



signatures. The minimum requirement for this office is two-hundred (200) signatures of District voters who are duly registered in the same ward as the candidate.

Challenger Jack Jacobson filed challenges to a total of ninety-one (91) signatures, enumerated by line and page number on individual “challenge sheets” filed for each petition page. Petition signatures were challenged pursuant to 3 D.C.M.R. §1607.1 of the Board’s regulations on the following grounds: 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 at the time the petition was signed, provided that an address on a petition which is different than the address which appears on the Board’s records shall be deemed valid if the signer’s current address is within boundary from which the candidate seeks nomination, and the signer files a change of address form with the Board during the first 10 days following the date on which a challenge to the nominating petition is filed; the signature is a duplicate of a valid signature; the petition does not include the address of the signer; the petition does not include the name of the signer where the signature is not sufficiently legible for identification; and the signer is not registered to vote in the ward from which the candidate seeks nomination at the time the petition was signed.

The Registrar determined that 64 of the 91 challenges were valid leaving Ms Bachner with 191 signatures, which is 9 under the amount required for ballot access. Of the ninety-one (91) signatures challenged, 19 are not registered, 26 require address changes, 3 are inactive, 4 are duplicate signatures, 9 are illegible, 2 are in the wrong electoral district, and 1 had no address provided. The Registrar of Voters received three (3) changes of address from Ms. Bachner. After validating two (2) of the address changes and given credit for two that had been initially

been determined to be invalid, the candidate now has a nominating petition with one hundred and ninety-five (195) signatures, 5 signatures below the number the required for ballot access.

#### **CHALLENGER'S ISSUES FOR REVIEW**

The Challenger accepted the Registrar's finding regarding the valid challenges.

#### **CANDIDATE'S ISSUES FOR REVIEW**

Ms. Bachner asserted that she was able to identify a number of signatures that were deemed illegible by the Registrar by cross-referencing the address given.

#### **DISCUSSION**

The United States Supreme Court has long recognized that states and localities have a responsibility to protect the integrity and reliability of the election process, and has generally accorded them latitude in establishing rules and procedures toward that end. "[T]here must be a substantial regulation of elections if they are to be fair and honest and if some sort of order is to accompany the democratic process." *Buckley v. American Constitutional Law Foundation, Inc.*, 525 U.S. 182, 187 (1999). Accordingly, the District of Columbia has established a nominating petition process that require prospective candidates to demonstrate a modicum of support from a specific number of qualified electors as a condition precedent for ballot access.

During the hearing, Ms. Bachner took issue with the limited amount of time to cure address change defects because she was out of town during the commencement of the challenge and only had a day after the pre-hearing conference to submit her changes of address. Ms. Bachner was reminded that she was apprised of her ability to cure any signature challenged on the basis of incorrect addresses within the first ten days of the challenge being filed. Ms. Bachner also presented by and through her attorney the names of six signatories deemed illegible for identification by cross-referencing the signatories' addresses with the voter registry. The

registrar examined the six signatures and credited Ms. Bachner with two additional signatures. Of the six signatures submitted, two were already credited to Ms. Bachner and two were not able to be identified as registered voters. This left Ms. Bachner's petition with 3 signatures less than the requisite minimum amount for ballot access.

**CONCLUSION**

Ms. Bachner secured 197 valid signatures, which is 3 signatures below the 200 signatures required for ballot access. It is hereby:

**ORDERED** that candidate Carrie Bachner is Denied ballot access for the office of Ward 2 Member of the State Board of Education.

September 12, 2016  
Date

  
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D. Michael Bennett  
Chairman,  
Board of Elections