

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

<u>Matthew Goldschmidt,</u>	)	
Complainant	)	Administrative Hearing
	)	No. 14-14
	)	
v.	)	Re: Nominating Petition
	)	Challenge, Office of
	)	Advisory Neighborhood
Mark Ranneberger,	)	Commissioner 1A04
<u>Respondent.</u>	)	

**MEMORANDUM OPINION AND ORDER**

**I. Introduction**

This matter came before the District of Columbia Board of Elections (“the Board”) on September 3, 2014 pursuant to a challenge filed by Matthew Goldschmidt (“Mr. Goldschmidt”) to the nominating petition submitted by Mark Ranneberger (“Mr. Ranneberger”) in support of his candidacy for the office of Advisory Neighborhood Commissioner (“ANC”) for Single-Member District (“SMD”) 1A04. Mr. Goldschmidt appeared, but Mr. Ranneberger did not appear. Accordingly, the hearing proceeded *ex-parte* pursuant to Title 3 of the District of Columbia Municipal Regulations (“DCMR”) § 403.4.<sup>1</sup> Chairman Deborah K. Nichols and Board member Stephen Danzansky presided over the hearing pursuant to 3 DCMR § 406.10.<sup>2</sup>

---

<sup>1</sup> 3 DCMR § 403.4 states in relevant part:

“If any person or party waives the right to be present at the hearing or fails to appear at the hearing, the Board may proceed *ex parte*.”

<sup>2</sup> 3 DCMR § 406.10 states in relevant part:

“A majority of the board shall constitute a quorum.”

## II. Statement of Facts

On August 4, 2014, Mr. Ranneberger timely submitted a nominating petition in support of his candidacy for the office of ANC Commissioner for SMD 1A04 (“the Petition.”) The Petition contained a total of 27 signatures. The minimum signature requirement for this office is 25 signatures of duly registered voters who reside in the same SMD from which the candidate seeks election pursuant to D.C. Official Code § 1-309.05(b)(1)(B) (2013).

On August 18, 2014, Mr. Goldschmidt, a duly registered voter in the District of Columbia, timely filed a challenge to the Petition in which he alleged that 7 of the 25 signatures were invalid. Each signature was challenged on a specific ground or grounds as required by the Board’s regulations. Specifically, Mr. Goldschmidt challenged signatures on the grounds that: (1) the signer is not duly registered in the SMD from which the candidate seeks election at the time the petition was signed; (2) the signer, according to the Board’s records, is not registered to vote at the address listed on the petition at the time the petition was signed; and (3) the signature is not made by the person whose signature it purports to be.

Pursuant to 3 DCMR §415.1, the Board’s Office of the General Counsel conducted a pre-hearing conference in this matter on Friday, August 22, 2014. Mr. Goldschmidt appeared *pro se*, and Mr. Ranneberger did not appear at the meeting. During the pre-hearing conference, Karen Brooks, the Registrar of Voters (“the Registrar”) rendered a preliminary determination report which indicated that 4 of the 7 challenges were valid, leaving the Petition with 23 signatures, which is 2 signature below the required minimum for ballot access.

Pursuant to D.C. Official Code § 1-1001.08(o)(3),

For the purpose of verifying a signature on any petition filed pursuant to this section, the Board shall first determine if the address on the petition is the same as the address shown on the signer's voter registration record. If the address is different than the address which appears on the signer's registration record, the

address shall be deemed valid if: [t]he signer's current address is within the single member district for an Advisory Neighborhood Commission election; and [t]he signer files a change of address form with the Board during the first 10 days of the period designated for resolving challenges to petitions.

The Registrar's preliminary determination also indicated that the Petition contained 2 signatures with addresses that are different than the addresses which appear on the signers' registration records. Mr. Ranneberger was given until the close of business (4:45 p.m.) on Thursday, August 28, 2014, to provide change of address forms for, and thereby cure, the affected signatures. Mr. Ranneberger did not submit any change of address forms. During the pre-hearing conference, Mr. Goldschmidt did not raise any further issues outside of his original complaint.

### **III. Discussion**

Upon reviewing the challenge, the Board determined that the Registrar's findings should be upheld. Mr. Ranneberger did not appear at the hearing in order to challenge the Registrar's findings. The Board made a motion to accept the Registrar's determination to deny Mr. Ranneberger ballot access pursuant to 3 DCMR § 418.1 (b)<sup>3</sup>.

---

<sup>3</sup>3 DCMR § 418.1 (b) states in relevant part:

"If a party who has received notice has not appeared, the Chairperson may proceed... with the hearing, obtain the testimony of those present, and, on the basis of the testimony and the record, issue a decision in the case."

**Conclusion**

Accordingly, the Board finds that the Petition contains 23 valid signatures, 2 below the minimum required in order to allow Mr. Ranneberger to appear on the ballot. Therefore, it is hereby: **ORDERED** that the candidate Mr. Mark Ranneberger be denied ballot access for the office of Advisory Neighborhood Commissioner1A04 in the November 4, 2014 General Election.

September 8, 2014  
Date

A handwritten signature in black ink, appearing to read "Deborah K. Nichols", is written over a horizontal line.

Deborah K. Nichols, Esq.  
Chairman,  
Board of Elections