

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

_____	)	
In the Matter of	)	Administrative Order
Joseph Jackson, Candidate	)	No. 26-046
	)	Appeal of Preliminary Determination
_____	)	

MEMORANDUM OPINION AND ORDER

This matter came before the District of Columbia Board of Elections ("the Board") at a special meeting on Thursday, August 13, 2026, and involved an appeal from an adverse determination of eligibility regarding Joseph Jackson, candidate for the office of At-Large Member of the Council of the District of Columbia in the November 3, 2026 General Election ("the General Election"). Board member Karyn Greenfield presided over the hearing on this matter. The candidate appeared at the hearing *pro se*.

BACKGROUND

On June 11, 2026, Mr. Jackson picked up nominating petition forms for the office of At-Large Member of the Council and related materials. These materials included a document titled "Circulating and Filing Nominating Petitions" that advised candidates that "it is [their] responsibility to ensure that [their] petition is complete and contains the minimum number of signatures for ballot access before [they] file it with the Board." In addition, the document instructs that candidates should arrive at the Board "ready to file" and that petition sheets should be "complete, in numerical order, and correctly assembled." It further states that circulators should "[m]ake sure that the Circulator's Affidavit on each petition sheet is completed correctly and

signed." Before leaving the Board's offices, Mr. Jackson certified in writing that he had received these instructions.

Mr. Jackson timely filed a nominating petition ("Petition") in support of his candidacy on August 5, 2026. To obtain general election ballot access for the office of At-Large Member of the Council, a candidate must submit a nominating petition containing, at a minimum, the lesser of three thousand (3,000) valid signatures of registered qualified electors in the District, or the valid signatures of one and one-half percent (1.5%) of registered qualified electors of the District. D.C. Official Code § 1-1001.08(j)(1); 3 DCMR § 1603.3.

The Petition contained 303 sheets. The circulator affidavit on nine (9) of those sheets was, however, incomplete. Specifically, the circulator affidavit on eight (8) sheets (sheets 157, 167, 173, 233, 234, 235, 247, and 260) omitted the date of the circulator's attestation, and the circulator affidavit on one (1) additional sheet (sheet 238) omitted both the date and the circulator's address.

By letter dated August 10, 2026, the Board's Executive Director notified Mr. Jackson of the preliminary determination that his nominating petition did not meet the requirements for ballot access. The letter set forth the authority for the adverse determination, including a Board regulation that provides that no signature on a sheet bearing an incomplete circulator affidavit shall be counted toward the signature requirement of a petition. 3 DCMR § 1605.4.

Without counting the signatures on the nine affected sheets, the Petition contains 2,926 signatures. The nine affected sheets contain a total of 89 signatures. If the signatures on the affected sheets are counted, the Petition would contain 3,015 signatures, which exceeds the 3,000 signature minimum required for ballot access under D.C. Official Code § 1-1001.08(j)(1) and 3 DCMR § 1603.3.

On August 10, 2026, Mr. Jackson filed a timely written appeal of the Executive Director's preliminary adverse determination pursuant to 3 DCMR § 1605.7.

On August 11, 2026, a prehearing conference was conducted by the Office of the General Counsel. Mr. Jackson appeared via Zoom videoconference and confirmed that he was the circulator for all nine affected petition sheets and that he intended to present sworn testimony at the Board hearing. Mr. Jackson indicated that he would not submit documentary evidence but would testify under oath regarding the circumstances of petition circulation.

On August 11, 2026, Mr. Jackson was notified in writing that the Board would hear his appeal at a special meeting convened on August 13, 2026. At that hearing, the Board's Assistant Registrar of Voters was present and explained that, because the circulator affidavit on each of the nine (9) affected Petition sheets was incomplete, she could not count the signatures on those sheets toward the signature requirement.

Mr. Jackson appeared by remote video conferencing and was placed under oath. He testified that he was the circulator for all nine affected Petition sheets. He explained that he gathered the signatures during the authorized circulation period and that he personally witnessed each signature on the affected sheets. Mr. Jackson acknowledged that he neglected to date the circulator affidavits and, on one sheet, neglected to include his address. He testified that the omissions were inadvertent clerical errors, that there was no malicious intent, and that the signatures were collected in the ordinary course of his petition circulation efforts, primarily in Wards 7 and 8 and the Chinatown/Gallery Place area. Mr. Jackson noted that the affected sheets were scattered throughout the Petition and were not concentrated in any particular sequence. As in his written submission, Mr. Jackson cited *In Re: Philip Newland*, Administrative Order No. 23-

006, and requested a waiver of the circulator affidavit defects and preliminary acceptance of the signatures on the nine affected sheets.

ANALYSIS

As indicated above, the elections laws require that a nominating petition for a candidate seeking direct access ballot placement for the office of At-Large Member of the Council must contain at a minimum the lesser of 3,000 valid signatures of registered qualified electors in the District, or the signatures of one and one-half percent (1.5%) of registered qualified electors. D.C. Official Code § 1-1001.08(j)(1); 3 DCMR § 1603.3. Pertinent Board regulations provide as follows:

1605.3 Within three (3) business days following the petition-filing deadline, the Executive Director or his or her designee shall issue a preliminary determination of petition sufficiency. In order to be determined sufficient, a petition nominating a candidate shall:

(a) Contain the minimum statutory number of signatures required to obtain ballot access for the office sought; ...

1605.4 In determining whether the minimum statutory number of signatures is contained in the nominating petition, the Executive Director or his or her designee shall not count any signatures submitted on petition pages that fail to include a completed circulator's affidavit[.]

Requirements for circulator affidavit content are set forth in D.C. Official Code § 1-1001.08(b)(3). That provision mandates that each nominating petition "shall contain an affidavit, made under penalty of perjury ... and signed by the circulator of the petition[.]" In addition, the statute requires that the affidavit attest to the circulator's personal circulation of the petition, personal witnessing of each signing, and inquiring into each signer's status as a registered voter. *Id.* "As the Board [has] recognized, the circulator's role in gathering signatures for a nominating petition is critical to ensuring the integrity of the collection process." *Williams v. District of Columbia Bd. of Elections and Ethics*, 804 A.2d 316, 318-19 (D.C. 2002). Along these lines, the

D.C. Court of Appeals in *Williams* instructed: "A genuine and complete affidavit, then, undergirds the presumptive validity of voter signatures on a petition. ... The upshot is that the presumption of validity of petition signatures depends heavily on the role of the circulator and on the truthfulness and completeness of the representations made in the circulator's affidavit."

Despite the importance of the circulator affidavit to the validity of a petition, the Board has, where the integrity of the signatures is bolstered by extrinsic evidence, excused minor defects in the date of the circulator affidavit. *See In Re: Earle Douglass*, Administrative Order No. 22-017 (issued Aug. 22, 2022) (excusing omitted circulator affidavit date and citing *Moore v. Butler*, Administrative Order No. 20-024 (issued Sept. 4, 2020) (waiving as formal error pre-signed circulator affidavit)); *In Re: Philip Newland*, Administrative Order No. 23-006 (issued Feb. 9, 2023) (waiving omitted circulator dates on all three petition sheets). In considering defects in the date of the circulator's affidavits in *Douglass*, *Moore*, and *Newland*, we found that there was no substantial evidence that the circulator acted in a manner inconsistent with the circulator's oath. An important consideration in our decision to waive circulator date defects in those cases was the petitioner's offering testimony to verify the date upon which the signatures were made. In addition, we note that, while an affidavit is ordinarily understood to be a dated attestation, the elections laws do not identify among the material components of the circulator's affidavit the date that the circulator made the attestation. *Compare In Re: Gurley*, Administrative Order No. 22-016 (issued Aug. 22, 2022) (declining to waive defect of missing circulator signature given, inter alia, that the statute requires circulator affidavits to be signed).

Further, with respect to the omitted circulator address on sheet 238, we note that while the Board's petition form provides a field for the circulator's address (3 DCMR § 1602.2(f)), the statute at D.C. Official Code § 1-1001.08(b)(3) does not enumerate the circulator's address among the

required statutory components of the circulator's affidavit. The circulator's address is thus a regulatory requirement subject to waiver under 3 DCMR § 1607.2 for good cause shown. Here, Mr. Jackson is identified by name and signature on sheet 238, his address appears on the remaining eight affected sheets, and he appeared and testified under oath confirming his identity and address. There is accordingly no question as to the identity of the circulator or his qualifications.

Mr. Jackson has testified under oath to witnessing, in person and within the period for petition circulation, the signatures on all nine affected Petition sheets. He confirmed that the omissions were inadvertent clerical errors and that no sheet was circulated outside the authorized period. The affected sheets are scattered throughout the Petition, consistent with inadvertent oversight rather than any pattern of non-compliance. Based on the record before us, we find that there is no substantial evidence that Mr. Jackson, as circulator of his Petition, acted in a manner inconsistent with the circulator's oath and that the evidence presented at the hearing on this matter sufficed to cure the defects of the omitted dates and the omitted address. We therefore waive as formal error the omission of the dates upon which Mr. Jackson signed each circulator affidavit on sheets 157, 167, 173, 233, 234, 235, 238, 247, and 260, as well as the omission of the circulator's address on sheet 238.

CONCLUSION

For these reasons, it is hereby

ORDERED that the Petition submitted by Joseph Jackson for the Office of At-Large Member of the Council of the District of Columbia be found preliminarily sufficient, and that the Petition will be found preliminarily to have 3,015 signatures.¹

The Board issues this written order today, which is consistent with our oral ruling which was announced at the hearing on August 13, 2026.

Dated: August 13, 2026

Karyn Greenfield

¹ At the time of the Board's determination, the period within which voters could file challenges to Mr. Jackson's Petition had not yet closed (such challenges were due by 5:00 p.m. on August 17, 2026). *See* D.C. Official Code § 1-1001.08(o). Accordingly, our order requiring preliminary Petition acceptance is entered without prejudice to any timely and otherwise valid challenge.