

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

James Harnett,)	
Challenger)	Administrative
)	Order #26-027
)	
v.)	Re: Challenge to Nominating
)	Petition Submitted for
)	Douglass Sloan
Douglass Sloan,)	
Candidate.)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on April 13, 2026. It is a challenge to the nominating petition submitted by Douglass Sloan (“Candidate”) to run for the office of At-Large Member of the Council of the District of Columbia in the June 16, 2026 Special Election (“the Special Election”). The challenge was filed by James Harnett (“Challenger”) pursuant to D.C. Official Code § 1-1001.08 (o)(1). Chairman Gary Thompson and Board member Karyn Greenfield presided over the hearing. The parties appeared *pro se*.

Background

On March 18, 2026, the Candidate submitted a nominating petition (“the Petition”) to appear on the ballot as a candidate in the Special Election . A candidate must collect at least 3,000 signatures from registered District of Columbia voters to obtain ballot access for the office sought. The Petition contained 3,085 signatures. Pursuant to Title 3, District of Columbia Municipal Regulations (D.C.M.R.) § 1603.1, Marissa Corrente, the Board of Elections’ Registrar of Voters (“the Registrar”), accepted 3,085 signatures for review.

On March 21, 2026, the Petition was posted for public inspection for 10 days, as required by law. On March 25, 2026, the Challenger, a registered voter in the District of Columbia, filed a challenge alleging that 317 signatures on the Petition were invalid. Specifically, the Challenger challenged the signatures and affidavits pursuant to Title 3 D.C.M.R. §§ 1603 and 1607.1 of the Board's regulations on the following grounds:

- the signer was not registered;
- the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed;
- the signer, according to the Board's records, was not registered to vote at the address listed on the petition at the time the petition was signed;
- the signature was a duplicate of a valid signature;
- the signature was not dated;
- the petition did not include the address of the signer;
- the petition did not include the name of the signer and the signature is not sufficiently legible for identification;
- the circulator of the petition sheet was not a qualified petition circulator at the time the petition was signed;
- and the signature was not made by the person whose signature it purports to be.
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Registrar's Preliminary Determination

The Registrar's initial review of the challenge, issued to the parties on March 27, 2026, found that 246 of the 317 signature challenges were valid. The Registrar found that 79 challenges were valid because the signer is not a registered voter; that 70 challenges were valid because the signer was not registered to vote at the address listed on the petition at the time the petition was signed; that 25 challenges were valid because the signer's voter registration was designated as inactive on the voter roll at the time the petition was signed; three were valid because the signature was a duplicate of a valid signature; 23 were valid because the signature was undated; 12 were valid because the signature did not include the address of the signer; 22 were valid because neither the name of the signer nor the signature were sufficiently legible for identification; and 12 were

valid because the signature was not personally witnessed by the circulator (as evidenced by the predated circulator's affidavit).

Subtracting the 246 valid challenges from the 3,085 signatures submitted, the Registrar preliminarily determined that the Petition contained 2,839 valid signatures, which is 161 signatures below the number required for ballot access.

April 9, 2026 Prehearing Conference

Pursuant to Title 3 D.C.M.R. § 415.1, the Office of the General Counsel ("OGC") notified the Candidate on March 26, 2026 that it would conduct a prehearing conference concerning the matter on April 9, 2026 at 10:30 am. Despite multiple notices to the Candidate that his attendance at the conference was necessary to preserve any arguments he wished to present to the Board at a hearing, the Candidate elected not to attend the prehearing conference.¹

On April 9, after OGC emailed the Candidate again asking if he would attend the conference, the Candidate responded by asking to speak with counsel by telephone. Counsel responded that the Candidate's opportunity to present his position was the prehearing conference and once again asked if he would be attending. At 10:08, the Candidate informed counsel he intended to file a grievance with the Office of Campaign Finance ("OCF"), stating that he believed it did not make "sense for [him] to attend the pre-conference hearing until after [OCF] has considered [his] grievance." Counsel responded that, as OGC had first informed Mr. Sloan on March 26, "attendance at the conference is imperative to preserve any issues for consideration before the Board because the Board will only consider issues raised during the prehearing conference. In other words, if you do not attend, you will not be able to present any argument to the Board in a subsequent hearing." When the Candidate inquired if his yet-to-be filed grievance

¹ OGC emailed the Candidate to determine whether he would attend the prehearing conference each day from April 7 through April 9, 2026.

would qualify as a response to the Challenge, counsel informed him “[i]t would not. You need to participate in the prehearing conference to preserve your arguments” and that if he did not join the call, the conference would proceed in his absence. As noted, the Candidate did not attend the conference.

When it was clear that the Candidate had elected not to participate, OGC conducted the prehearing conference in his absence. The Challenger was present, as was Marissa Corrente, the Registrar of Voters. The Challenger accepted the Registrar’s findings, excepting one challenge the Registrar had not adopted. Upon consideration of the Challenger’s position, the Registrar agreed and subsequently modified her report so that the total number of valid challenges she found rose from 246 to 247. The Registrar shared the updated report with the parties later on April 9, 2026.

In the afternoon of April 9, 2026, the Candidate submitted a *Sworn Statement to the Board of Elections* (“Statement”). The Statement requests that the Board allow the Candidate “to remain on the 2026 Special Election ballot” due to the “unique and unprecedented winter weather conditions in January and February [which] created an undue and excessive burden on [] candidates.” The Candidate asserted the weather “precluded normal DC citizen candidates from securing the needed signatures to make the ballot.” Statement, ¶7. The Candidate further suggested the weather events in the winter of 2026 were comparable to the unusual electoral conditions created by the COVID epidemic in 2020 and that the modifications the Board made to ballot access requirements in response to the epidemic were appropriate to address the weather conditions. *Id.* ¶8.

Because Mr. Sloan did not attend the prehearing conference, the parties were unable to agree on a narrowing of the issues for the Board or to resolve the matter. The case was accordingly set for a Board hearing on April 13, 2026. Both parties received notice of the hearing.

April 13, 2026 Board Hearing

The Registrar was present at the hearing and presented her findings. The Challenger was unable to attend the hearing due to a competing obligation but submitted an email which urged that the Board accept the findings of the Registrar and deny ballot access. The Candidate did not contest the Registrar's findings. He instead directed the Board's attention to his April 9, 2026 Statement, which he submitted after he failed to attend the scheduled prehearing conference. The Candidate argued that the Board should permit him ballot access despite his failure to obtain 3,000 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 epidemic as precedent that the Board should follow in this matter.

The Board's General Counsel informed the Candidate that the modifications to ballot access requirements made during the COVID epidemic were statutory, directing the Candidate's attention to 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. OGC and the Board informed the Candidate that the Council had not legislated any comparable changes to ballot access requirements based on the winter weather conditions in January and February 2026. Each further informed the Candidate that the Board accordingly lacked discretion to deviate from the existing ballot access requirement that a candidate in the Special Election obtain 3,000 valid signatures.

Discussion

A candidate for At-Large Member of the Council of the District of Columbia in a Special Election needs to submit at least 3,000 valid signatures from registered voters to obtain ballot access. This is a statutory requirement. *See* D.C. Official Code 1-§1001.08(j)(1). The Petition contained 3,085 signatures. The Challenger timely challenged 317 signatures and the Registrar found that 247 of the challenges were valid, leaving the Petition with 2,838 presumptively valid signatures.

OGC repeatedly notified the Candidate that he needed to attend the prehearing conference to present and preserve arguments before the Board at a later hearing. The Candidate elected not to attend the hearing. The Board allowed the Candidate to articulate his positions at its hearing, which primarily derived from the Statement he submitted after the prehearing conference was completed in his absence. While it troubles the Board that the Candidate chose not to attend the prehearing conference, it appears possible that this decision resulted from legitimate confusion regarding whether the contentions in his Statement would be admissible at the conference as a response to the Challenge. Providing the Candidate the broadest benefit of the doubt, consistent with the notion of facilitating ballot access when justified, the Board sees fit to consider the contentions contained in the Candidate's Statement.

Having considered those contentions, the Board finds that they lack merit. As noted above, the 3,000-signature threshold is a statutory requirement that applies to all candidates in the Special Election. Unlike the circumstances surrounding the ballot access process for the 2020 General Election, there are no enactments currently in place – such as the Coronavirus Support Emergency Amendment Act of 2020 and the Coronavirus Support Congressional Review Emergency Amendment Act of 2020 - that expressly authorize a temporary deviation from the applicable

statutory requirements concerning the minimum number of signatures required for ballot access in connection with the Special Election. In the absence of such statutory authorization, the Board lacks the authority to waive, reduce, or otherwise alter those requirements.² Accordingly, the 3,000-signature requirement stands and must be met in order for a candidate in the Special Election to achieve ballot access. The Petition did not meet that requirement, falling 162 signatures short.

The Board, therefore, is compelled to uphold the finding of the Registrar that the petition contains only 2,838 valid signatures. The Candidate has thus failed to submit a sufficient number of valid signatures for ballot access.

Conclusion

As a result of this challenge, the Board finds that the Petition contains 2,838 presumptively valid signatures –162 signatures below the minimum number required for ballot access. It is hereby:

ORDERED that the challenge to the nominating petition of Douglass Sloan for the office of At-Large Member of the Council of the District of Columbia in the Special Election is hereby **UPHELD**.

Date: April 13, 2026



Gary Thompson
Chairman
Board of Elections

² Statutory constraints similarly render the Candidate’s suggestion that the Board could have conducted the ballot access process in “June, July and August” inaccurate. See Statement, §5. The vacancy necessitating the Special Election occurred January 12, 2024, as that is the date the vacancy was certified. This vacancy occurrence date required the Special Election to occur no later than June 30, 2026. See D.C. Official Code §1-204.01(d)(2) (requiring the “special election be held on the Tuesday occurring at least 70 days and not more than 174 days after the date on which such vacancy occurs[.]”). Thus, the Board lacked discretion to delay the petition circulation period for the Special Election ballot access process until June, July and/or August.