

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Paul Glicksman,)	
Complainant)	Administrative Hearing
)	No. 14-15
)	
v.)	Re: Nominating Petition
)	Challenge, Office of
)	Advisory Neighborhood
Allyson Carpenter,)	Commissioner, 1B10
Respondent.)	

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 Paul Glicksman (“Mr. Glicksman”) to the nominating petition of Allyson Carpenter (“Ms. Carpenter”) in support of her candidacy for the office of Advisory Neighborhood Commissioner (“ANC”) for Single-Member District (“SMD”) 1B10. Mr. Glicksman did not appear, but Ms. Carpenter appeared *pro se*. Accordingly, the hearing proceeded ex-parte pursuant to 3 DCMR §403.4.¹ Chairman Deborah K. Nichols and Board member Stephen Danzansky presided over the hearing pursuant to 3 DCMR §406.10.²

¹3 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.”

²3 DCMR § 406.10 states in relevant part:

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

II. Statement of Facts

On August 6, 2014, Ms. Carpenter submitted a nominating petition in support of her candidacy for the office of ANC Commissioner for SMD 1B10 (“the Petition.”) The Petition contained a total of 25 signatures. The minimum signature requirement is 25 signatures of registered qualified electors who are residents of the 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. Glicksman, a duly registered voter in the District of Columbia, filed a challenge to the Petition in which he alleged 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. Glicksman challenges signatures on the grounds that: (1) the signer is not duly registered in the single-member district 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; (3) the petition does not contain the printed or typed name of the signer where the signature is not sufficiently legible for identification; and (4) the signature is not dated.

Pursuant to 3 DCMR §415.1, the Office of the General Counsel conducted a pre-hearing conference in this matter on Friday, August 22, 2014. Mr. Glicksman appeared *pro se*, and Ms. Carpenter 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 only 1 of the challenges was valid, leaving the Petition with 24 signatures, which is 1 signature below the required minimum for ballot access. The valid challenge was the undated signature of Morgan Owens (page 1, line 9). The Registrar determined that there were no

signatures that could be cured with change of address forms pursuant to D.C. Official Code § 1-1001.08(o)(3).

III. Discussion

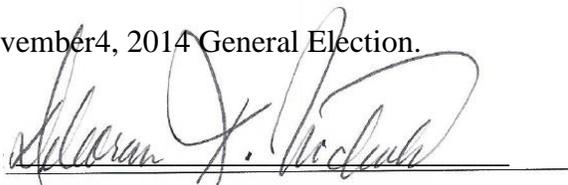
Upon reviewing the challenge, the Board determined that the signature of Morgan Owens was valid notwithstanding that the signature was undated. Ms. Carpenter appeared at the hearing with a signed affidavit from Morgan Owens attesting to the authenticity of the signature. Ms. Carpenter also was the sole circulator of the petition so she testified as to its veracity. Because of the signed affidavit and the fact that Ms. Carpenter was the circulator of the petition, the Board concluded that the lack of a date on the signature was a formal error pursuant to 3 DCMR §1606.4, which states, “the board may in its discretion waive any formal error.”

Conclusion

Accordingly, the Board finds that the Petition contains 25 valid signatures, the minimum required in order to allow Ms. Carpenter to appear on the ballot. Therefore, it is hereby:

ORDERED that the candidate Ms. Allyson Carpenter be granted ballot access for the office of Advisory Neighborhood Commissioner 1B10 in November 4, 2014 General Election.

September 8, 2014
Date

A handwritten signature in cursive script, appearing to read "Deborah K. Nichols", written over a horizontal line.

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