

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

_____)	
Laverne Law,)	
)	
Complainant,)	Administrative Hearing
)	No. 02-023
)	
Jessica Ward,)	Re: Challenge to Nomination Petition
)	
Respondent.)	
_____)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on September 24, 2002, and involved a challenge to the candidacy of Jessica Ward, candidate for the office of Advisory Neighborhood Commissioner in Single-Member District 6A06. The challenge was brought by Laverne Law. The Board was represented by Chairman Benjamin F. Wilson and Members Stephen Callas and Jonda McFarlane. The Challenger failed to appear at the hearing. The Candidate appeared *pro se*.

According to the evidence presented to the Board, Candidate Ward submitted a nominating petition containing a total of 27 signatures. The minimum signature requirement to qualify for the ballot for this office is 25 signatures of persons who are duly qualified electors in the single-member district. Challenger Law filed a total of 7 challenges to signatures on the nominating petition. As required by the Board's regulations, Challenger Law specified the alleged defects pursuant to 3 D.C.M.R. 1609.2.

The review of the challenge conducted by the Registrar of Voters indicated that 3 of the challenges were found to be valid. This decreased the number of valid signatures obtained by Candidate Ward to 24 registered qualified electors, which falls below the minimum number required for ballot access.

However, during the course of the hearing, Candidate Ward indicated that she could

provide evidence to indicate that one of the signatures that had been successfully challenged should be credited to her. The signature, belonging to one Ariel Fishman, had been challenged on the grounds that the signatory was not registered to vote at the address listed on the petition at the time the petition was signed. Candidate Ward argued that, notwithstanding the Board's voter registry, Mr. Fishman had attempted to attain duly registered voter status through the Department of Motor Vehicles on a date prior to signing her nominating petition.

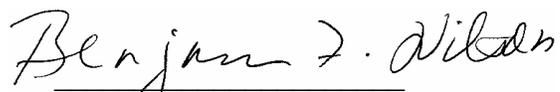
An investigation into Ms. Ward's claim conducted by the Board's staff indicated that Mr. Fishman had indeed attempted to register to vote at the address with which he signed Ms. Ward's nominating petition, but that he had inadvertently omitted his signature on the voter registration application.

In light of Mr. Fishman's attempt, albeit unsuccessful, to duly register prior to signing Ms. Ward's nominating petition, and Ms. Ward's justifiable reliance on Mr. Fishman's mistaken assertion that he was registered to vote at the address that he listed on Ms. Ward's nominating petition, the Board sees fit to exercise its discretion to rule in Ms. Ward's favor with respect to Mr. Fishman's signature. Consequently, Ms. Ward's nominating petition contains 25 valid signatures, which exceeds the minimum number of signatures required for ballot access.

Therefore, the Board denies the challenge as specified herein. Accordingly, it is hereby

ORDERED that Candidate Jessica Ward be granted access to the ballot in the November 5, 2002 General Election as a candidate for Advisory Neighborhood Commissioner in Single-Member District 6A06.

September 26, 2002
Date


Benjamin F. Wilson, Chairman

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this September 26, 2002 to Jessica Ward, 1310 G Street, NE, Washington, DC 20002 and Laverne Law, 1331 I Street, NE, Washington, DC 20002.

Terri D. Stroud