

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

_____)	
Michael Sindram,)	
)	
Complainant,)	Administrative Hearing
)	No. 02-024
)	
Faith Wheeler,)	Re: Challenge to Nomination Petition
)	
Respondent.)	
_____)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on Wednesday September 25, 2002, and involved a challenge to the candidacy of Faith Wheeler, candidate for the office of Advisory Neighborhood Commissioner for the single member district 4B02. The challenge was brought by Michael Sindram. The hearing was scheduled at the challenger’s request for 6:00 p.m.; however, the Challenger failed to appear at the hearing. The challenged Candidate appeared pro se.

According to the evidence presented to the Board, Candidate Wheeler submitted a nominating petition containing a total of 40 signatures. The minimum signature requirement to qualify for the ballot for this office is 25 signatures of persons who are duly registered voters residing in Single Member District 4B02. Challenger Sindram filed a challenge to all of the signatures on the nominating petition and cited, “[u]nable to confirm, no voter roll provided” as the basis of the challenge. Challenger Sindram failed to specify the alleged defects pursuant to 3 D.C.M.R. §1609.2, as required by the Board’s regulations. When queried about this lack of specificity during a pre-hearing conference, Mr. Sindram asserted that he was not provided a list of all registered voters in his single member district with the materials provided to him as a candidate.

Mr. Sindram further alleged that the Board chairman required this courtesy be made


mandatory during a special Board meeting on January 3, 2002. When referred to the transcript of that hearing, Mr. Sindram could not point to any such requirement made by the Chairman or any other Board member. Notwithstanding the lack of a factual or legal basis for a requirement to provide all candidates with an SMD voter registration roll, Mr. Sindram did not raise the requirement as a necessity to challenging other candidates' nominating petitions. The customary practice of the Board during the challenge period is to provide every prospective challenger with the opportunity to inspect the voting rolls in its offices and those located at libraries in each ward—as evidenced by the 25 other individual challenges filed during this challenge period. No other challenger raised access to the voting rolls provided as a substantive concern.

In light of there being no specific challenge to any of the signatures on Ms. Wheeler's nominating petition, the Registrar reviewed the signatures to verify whether they were registered voters. The review of the challenge conducted by the Registrar of Voters indicated that 2 signatories were not duly registered voters residing in the SMD. This decreased the number of valid signatures obtained by Candidate Wheeler to 38 registered qualified electors, which exceeds the minimum number required 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 preliminary determination of the Registrar of Voters. Accordingly, it is hereby

ORDERED that Candidate Wheeler be granted access to the ballot in the November 5, 2002 General Election as a candidate for Advisory Neighborhood Commissioner SMD 4B02.

10/1/2002
Date


Benjamin Wilson,
Chairman Board of Elections &
Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this Tuesday, October 1, 2002 to Faith Wheeler, 818 Whitier Pl. NW Washington D.C. 20012 and Michael Sindram, 6817 Georgia Ave. NW Washington D.C. 20012

Rudolph McGann