

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

Ralph J. Chittams,
Complainant,

v.

Cameron Poles.
Respondent.

Administrative Hearing
No. 09-01

Re: Challenge to Candidacy of
Cameron Poles for Ward 7
Member of the State Board
of Education.

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the Board of Elections and Ethics (hereinafter “the Board”) on Wednesday, January 14, 2009. Ralph Chittams (“Mr. Chittams”) challenged the candidacy of Cameron Poles (“Mr. Poles”) as a candidate for the office of Ward 7 Member of the State Board of Education, pursuant to D.C. CODE § 38-2651(e)(1)(B) (2006). Chairman Errol R. Arthur and Board member Dr. Lenora Cole presided over the hearing. The Complainant and the Respondent appeared *pro se*.

Background

Messrs. Chittams and Poles were both candidates for the office of Ward 7 Member of the State Board of Education. Neither candidate won the election.¹ On November 20, 2008, Mr. Chittams hand-delivered a letter to the Board’s General Counsel challenging the legality of Mr. Poles’ candidacy.² In his letter, Mr. Chittams alleged that

¹ Dorothy Douglas was certified as the winner for Ward Seven Member of the State Board of Education with 14,637 votes. Mr. Poles received 6,095 votes and Mr. Chittams received 5,786 votes.

² Mr. Chittams’s letter was dated November 3, 2008 and was purportedly faxed and mailed to the Board’s General Counsel on that same date.

Mr. Poles had not fulfilled the one-year residency requirement to hold office.³ As his basis of proof, Mr. Chittams submitted a copy of an Office of Campaign Finance Report of Receipts and Expenditures from the Committee to Re-elect Yvette Alexander. The instant Report lists Mr. Poles as donating \$300 from a Ward 5 address on June 9, 2008.

Pursuant to D.C. CODE § 38-2651(e)(1)(B), “Each member of the Board, including the at-large member, shall: [h]ave resided in the ward from which he or she is nominated for one year immediately preceding the election. . .” Accordingly, Mr. Poles must have been a resident of Ward 7 since November 4, 2007 in order to be eligible for the office of Ward 7 Member of the State Board of Education. The Registrar, Karen Brooks, pulled Mr. Poles’ voter registration card and concluded that Mr. Poles updated his voter registration to reflect the Ward 7 address listed on his nominating petition on April 28, 2007.

During the hearing, Mr. Poles addressed the allegations by asserting that the other address listed on the Campaign Finance filings is his parents’ address, which is where he lived up until moving out on his own. Moreover, Mr. Poles explained that he did not provide an address to the campaign for purposes of making the contribution, and he assumes that the campaign used the address listed on his check.

Analysis

An Actual Case In Controversy Does Not Exist.

In the instant case, Mr. Chittams purportedly filed a challenge to the candidacy of Mr. Poles one day prior to the November 4, 2008 General Election. Neither party was successful in their attempt to win elected office. In order for the Board to review a case

³ D.C. Code §38-2651(e)(1)(B).

there must be a real, live controversy at all stages of the review process. In other words, if the controversy has resolved itself prior to the time for the Board's hearing, the case will be deemed moot. Since, the candidacy of both parties is over, there remains no case or controversy for the Board to decide. Therefore, the Board, pursuant to the well-established "doctrine of mootness," must restrain from ruling in a matter where the Board's judgment would have no affect. "A court should not render a decision if it 'cannot affect the matter in issue in the case before it.'" *Kopff et al., v. District of Columbia Alcoholic Beverage Control Board et al.*, 381 A.2d 1372, 1378 (D.C. 1977) (quoting *Mills v. Green*, 159 U.S. 651, 653 (1895); *Alpert v. Wolf*, 73 A.2d 525, 528 (1950)). A decision by the Board with respect to the validity or eligibility of a candidate to an election that has already passed has no affect and therefore the Board finds that no actual case or controversy exists.

Accordingly, it is hereby: **ORDERED** that Ralph Chittams' challenge be **DENIED** as **MOOT**.

February 10, 2009



Errol R Arthur
Chairman, Board of Elections and Ethics

Lenora Cole
Member, Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this 10th day of January, 2009 to Ralph Chittams, 2936 M St. SE, Washington, D.C. 20019 and Cameron Poles, 1821 2nd St. NE, Washington, D.C. 20002.
