

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Acqunetta Anderson	)	
Challenger	)	Administrative Hearing
	)	No. 16-018
	)	
v.	)	Re: Nominating Petition
	)	Challenge for the Office of
	)	Advisory Neighborhood
Douglas Sloan,	)	Commissioner SMD 4A01
Candidate.	)	

This matter came before the District of Columbia Board of Elections (hereinafter referred to as “the Board”) on Monday, September 12, 2016. It is a challenge to the nominating petition of Douglas Sloan (hereinafter referred to as “Mr. Sloan” or “Candidate”) for the office of Advisory Neighborhood Commissioner SMD 4A01. The challenge was filed by Acqunetta Anderson (hereinafter referred to as “Ms. Anderson” or “Challenger”). Ms. Anderson specifically challenged Mr. Sloan’s Declaration of Candidacy and Affidavit of Qualifications (hereinafter collectively referred to as “Declaration”) by asserting that Mr. Sloan did not reside at 1639 Primrose Road, N.W. Washington D.C. for the requisite 60 days prior to submitting his nominating petition. Ms. Anderson further asserts that Mr. Sloan actually voted as an Advisory Neighborhood Commissioner from his former address in another single member district during an ANC meeting held on June 27, 2016. In sum, the Challenger asserts that her allegations should be grounds for Mr. Sloan’s disqualification as a Candidate for Advisory Neighborhood Commissioner SMD 4A01.

Pursuant to D.C. Code § 1-1001.05(g) Chairman Michael Bennett presided over this case as a 1 member panel. The Challenger and Candidate appeared *pro se*.

## **PROCEDURAL BACKGROUND**

Mr. Sloan submitted a nominating petition for the office of Advisory Neighborhood Commissioner SMD 4A01 on August 10, 2016 pursuant to D.C. CODE § 1-309.05(b)(1). The nominating petition was posted for public inspection for a ten-day challenge period on Saturday, August 13, 2016 pursuant to D.C. CODE § 1-1001.08(o)(1). Ms. Anderson, a duly registered voter in the District of Columbia, challenged Mr. Sloan's nominating petition on Monday, August 22, 2016. Ms. Anderson submitted preliminary evidence in the form of a transcript of an ANC 4B meeting where Mr. Sloan served as an advisory neighborhood commissioner from another single member district and took an active role in the proceedings—including voting on official business.

Ms. Anderson did not allege any defects in the petition with respect to the qualifications of the signatures garnered; rather, Ms. Anderson relies solely on her allegation that Mr. Sloan has not lived in the SMD for the requisite 60 days pursuant to D.C. Code § 1-309.05(a)(1)(B) as the basis of her challenge to the Nominating Petition.

### **PRE-HEARING CONFERENCE**

Pursuant to Title 3 DCMR §415.1, the Office of the General Counsel conducted a Pre-Hearing conference in this matter on Monday, September 12, 2016. The Challenger and the Candidate appeared *pro se*. During the pre-hearing conference, Ms. Anderson submitted additional evidence in the form of a court docket of a case in which Mr. Sloan is the plaintiff listing his former address as his residence—albeit the case was filed in 2013, but Mr. Sloan has yet to update the court with his new address. She also presented tax records indicating Mr. Sloan's interest in his former address as the property owner. Ms. Anderson also raised the fact that Mr. Sloan did not update his address with the Board until the day he declared his candidacy on July 25, 2016. Mr. Sloan submitted a quick deed executed on June 10 to evince his

ownership in his new asserted residence, as well as utility bills and bank statements. However, Mr. Sloan's utility bills were all dated subsequent to the time he asserts he moved into his father's residence to aid his ailing father prior to his untimely death in August.

### **HEARING BEFORE THE BOARD**

The Board scheduled a hearing in this matter Monday, September 12, 2016 at 11am at the Board's offices located at 441 4<sup>th</sup> Street N.W. Suite 280N Washington, D.C. 20001.

Ms. Anderson argued that Mr. Sloan has not submitted any evidence to substantiate that he was living at his current address for the requisite period of 60 days. In support of the habitation claim, Ms. Anderson asserted that Mr. Sloan's intent was to help his father, and intended to return to his address upon his father's recuperation as evidenced by his wife and child still living at his former address throughout this entire period. Moreover, Mr. Sloan has maintained his license, automobile registration, and his address for purposes of pursuing his legal matters in the D.C. Superior Court. Mr. Sloan explained that he has been dealing with funeral arrangements for his father and he has not been able to transition fully to his new address while it is undergoing extensive renovations.

### **DISCUSSION**

Pursuant to 3 DCMR 424.1: "[t]he party who asserts the claim bears the affirmative duty of establishing the truth of the assertion." Ms. Edmondson has alleged that Mr. Sloan does not reside at the address listed on the voter registry, and she has primarily submitted evidence of his voting as an ANC from another Single Member District during the period in which he was supposed to be living at his new address. Moreover, Ms. Anderson elicited an admission from Mr. Sloan that he has not changed his driver's license nor auto registration to his new address. Pursuant to D.C. Code § 1-1001.02 (16)(A):

The term "residence," for *purposes of voting*, means the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which the person's habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence. (emphasis added)

D.C. Code § 1-1001.02(16)(B) goes on to provide:

In determining what is a principal or primary place of abode of a person the following circumstances relating to the person may be taken into account: (i) Business pursuits; (ii) Employment; (iii) Income sources; (iv) Residence for income or other tax purposes; (v) Residence of parents, spouse, and children; (vi) Leaseholds; (vii) Situs of personal and real property; and (viii) Motor vehicle registration.

Mr. Sloan has submitted a statement under penalty of perjury that his address is 1639 Primrose Road N.W., and he also submitted a quick deed showing transfer of property ownership of the residence in question executed on June 10, 2016. Mr. Sloan further attested to his inadvertent voting as an ANC from another single member district during the period where he asserts he was already living outside of the SMD.

This case rests squarely upon resolution of Mr. Sloan's intent of residency. Nothing in District of Columbia law prohibits a registered voter from having interest in more than one property in District. The only residency requirement for the purposes of voting is that the voter may not register to vote in any other state or territory pursuant to D.C. Code § 1-1001.02(16)(E).<sup>1</sup> Ms. Anderson has taken issue with the fact that Mr. Sloan has not substantiated his claim of 60 days residency at the new address in light of voting as an ANC from another SMD. Coupled with the fact that the typical indicators of residency such as utility

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<sup>1</sup> D.C. Code § 1-1001.02(16)(E) states:  
No person shall be deemed to have gained or lost a residence by reason of absence while employed in the service of the District or the United States governments, while a student at any institution of learning, while kept at any institution at public expense, or while absent from the District with the intent to have the District remain his or her residence. If a person is absent from the District, but intends to maintain residence in the District for voting purposes, he or she shall not register to vote in any other state or territory during his or her absence.

bills and motor vehicle registration all either point to his former address or are not probative of the specific timeframe necessary to establish 60 days of residency in the SMD, Ms. Anderson raised poignant questions with regard to the length of residency. The Board was also taken aback by the revelation that Mr. Sloan's family is living at his former residence, which is indicative of intent to return to that former residence.

**CONCLUSION**

The Challenger's submission of evidence does preliminarily establish that Mr. Sloan was not a Bona Fide resident of SMD 4A01 in the District of Columbia for the requisite 60 days immediately preceding the day on which he filed his nominating petition as a candidate. It was incumbent on Mr. Sloan to present evidence of not only having an interest in the property, but to also substantiate his assertion that he lived there continuously for the preceding 60 days. The Board, in determining what is the Candidate's primary place of abode took into account *inter alia* his motor vehicle registration pursuant to D.C. Code § 1-1001.02(16)(B)(viii) and the evidence submitted by Mr. Sloan. The Board respects the residential intent of the voter notwithstanding that voters may have interests in multiple properties, but in light of the ample evidence presented by Ms. Anderson to substantiate that he did not reside at his current address for 60 days, and the scant evidence to rebut that assertion, the Board is obligated to accept the challenge to his candidacy.

ORDERED that candidate Douglas Sloan is denied ballot access for the office of Advisory Neighborhood Commissioner, Single Member District 4A01.

September 12, 2016



D. Michael Bennett  
Chairman,  
Board of Elections