

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Michael Williams,  
Complainant,

v.

Angel Alston  
Respondent.

Administrative Hearing  
No. 12-05

Re: Challenge to Nominating  
Angel Alston,  
Ward 5 Member of the Council

**MEMORANDUM OPINION AND ORDER**

**Introduction**

This matter came before the Board of Elections on March 19, 2012. It is a challenge to the Nominating Petition of Angel Alston (“Ms. Alston”) as a candidate for the office of Ward 5 Member of the Council filed by Michael Williams (“Mr. Williams”) pursuant to D.C. OFFICIAL CODE § 1-1001.08(o)(1) (2011). Chairman Deborah K. Nichols and Board members Devarieste Curry and Stephen I. Danzansky presided over the hearing. The Complainant did not appear for the hearing notwithstanding notice having been served by electronic mail on Wednesday March 14, 2012, pursuant to 3 D.C. Mun. Regs. § 402.2. The Board accordingly proceeded *ex parte* pursuant to 3 D.C. Mun. Regs. § 403.4. The Respondent appeared *pro se* pursuant to 3 D.C. Mun. Regs. § 403.1.

**Background**

On February 15, 2012, Ms. Alston submitted a petition to be placed on the ballot for election as a member of the Council for Ward 5. The petition contained a total of six hundred and four (604) signatures.

On February 18, 2012, the petition was posted for inspection, pursuant to D.C. OFFICIAL CODE § 1-1001.08(o)(1) (2011), for a 10-day challenge period.<sup>1</sup>

On February 27, 2012, Mr. Williams filed a challenge to the petition in which he challenged one hundred forty-three (143) signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. Specifically, Mr. Williams challenged signatures on the following bases: the signer is not a duly registered voter; the signer, according to the Board's records, is not registered to vote at the address listed on the petition page, and has failed to file a change of address with the Board within ten days of the challenge; the signer is not registered to vote in the same ward as the candidate at the time the petition is signed; the petition does not include the printed or typed address of the signer; and the petition does not include the printed or typed name of the signer where the signature is not sufficiently legible for identification.

The Registrar of Voters ("Registrar") reviewed and sustained one hundred twenty-two (122) of the challenges to Ms. Alston's nominating petition—leaving the Respondent with four hundred eighty-two (482) presumptively valid signatures. The minimum number of signatures required for a candidate pursuing the Ward 5 seat is five hundred (500) pursuant to D.C. OFFICIAL CODE § 1-1001.08(j)(1)(B) (2011). Also, the Board received nine (9) change of address applications from Ms. Alston designed to supplement her petition. Three (3) of the applications corresponded with signatures that

---

<sup>1</sup> D.C. OFFICIAL CODE § 1-1001.08(o)(1) (2011) 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 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.

were initially sustained challenges because the signers were not registered to vote at the address listed on the petition at the time it was signed. Ms. Alston was credited with those three (3) signatures. This left Ms. Alston with four hundred and eighty-five (485) presumptively valid signatures. Accordingly, the Registrar concluded the Respondent had not secured enough signatures on her nominating petition for ballot access.

### **Analysis**

#### **The Respondent Bears the Burden of Proof.**

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, the Complainant submitted a proper challenge, and the Registrar made a preliminary investigation into the allegations—thereby alerting the Board to the deficiencies in the nominating petition. Ms. Alston presented no evidence that refuted the Registrar’s findings with respect to not securing enough signatures for ballot access.<sup>2</sup>

In conclusion, Ms. Alston has failed to establish that she procured five hundred (500) signatures of duly registered voters in the ward from which she seeks election pursuant to D.C. OFFICIAL CODE § 1-1001.08 (j)(1(B)). The Board lacks the discretion to waive the statutory requirements for ballot access.

---

<sup>2</sup> Ms. Alston questioned why six of the submitted applications were denied, and the Registrar explained that three of the remaining six were inactive voters and three were not registered voters. Additionally, Ms. Alston inquired about the status of applications submitted electronically by signatories; however, the Registrar explained that she had nothing to denote which signatories submitted electronic address change applications. Ms. Alston submitted a list of signatories subsequent to the hearing, and one signatory submitted a prior address change application that was not entered into the Voter Registry. This additional signature would raise Ms. Alston’s total to four hundred eighty-six (486) valid signatures—fourteen below the minimum requirement of five hundred (500) signatures.

Based on the Board's findings and conclusions, it is hereby:

**ORDERED** that Angel Alston be **DENIED**

Ballot Access in the May 15, 2012 Vacancy Special Election for the office of  
Ward 5 member of the District of Columbia Council.

March 19, 2012



Deborah K. Nichols  
Chairman, Board of Elections

Devarieste Curry  
Member, Board of Elections

Stephen I. Danzansky  
Member, Board of Elections