

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

Charlene Exum

Complainant,

v.

Latese Gilbert

Respondent.

Administrative Hearing  
No. 10-019

Re: Challenge to Nomination Petition

**MEMORANDUM OPINION AND ORDER**

This matter came before the Board of Elections and Ethics on Thursday, September 22, 2010, and involved a challenge to the candidacy of Latese Gilbert to appear on the ballot in the November 2, 2010 General Election for the Office of Advisory Neighborhood Commissioner Single Member District 7A04. The Challenge was brought by Charlene Exum. 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 Charles Lowery presided over the hearing.

According to the evidence presented to the Board, candidate Gilbert submitted a nominating petition containing sixty (60) signatures. The minimum signature requirement to qualify for the ballot for this office is twenty-five (25) signatures of qualified electors who live in the single-member district pursuant to D.C. CODE § 1-309.04(b)(1)(B). Challenger Exum filed a challenge to fifty-two (52) signatures on the nominating petition. As required by the Board's regulations, Challenger Exum alleged the signatures were defective because: the signer was not registered to vote at address

listed on petition at time signed (3 D.C.M.R. § 1607.5(b)); the signer is not duly registered in the single-member district from which the candidate seeks election at the time the petition is signed (3 D.C.M.R. § 1607.5 (f)); the signature is not dated (3 D.C.M.R. § 1607.5 (d)); the signer is not a duly registered voter (3 D.C.M.R. § 1607.5(c)); and finally, Ms. Exum questioned the authenticity of signatures on the nominating petition.

The review of the challenge conducted by the Registrar of Voters and reported to the Board at the hearing indicated that a total of thirty-one (31) of the challenges were found to be valid. This decreased the number of valid signatures obtained by Candidate Fuller to twenty-nine (29) registered qualified electors, which is four above the minimum number required for ballot access.

Ms. Exum questions the authenticity of eighteen (18) signatures on the nominating petition.<sup>1</sup> The Registrar of Voters disagreed with Ms. Exum with respect to all signatures, and denied the challenges. The Board examined the signatures on the petition against the signatures on file in the voter registry and agreed with Ms. Brooks' assessment. Moreover, the candidate herself circulated the petition and testified under oath that each of the signatories at issue in fact signed his nominating petition.

Pursuant to title 3 D.C.M.R. §424.1, "The party who asserts the claim bears the affirmative duty of establishing the truth of the assertion." In the instant matter, Ms. Exum asserts that the aforementioned signatories did not sign the petition; however, the Board is of the opinion that the eighteen signatures in question sufficiently match the

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<sup>1</sup> The signatures challenged on authenticity are: Delores Morton (pg. 1 ln. 3); Andrea Scott (pg. 1 ln. 5); Monica Jones (pg. 1 ln. 11); Stephanie Adams (pg. 1 ln. 18); James E. Ross (pg. 2 ln. 4); Carole Holland (pg. 2 ln. 11); Karen Washington (pg. 2 ln. 12); Chavon Davis (pg. 2 ln. 19); Stephen Randall (pg. 2 ln. 20); Joyce Holland (pg.3 ln. 1); Martina Nicholson (pg.3 ln. 2); Emma Rey (pg. 3 ln. 7); Lydia Sisco (pg. 3 ln. 8); Kevin Hughes (pg. 3 ln. 10); Modupeola Oladiji (pg. 3 ln. 12); Shelia Vallot (pg. 3 ln. 13); Traina Harrington (pg. 3 ln. 17); and Annie Carter (pg.3 ln. 18).

registry records to preclude disallowing them. The Board errs on the side of opening the franchise rather than narrowing it, and Ms. Exum provided no evidence to bolster her claim. Had she submitted any of the signatories to provide corroborating testimony, then that evidence would have tended to weigh in her favor.

Finally, Ms. Exum took issue with the Registrar's decision to disallow Kierra Sisco's signature as a valid challenge on the basis that the date was incorrect. Ms. Sisco dated the petition for "9/1/08". The Board agrees with the Registrar's findings in this instance because it would have been impossible for Ms. Sisco to sign the document in 2008 because the Board issued the document in 2010.

The Board is mindful of the fact that the "prime purpose of Congress formulating the District of Columbia Election law was to keep the franchise open to as many as possible." *See Gollin v. District of Columbia Board of Elections and Ethics*, 359 A.2d 590, 595 (D.C. 1976). A person's manifestation of support for a candidate should not be quashed because they inadvertently printed the incorrect year on the petition—especially in light of the Board's knowledge that the petition was issued in 2010. Therefore, in accordance with established case law, the Board interprets qualifications for candidacy "in an inclusive spirit." *See Lawrence v. Board of Elections and Ethics*, 611 A.2d 529 (D.C. App. 1992). The Board will not disallow the Sisco signature based on an incorrect year.


Having resolved all challenges to the Registrar's preliminary determination in Ms. Gilbert's favor, she still has twenty-nine (29) signatures, which is higher than the minimum twenty-five (25) signatures for ballot access. Accordingly, the challenge fails to provide an adequate legal basis upon which to reduce the number of valid signatures

obtained by Candidate Latese Gilbert below the legal minimum requirement.

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.

**ORDERED** that candidate Latese Gilbert is granted access to appear on the ballot in the November 2, 2010 General Election for the Office of Advisory Neighborhood Commissioner Single Member District 7A04.

October 1, 2010  
Date

  
Mr. Charles R. Lowery, Jr.  
Board Member,  
Board of Elections and Ethics