

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

James Harnett,)	
Challenger)	Administrative
)	Order #26-028
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for
)	Mayor (Democratic Primary)
Kathy Henderson,)	
Candidate.)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on April 17, 2026. It is a challenge (“the Challenge”) to the nominating petition submitted by Kathy Henderson (“the Candidate”) to run for the office of Mayor of the District of Columbia in the June 16, 2026 Primary Election (“the Primary Election”). The challenge was filed by James Harnett (“the Challenger”), a registered voter in the District of Columbia, pursuant to D.C. Official Code § 1-1001.08 (o)(1). Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. All parties appeared *pro se*.

Background

On March 18, 2026, the Candidate submitted a nominating petition to appear on the ballot as a candidate in the Primary Election contest for the nomination for the office of Mayor of the District of Columbia (“the Petition”). The minimum number of signatures required to obtain ballot access for this office is 2,000 signatures of District of Columbia voters who are duly registered in the same party as the candidate. The Petition contained 2,125 signatures. Pursuant to Title 3,

District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, Marissa Corrente, the Board's Registrar of Voters ("the Registrar"), accepted 2,125 signatures for review.

On March 21, 2026, the Petition was posted for public inspection for 10 days as required by law. On March 27, 2026, the Challenger filed the Challenge.

The Challenger filed challenges to a total of 173 signatures. Specifically, the signatures and affidavits 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 registered, 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, the signature is a duplicate of a valid signature, the petition does not include the name of the signer where the signature is not sufficiently legible for identification, and the signer is not registered to vote in the same party as the candidate at the time the petition is signed.

Registrar's Preliminary Determination

The Registrar's review of the challenge indicated that a total of 151 of the 173 signature challenges were valid. The Registrar found that 49 signatures were invalid because the signer was not registered to vote; 47 signatures were invalid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed; 15 signatures were invalid because the signer's voter registration status was designated as inactive at the time the petition was signed; one signature was invalid as a duplicate of a valid signature; 11 signatures were invalid because neither the name of the signer nor the signature was sufficiently legible for identification; and 28 signatures were invalid because the signer was not registered to vote in the same party as the Candidate at the time the petition was signed.

Accordingly, the Registrar preliminarily determined the Petition contained 1,974 presumptively valid signatures, which is 26 signatures below the number required for ballot access.

April 13, 2026 Pre-Hearing Conference

Pursuant to title 3 D.C.M.R. § 415.1, the Office of the General Counsel convened a pre-hearing conference with both parties on April 13, 2026. In her findings report issued prior to the pre-hearing conference, the Registrar outlined her determinations with respect to the validity of each signature challenged and provided a key code explaining the notations she used to indicate the basis for upholding or denying each challenge.

At the start of the conference, the Registrar's preliminary determinations were summarized on the record. The minimum number of signatures required to obtain ballot access for Mayor in the June 16, 2026 Democratic Primary Election is 2,000. The Petition contained 2,125 signatures. The Challenger filed challenges to 173 signatures. The Registrar determined that 151 of the 173 challenges were valid. The Registrar's determination left the Petition with 1,974 signatures, which is 26 signatures below the number required for ballot access.

During the pre-hearing conference, the Candidate objected to the Registrar's preliminary determinations and raised multiple arguments in support of crediting additional signatures. The Candidate argued that signatures of voters designated as inactive at the time of signing should be counted, asserted that excluding such signatures improperly disenfranchises voters, and referenced non-District authority from Montana in support. The Candidate also raised disputes concerning individual challenged signers and asserted that certain signatures should be credited based on alleged voter registration updates, including changes of address and/or party affiliation completed online. The Candidate further disputed certain determinations based on illegibility, asserting that some entries deemed illegible were, in her view, sufficiently clear for identification.

The Candidate also raised concerns about petition circulation conditions, asserting that the Board was closed during inclement weather in late January 2026 and that no accommodation was provided to candidates collecting signatures under those conditions. The Candidate referenced accommodations in the 2020 election cycle, including a reduction in the number of required signatures, and asserted that a similar accommodation should be considered by the Board.

The Challenger stated on the record that he agreed with the Registrar's report and did not propose changes. As the parties were not able to resolve the matter, the case was set for a Board hearing on April 17, 2026. The Candidate and Challenger were duly notified of the hearing.

April 17, 2026 Board Hearing

The Registrar was present at the hearing and presented her updated findings following the April 13, 2026 pre-hearing conference. At the hearing, the Registrar explained that she revisited the subset of challenged signatures the Candidate flagged at the pre-hearing conference as potential address "cures." After reviewing those 37 entries by page and line number, the Registrar determined that six voters had submitted address updates that could be applied under the applicable rules. With those updates credited, she reduced the number of sustained challenges from 151 to 145, which left the Petition with 1,980 presumptively valid signatures, still 20 short of the 2,000 required for ballot access.

During the Board hearing, the Candidate argued that she made a good-faith effort to collect signatures and that signature-gathering was materially hindered by the late January weather event, including associated closures and disruptions in the District. The Candidate asserted that, notwithstanding these circumstances, no accommodations or relief were provided to candidates, and she urged the Board to consider relief similar to measures adopted during the COVID-19 pandemic.

The Candidate also renewed her objection to the Registrar's exclusion of signatures from voters designated as inactive at the time of signing, asserting that such voters should not be disenfranchised and that their signatures should be counted if otherwise valid. In addition, with respect to signatures invalidated for party affiliation, the Candidate contended that if a signer believes they are registered in the Candidate's party, the Board should accept that understanding for purposes of validating the signature.

The Challenger was not present at the hearing.

Discussion

The minimum number of signatures required to obtain ballot access for the office of Mayor in the June 16, 2026 Democratic Primary Election is 2,000 signatures of District of Columbia voters who are duly registered in the same party as the Candidate at the time the petition is signed. The Petition contained 2,125 signatures. The Challenger filed challenges to 173 signatures. The Registrar determined that 151 of the 173 challenges were valid and that the Petition therefore contained 1,980 presumptively valid signatures, which is 20 signatures below the number required for ballot access. The Board has reviewed the record and upholds the Registrar's determinations.

The Candidate argued that the Board should permit her ballot access despite her failure to obtain 2,000 valid signatures because the winter weather conditions in January and February 2026 precluded candidates from meeting the signature requirement. The Candidate alluded to the ballot access modifications made during the COVID-19 Pandemic as precedent that the Board should follow in this matter. Modifications to ballot access requirements made during the COVID-19 Pandemic were statutory. *See* The Coronavirus Support Emergency Amendment Act of 2020 and the Coronavirus Support Congressional Review Emergency Amendment Act of 2020. *See* D.C. Act 23-326, May 27, 2020, 67 DCR 7045 and D.C. Act 23-328, June 8, 2020, 67 DCR 7598,

respectively. The Council has not legislated any comparable changes to ballot access requirements based on the winter weather conditions in January and February 2026. The Board accordingly lacked discretion to deviate from the existing ballot access requirement that a candidate for Mayor obtain 2,000 valid signatures.

The Candidate objected to the exclusion of signatures of voters designated as inactive at the time of signing and cited Montana authority addressing initiative petitions.¹ The Board finds that this authority does not control the outcome here. The District’s regulations governing nominating petition challenges expressly provide that a signature shall not be counted as valid where the signer’s voter registration was designated as inactive on the voter roll at the time the petition was signed. *See* 1-1001.07(j)(5)(B); 3 D.C.M.R. § 1607.1(a). Accordingly, the Board declines to credit signatures invalidated on the basis of inactive registration status.

The Candidate also asserted that certain challenged signatures should be credited based on voter registration updates, including changes of party affiliation and changes of address completed after the petition was signed. As to party affiliation, the statute is explicit; on a nominating petition for a primary election, the signer must be registered to vote in the same party as the Candidate at the time the petition is signed. *See* D.C. Official Code § 1-1001.08(i)(1)(B); see also 3 D.C.M.R. § 1607.1(n). Party registration changes filed after the date of signing do not cure a defect arising from a signer’s party registration status at the time of signing.

As to address-based challenges, a signature challenged on the basis that the signer, according to the Board’s records, is not registered to vote at the address listed on the petition at

¹ Montana law governing the verification of initiative petition signatures directs county officials to verify that signers are “registered electors” of the county. Mont. Code Ann. § 13-27-303(1) (2025). Consistent with that statutory framework and long practice, the Montana First Judicial District Court (Lewis and Clark County) entered a preliminary injunction (by consent) providing that voters on the inactive list nonetheless remained “qualified electors” whose otherwise-valid signatures could be counted for purposes of qualifying certain ballot initiatives. *See* *Montanans Securing Reproductive Rights v. State of Montana*, Case No. ADV-25-4024-463 (Mont. 1st Jud. Dist. Ct., Lewis and Clark Cty. July 26, 2024) (preliminary injunction; by consent).

the time the petition was signed shall not be counted as valid unless the regulatory cure provision is satisfied. *See* D.C. Official Code § 1-1001.08(o)(3); *see also* 3 D.C.M.R. § 1607.1(b). On this record, the Candidate did not establish that the statutory cure provision was satisfied for the signatures invalidated under § 1607.1(b), and the Board therefore upholds the Registrar’s determinations on those challenges.

The Board finds that the Candidate did not present evidence sufficient to rebut the Registrar’s determinations for the signatures invalidated under § 1607.1(f). The Board likewise upholds the Registrar’s determinations with respect to the remaining categories of upheld challenges, including signatures invalidated because the signer was not registered to vote and signatures invalidated as duplicates, as provided by 3 D.C.M.R. § 1607.1.

After considering the record in its entirety and applying the requirements of the District’s election statute and the Board’s regulations, the Board finds that the Petition contains 1,980 valid signatures, which is 20 signatures below the number required for ballot access.² Accordingly, the Petition does not contain enough valid signatures to qualify for ballot access.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 1,980 valid signatures – 20 signatures below the number required for ballot access. It is hereby:

ORDERED that challenge to the nominating petition of Kathy Henderson for the office of Mayor in the Primary Election is hereby **UPHELD**.

The Board issues this written order today, which memorializes its oral ruling rendered on April 17, 2026.

² The Candidate asserted that she submitted 2,129 signatures, rather than the 2,125 the Registrar accepted for review, but she did not identify the four additional signers. Even if credited, the Petition would remain numerically deficient.

Date: April 18, 2026



Gary Thompson
Chairman
Board of Elections