Smallwood, 6812 Laurel Street, NW, Washington, DC 20012.

Terri D. Stroud