

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

In Re:	)	
	)	Administrative Order
Maria J. Pineda Fernandez, Candidate	)	No. 26-047
	)	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 August 13, 2026. It is an appeal from the Board’s Executive Director’s preliminary determination that Maria J. Pineda Fernandez, candidate for the office of Advisory Neighborhood Commissioner in Single-Member District 4C03 (“Candidate”) in the November 3, 2026 General Election (“the General Election”), could not have her name appear on the ballot as “Petrona Xemi Tapepechul.” Board Member Karyn Greenfield presided over the hearing. The Board’s General Counsel was also present.

BACKGROUND

On July 24, 2026, the Candidate submitted a Declaration of Candidacy form (“the Declaration”) in support of her candidacy for the office sought.¹ That form contained a field for a candidate to enter their name and another field for the candidate to enter how their name should be printed on the ballot. With respect to the latter field, the following admonition appears: “[W]hen listing your name, the Board will not permit a candidate to specify a modified form of their given

¹ The Declaration of Candidacy form must be filed by candidates seeking to have their names printed on the ballot.
3 DCMR § 601.1 *et seq.*

name that confuses or misleads voters and is otherwise not legally acceptable. For example, James Smith could be Jim Smith but not Jim ‘The Best’ Smith.”

On the Declaration, the Candidate entered “Maria J. Pineda Fernandez” as her name and “Petrona Xemi Tapepechul” as the name that should be printed on the ballot.

On August 10, 2026, the Board’s Executive Director issued a preliminary determination finding that the Candidate was eligible to run for the office sought.² Her determination, however, also notified the Candidate that her name would appear on the ballot as “Maria J. Pineda Fernandez,” thereby alerting the Candidate to the fact that the name “Petrona Xemi Tapepechul” would not appear on the ballot.

On August 10, 2026, the Candidate sent an email to the Board’s Office of General Counsel (“OGC”) seeking a Board hearing with respect to the Executive Director’s preliminary determination.³ In that email, the Candidate stated that she was “requesting a [B]oard hearing of the placement on the ballot of the name indicated in the [preliminary determination] letter I received today.”

On August 11, 2026, the OGC notified the Candidate via email that the Board intended to conduct a prehearing conference in the matter later that afternoon August 11, 2026. The email informed the Candidate that that the purpose of the hearing was to identify the evidence she intended to submit to the Board related to her request to use the name “Petrona Xemi Tapepechul” on the ballot.

² 3 DCMR § 601.6 (providing that the Board’s Executive Director or her designee will, within three business days after the deadline for filing nominating petitions for the office sought, issue a preliminary determination as to a candidate’s eligibility).

³ 3 DCMR § 601.11 (providing that the candidate must appeal a preliminary determination within three days after receipt of notice of an adverse determination).

The Candidate appeared at the prehearing conference and explained that she has used the name “Petrona Xemi Tapepechul” to honor her Nawat indigenous heritage and has done so publicly and privately since approximately 2020. The Candidate explained that she is a playwright and actor, and has both published books and contributed to the publication of a book available on Amazon under the name “Petrona Xemi Tapepechul.” The Candidate stated that she participated in a Facebook Reality TV program using the name “Petrona Xemi Tapepechul” in approximately 2020. The Candidate represented that she has conducted podcast interviews using this name, and additionally asserted that she uses the name as her social media handle.

Shortly after the prehearing conference, the Candidate was asked by the assigned OGC attorney to provide any documentary evidence and a list of potential witnesses by midday on August 12, 2026. The Candidate provided the OGC attorney with a variety of public record documents that confirmed each representation she made at the prehearing conference. The Candidate also provided the names of three individuals who she was hoping would be available to be live witnesses at the hearing.

The Candidate was duly notified that a hearing on her appeal of the Executive Director’s preliminary determination would be held on August 13, 2026.⁴ The notice informed the Candidate to be prepared to present any materials she asserts demonstrates that it is appropriate to use the name “Petrona Xemi Tapepechul” on the ballot. At the Board hearing, the General Counsel summarized the procedural history of the case and the assigned OGC attorney described the issues presented by the Candidate at the prehearing conference and the evidence she had offered. The Board then heard from the Candidate, who reiterated the request that her name appear on the ballot as “Petrona Xemi Tapepechul.” The Candidate notified the Board she has used this name privately

⁴ 3 DCMR § 601.12 (providing that the Board shall hold a hearing on preliminary determination appeals within three days after receipt of the appeal).

and professionally since 2020 and identifying *inter alia* the books she has published under this name, and the Facebook Reality TV show that she and her family participated in in which she appeared under this name. Dee Tum-Monge, Diego Molina, and Silvestre Niaupari also appeared as witnesses and each testified under oath that they have known the Candidate for several years and that during this period she has used the name “Petrona Xemi Tapepechul” both professionally and in her private life. Mr. Niaupari spoke at length regarding the Candidate’s considerable community involvement and noted that she is well-known and recognized within the communities in which she works and lives under the name “Petrona Xemi Tapepechul.”

After this testimony, the General Counsel recommended that the Board to be “Petrona Xemi Tapepechul” instead of “Maria J. Pineda Fernandez.”

After hearing the evidence and the General Counsel’s recommendation, Board Member Greenfield waived the respective regulation and allowed the Candidate’s name to appear on the ballot as “Petrona Xemi Tapepechul.”

ANALYSIS

The pertinent Board regulation provides that:

The name of a candidate for election shall appear on the ballot in the form designated on the Declaration of Candidacy executed and filed by the candidate . . . provided, that the name conforms to ... the given name or names, or the initial letter of a given name, if any, and surname.

... The Board may permit a candidate to specify a modified form of his or her given name or names on the ballot if the Board finds that the change shall not confuse or mislead the voters and is legally acceptable.⁵

⁵ 3 DCMR §§ 1203.1-1203.2. The regulations also provide that the use of titles, degrees, and prefixes on the ballot is prohibited.

In interpreting that regulation, we note that the term “name” should be given its plain and ordinary meaning.⁶ The D.C. Court of Appeals has opined on the meaning of the term “name”:

A person’s “name” consists of one or more Christian or given names and one surname or family name. It is the distinctive characterization in words by which one is known and distinguished from others, and description, or abbreviation, is not the equivalent of a “name.”⁷

In other words, the regulation, when given its plain and ordinary meaning, requires that candidates be identified on the ballot with only their actual name or a modified version of their actual name, and that they not be identified with descriptive words that are not or do not conform to their given name.

The Board has previously explained that the regulation at issue serves the valid election administration interests of the Board, including that the ballot not be improperly used as a billboard for political advertising and the objective of avoiding voter confusion as to the identity of the candidate. *See In Re Rodney Grant*, BOE Case No. 24-003 (March 19, 2024) at p. 5 and cases cited therein. In the *Rodney Grant* case, the Board expressed concern that entertaining exceptions to the regulation requirement that candidates use their given names and surname on the ballot would open the door to litigation. The Board, however, waived its regulations as the matter presented a “rare case in which the equities warrant allowing this candidate to include a nickname that is neither his actual name nor a modified version of that name.” *Id.* at 6. Factors that we relied on in that case were that the candidate had used his nickname since early childhood which tended to show that the use of the name “Red” was not intended to convey a prohibited political message.

⁶ *Oversight v. U.S. Dept. of Justice*, 292 F.Supp.3d 501, 508 (D.D.C. 2018) (decision supported by the plain meaning of the rule and existing precedent in analyzing it was both reasonable and legally sound).

⁷ *Gore v. Newsome*, 614 A.2d 40, 43 (D.C. 1992) (citing BLACK’S LAW DICTIONARY 1023 (6th ed. 1990)). While the definition of the term “name” excludes abbreviations, the Board’s regulation expressly allows the use of an initial that conforms to a given name.

We also noted that we had allowed the candidate to use the name “Red” as his nickname on a prior ballot and that knowledge in the community of the candidate as “Red” Grant suggested that that nickname “Red” was not likely to confuse voters and may actually help voters identify him. *See also In Re William Kuduk*, BOE Case No. 26-014 (March 30, 2026) (permitting the use of a distinct name on the ballot based on evidence that the candidate was known in her professional and private life under the preferred ballot name, that the Candidate’s actual first name might confuse voters, and the name was not associated with a political message).

Here, it is undisputed that the Candidate’s given name is “Maria J. Pineda Fernandez.” However, the Candidate has submitted substantial evidence, including through three witnesses testifying under oath, that she has been known in her professional and private life as “Petrona Xemi Tapepechul” for a number of years, and that the use of the Candidate’s given names and surname might accordingly confuse voters.⁸ In addition, the name “Petrona Xemi Tapepechul” is not associated with a political message. Accordingly, voters would not be confused about the identity of the candidate if her name on the ballot appeared as “Petrona Xemi Tapepechul” and there is no improper use of the ballot associated with placing the name “Petrona Xemi Tapepechul” on the ballot.

CONCLUSION

For these reasons, it is hereby:

⁸ Unlike some prior cases where a candidate has been known in the community by a name other than their given name for a lengthier period of time, Candidate Fernandez has used the name “Petrona Xemi Fernandez” for only several years. That said, she has provided evidence that she has been widely known in the community by this name for a period of time consistent with the candidate in *In Re William Kuduk*. While we do not here identify a definite period of time or extent of community knowledge of a candidate’s use of a name that is not their given name that would justify waiving our regulations, we think the evidence that voters will not be confused by the name “Petrona Xemi Tapepechul” is sufficient here to warrant waiving our regulations.

ORDERED that the Executive Director’s preliminary determination that the Candidate cannot use the name “Petrona Xemi Tapepechul” in lieu of “Maria J. Pineda Fernandez” on the 2026 Primary Election ballot is **REVERSED**. Subject to any successful petition challenge that might be filed, the name to be printed on the ballot for the Candidate shall be “Petrona Xemi Tapepechul.”

I issue this written order today, which is consistent with the Board’s oral ruling rendered on August 13, 2026.

Dated: August 14, 2026



Karyn Greenfield
Presiding Board Member