

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

_____	)	
Tamaea Perry ,	)	
Challenger	)	Administrative
	)	Order #16-016
	)	
v.	)	Re: Nominating Petition
	)	Challenge for the Office
	)	Advisory Neighborhood
Joseph Johnson,	)	Commissioner Single Member
_____	)	District 8E01
Candidate.	)	

**MEMORANDUM OPINION AND ORDER**

**INTRODUCTION**

This matter came before the District of Columbia Board of Elections (“the Board”) on September 8, 2016. It is a challenge to the nominating petition of Joseph Johnson (“Mr. Johnson”) for the office of Advisory Neighborhood Commissioner, Single Member District 8E01 filed by Tamaea Perry (“Ms. Perry”) pursuant to D.C. Code § 1-1001.08 (o)(1) (2001 Ed.). The Challenger did not appear due to an unforeseen family emergency, and the Candidate appeared *pro se*. Accordingly, the hearing proceeded *ex-parte* pursuant to Title 3 of the District of Columbia Municipal Regulations (“DCMR”) §403.4. Chairman Michael Bennett and Board members Dionna Lewis and Michael Gill presided over the hearing.

**BACKGROUND**

On August 10, 2016, Joseph Johnson submitted a nominating petition to appear on the ballot as a candidate in the November 8, 2016 General Election contest for the office of Advisory Neighborhood Commissioner (ANC) for Single Member District (SMD) 8E01. That petition was posted for public inspection for 10 days, as required by law, and challenged on August 22,

2016 by Tamalea Perry, a registered voter in the District of Columbia. Mr. Johnson submitted a total of forty-one (41) signatures. The minimum requirement for this office is twenty-five (25) signatures of District voters who are duly registered in the same SMD as the candidate.

Challenger Tamalea Perry filed challenges to a total of thirty-eight (38) 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’s voter registration was designated as inactive on the voter roll at the time the petition was signed; 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 petition does not include the name of the signer where the signature is not sufficiently legible for identification; the signature is not made by the person whose signature it purports to be, and the signer is not a registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the petition was signed. The Registrar’s review of the challenges indicates that a total of 16 of the 38 challenges are valid. This leaves the candidate’s nominating petition with 25 signatures, the required number of signatures for ballot access.

**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. Ms. Perry did not present any evidence to dispute the Registrar’s preliminary determination,

**CONCLUSION**

Mr. Johnson secured 25 valid signatures, which is the amount required for ballot access.

It is hereby:

**ORDERED** that candidate Joseph Johnson is granted ballot access for the office of Advisory Neighborhood Commissioner, Single Member District 8E01.

September 12, 2016  
Date



D. Michael Bennett  
Chairman,  
Board of Elections