

accepted 50 signatures for review. That petition was posted for public inspection for 10 days, as required by law, and challenged on August 22, 2016 by Natalee S. Snider, a registered voter in the District of Columbia.

Challenger Natalee Snider filed challenges to a total of thirty-two (32) 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, 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; and the signature date for the circulator’s affidavit precedes the witnessed petitioner’s signatures on the petition sheet.. The Registrar’s review of the challenges indicates that a total of 31 of the 32 challenges are valid. This leaves the candidate’s nominating petition with 19 signatures, 6 signatures below the number required 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.

The Board's date requirement is specifically utilized to ensure that candidates circulate their petitions during the allotted time to do so. If a candidate were to circulate nominating petitions for a longer period then stipulated, that candidate would have an unfair advantage over candidates who followed the regulations and adhered to the prescribed time limit. Mr. Austin did not circulate petitions outside of the circulation period, because Mr. Austin picked up his petitions and resubmitted them during the circulation period. Mr. Austin testified under oath that he inadvertently put the wrong date on 1 petition sheet and pre-dated another petition sheet.

With respect to the date challenges, Ms. Snider presented no additional evidence to contradict Mr. Austin's explanations of the perceived irregularities with neither the pre-dated affidavit nor with the omitted date on his other petition sheet. Mr. Austin had 8 otherwise valid signatures disallowed due to his formal error. The Board concluded that the inaccurate date and omission on the circulator affidavits were formal errors pursuant to 3 DCMR §1606.4, which states, "the board may in its discretion waive any formal error."

CONCLUSION

Mr. Austin secured 27 valid signatures, which is 2 signatures above the 25 signatures required for ballot access. It is hereby:

ORDERED that candidate Ronald Austin is granted ballot access for the office of Advisory Neighborhood Commissioner, Single Member District 4B06.

September 12, 2016
Date



D. Michael Bennett
Chairman,
Board of Elections