

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

Dorothy Miller

Complainant,

v.

Graham Long

Respondent.

Administrative Hearing
No. 04-003

Re: Challenge to Nomination Petition

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on Friday, March 26, 2004, and involved a challenge to the candidacy of Graham Long, candidate to fill the vacancy for the office of Advisory Neighborhood Commissioner for the single member district 2A06. The Challenge was brought by Dorothy Miller. Both the Challenger and the Candidate appeared pro se.

Pursuant to D.C. CODE § 1-1001.05(g) the Board heard the case by a one (1) member panel. Board member Dr. Lenora Cole Alexander presided over the hearing.

According to the evidence presented to the Board, candidate Long submitted a nominating petition containing twenty-five (25) signatures. The minimum signature requirement to qualify for the ballot for this office is 25 signatures of persons who are duly registered elector residing in Single Member District 2A06 pursuant to D.C. CODE § 1-309.05(b)(1)(B). Challenger Miller filed a total of two (2) challenges to signatures on the nominating petition. As required by the Board's regulations, Challenger Miller alleged the signatures were not of qualified duly registered voters pursuant to 3 D.C.M.R.

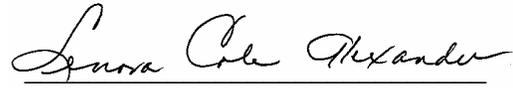
§1607.5 (b).

The review of the challenge conducted by the Registrar of Voters indicated that one (1) of the challenges was found to be valid. This decreased the number of valid signatures obtained by Candidate Long to twenty-four (24) registered qualified electors, which is below the minimum number required for ballot access.

During the hearing, Mr. Long expressed concern with respect to the registration status of the two challenged signatures on his nominating petition. Mr. Long asserted that both signatories executed applications to register to vote prior to signing his nominating petition. Mr. Long was then appraised of the requirement for the Board to approve the registration applications prior to the signatories becoming duly qualified registered electors pursuant to D.C. CODE § 1-1001.07(a)(3). It is inadequate to rely merely on an executed registration application in ascertaining a person's voter status. The Board must mail non-forwardable notice of approval or rejection of the application in the form of a voting registration card within nineteen (19) calendar days after receipt of a registration application form from any applicant pursuant to D.C. CODE § 1-1001.07(e)(1). In the instant case, the Board received Anupa Mandaur's voter registration application on February 27, 2004, and she signed candidate Long's nominating petition on February 29, 2004. This was not enough time to process her voter registration application, and she was found not to be a duly qualified registered elector at the time she signed candidate Long's nominating petition. Therefore, the Board upholds the challenge as specified herein and in accordance with the preliminary determination of the Registrar of Voters. Accordingly, it is hereby

ORDERED the candidate Graham Long is denied access to the ballot to fill the vacancy for Advisory Neighborhood Commissioner SMD 2A06.

March, 26, 2004
Date


Dr. Lenora Cole Alexander
Board Member,
Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this Monday, March 29, 2004 to Graham Long, 2115 F Street NW, #711 Washington D.C. 20037 and Dorothy Miller, 2440 Virginia Avenue NW, #D206, Washington D.C. 20037.

Rudolph McGann