

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

Jackie Greenbaum,
Complainant,

v.

Adian Miller,
Respondent.

Administrative Hearing
No. 11-005

Re: Challenge to the Nominating Petition of
Adian Miller,
Candidate for Advisory Neighborhood
Commissioner Single Member District 1C05

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections and Ethics (“the Board”) on June 17, 2011. It is a challenge to the nominating petition of Adian Miller (“Miller”) as a candidate for the office of Advisory Neighborhood Commissioner, (ANC) Single Member District 1C05 filed by Jackie Greenbaum (“Greenbaum”) pursuant to D.C. CODE § 1-1001.08 (o)(1) (2006). Board member Charles R. Lowery, Jr. presided over the hearing.

Background

On May 23, 2011, Miller submitted a Nominating Petition for the office of ANC 1C05 with twenty-nine (29) signatures. On May 26, 2011 the petition was posted for inspection, pursuant to D.C. CODE §1-1001.08(o)(1)(2006), for a full 10-day challenge period.¹

¹ D.C. CODE § 1-1001.08(o)(1) (2006) states in relevant part:

The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto if the original or

On June 2, 2011, Greenbaum filed a challenge to the petition in which she challenged six (6) of the twenty-nine (29) signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. Specifically, Greenbaum challenged signatures on the following grounds: 1) pursuant to 3 D.C.M.R. §1607.05 (b), some signatures were invalid because signers of the petition were not registered to vote at the address listed on the petition; and 2) pursuant to 3 D.C.M.R. §1607.05 (c), the signers were not duly registered voters.

A pre-hearing on this matter was scheduled for Thursday, June 9 at 12 p.m. at the Board's offices. Greenbaum was not in attendance and failed to send a representative. At the pre-hearing, the Registrar of Voters ("Registrar") gave her preliminary report concerning the challenge. The Registrar's review of the challenges referencing the Municipal Regulations concluded that two (2) of the challenges to Miller's nominating petition were valid – leaving the candidate with twenty-seven (27) signatures. The minimum requirement of signatures for this office is twenty-five (25), pursuant to D.C. Code §1-309.05(b)(1)(b) (2006). Accordingly, the Registrar concluded that the Candidate secured enough signatures on her nominating petition for ballot access.

All parties were notified that a hearing before the Board was scheduled for Friday, June 17th, at 10 a.m. Miller was present at the hearing, Greenbaum was not in attendance and failed to send a representative. Having concluded that Greenbaum received adequate notice of the proceedings, the Board proceeded ex parte pursuant to 3 DCMR §403.4

Since Greenbaum gave no additional testimony contradicting the Registrar's preliminary

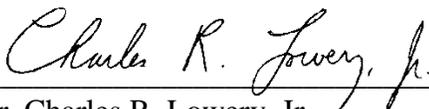
facsimile thereof has been posted in a suitable public place for a 10-day period beginning on the third day after the filing deadline for nominating petitions for the office. Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition.

review of the challenged signatures, the Board accepts the Registrar's review of the challenges and upon that basis finds that Ms. Miller does have the requisite number of signatures 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.

ORDERED that candidate Adian Miller is granted access to appear on the ballot in the forthcoming election to fill the vacancy in ANC-SMD 1C05.

June 17, 2011
Date


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