

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

James Harnett,	)	
Challenger	)	Administrative
	)	Order #26-052
	)	
v.	)	Re: Challenge to Nominating
	)	Petition Submitted for
	)	ANC SMD 6D05
Chearie Phelps-El,	)	
Candidate.	)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on August 31, 2026. It is a challenge to the nominating petition submitted by Chearie Phelps-El (“the Candidate”) to run for the office of Advisory Neighborhood Commissioner in Single Member District (“SMD”) Advisory Neighborhood Commission (“ANC”) 6D05 in the November 3, 2026 General Election (“the General Election”). The challenge was filed by James Harnett (“the Challenger”) pursuant to D.C. Official Code § 1-1001.08(o)(1). Board members Karyn Greenfield and Michael Wakefield presided over the hearing. The Challenger appeared at the hearing and the Board’s General Counsel, Terri Stroud, was also present.

Background

On July 17, 2026, the Candidate submitted a nominating petition to appear on the ballot as a candidate in the General Election contest for the office of Advisory Neighborhood Commissioner in SMD 6D05. The Candidate needed to submit at least twenty-five valid voter signatures to obtain ballot access for this office. The petition contained thirty-two signatures. Pursuant to Title 3,

District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, the Board of Elections' Registrar of Voters accepted thirty-two signatures for review.

On August 8, 2026, the Board posted the petition for public inspection for ten days, as required by law. On August 11, 2026, the Challenger, a registered voter in the District of Columbia, challenged the petition.

The Challenger filed challenges to a total of eight petition signatures. Specifically, the signatures were challenged pursuant to Title 3 D.C.M.R. § 1607.1 of the Board's regulations on the following grounds: the signer is not a registered voter; the signer is an inactive voter; and the signer is not registered to vote at the address listed on the petition at the time it was signed.

Assistant Registrar's Determination

The Assistant Registrar's review of the challenge indicated that all eight signature challenges were valid. The Registrar found that five challenges are valid because the signer is not a registered voter; one challenge was valid because the signer was not an active voter; and two challenges are valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed.

Accordingly, the Assistant Registrar preliminarily determined the Petition contained only twenty-four valid signatures, which is one signature below the number required for ballot access.

August 27, 2026 Pre-Hearing Conference

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel ("OGC") notified the parties that a prehearing conference would be convened in the matter on August 28, 2026. Both parties emailed confirmations that they intended to attend the prehearing conference. When that meeting commenced, however, the Candidate was unexpectedly absent. The assigned OGC attorney immediately telephoned the Candidate and spoke with her over the phone. In the opinion

of the OGC attorney, the Candidate seemed stressed and upset. The Candidate advised that she had recently experienced a terrible personal loss and that she would not be able to pursue her candidacy and stated that she wished to withdraw. Following her brief call with the Candidate, the OGC attorney returned to the prehearing conference and updated the Challenger and ended the proceeding.

The parties were then duly notified that, absent the Candidate's withdrawal, the Board would hear this matter on August 31, 2026.¹

August 31, 2026 Board Hearing

A representative of the Registrar's Office was in attendance at the hearing and presented the Assistant Registrar's findings. The OGC attorney assigned to the matter explained the circumstances discussed above and that, while the Candidate had indicated that she wished to withdraw, she had not submitted the form required to do so.

The General Counsel then made her recommendations that the Candidate be denied ballot access.² Member Greenfield made a motion consistent with that recommendation. The motion was seconded and passed unanimously.

Discussion

It is undisputed that the petition in this matter does not have the requisite twenty-five valid signatures. The Candidate fell one signature short of the required number.³ Because the Candidate,

¹ The email notice of the Board hearing reiterated the OGC attorney's communication with the Candidate that, if she withdrew or was denied ballot access, she could run on a write-in basis.

² The General Counsel also expressed on behalf of the Board condolences to the Candidate and reiterated that she could run as a write-in candidate.

³ We understand that the assigned OGC attorney and the Candidate briefly discussed whether the Candidate had been able to arrange a cure for one or both of the two address mismatches by having such signer(s) update their address(es) with the Board. Sadly, the Candidate acknowledged that, given her personal challenging circumstances, she had not been able to follow through on getting

understandably, has been unable to complete and send to the Board the form required for her to withdraw her candidacy, the challenge matter remains live and a hearing before this Board is required. Given that the Candidate's petition is numerically insufficient (albeit by one signature), we cannot grant ballot access to her.

Conclusion

As a result of this challenge, the Board finds that the Petition contains twenty-four valid signatures – one signature below the number required for ballot access. It is hereby:

ORDERED that challenge to the nominating petition of Chearie Phelps-El for the office of ANC SMD 6D05 in the General Election is hereby **UPHELD**.

The Board issues this written order today, which memorializes its oral ruling rendered on August 31, 2026.

Date: September 3, 2026



Karyn Greenfield
Presiding Board Member

either of those address updates notwithstanding that those two voters lived in the same apartment building as the Candidate.