

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS AND ETHICS**

Valencia Mohammed,
Complainant,

v.

Carlos Allen
Respondent.

Administrative Hearing
No. 10-005

Re: Challenge to Nominating
Petition of Carlos Allen,
Candidate, Mayor of the District of
Columbia

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections and Ethics (“the Board”) on July 27, 2010. It is a challenge to the nominating petition of Carlos Allen (“the Respondent”) as a candidate for the office of Mayor of the District of Columbia filed by Valencia Mohammed (“the Complainant”) pursuant to D.C. CODE § 1-1001.08(o)(1) (2006). Board member Charles R. Lowery, Jr. presided over the hearing. The Respondent appeared *pro se*, but the Complainant did not appear. Pursuant to 3 D.C.M.R. § 403.4,¹ the Board proceeded *ex parte*.

Background

On July 7, 2010, Allen submitted a Nominating Petition for the office of Mayor of the Council of the District of Columbia containing a total of 2,055 signatures. On July

¹ 3 D.C.M.R. § 403.4 states: “If any person or party waives the right to be present at the hearing or fails to appear at the hearing, the Board may proceed *ex parte*, unless the Board extends the time of the hearing or unless their appearance is required by statute.”

10, 2010, the petition was posted for inspection, pursuant to D.C. CODE § 1-1001.08(o)(1) (2006), for a 10-day challenge period.²

On July 15, 2010, the Complainant filed a challenge to the nominating petition in which she challenged 82 of the 2,055 signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. The Registrar of Voters' ("Registrar") review of these challenges concluded that 60 of the challenges to the Candidate's nominating petition were valid, while 22 were invalid.

On July 18, 2010, the Complainant filed another challenge to the nominating petition in which she challenged 99 additional signatures of the 2,055 obtained by the Respondent. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. The Registrar of Voters' ("Registrar") review of these challenges concluded that 85 of the challenges were valid, while fourteen were invalid. The minimum requirement of signatures for this office is 2,000 pursuant to § 1-1001.08(i)(1) 2006. Accordingly, the Registrar concluded that the Candidate did not secure enough signatures on the nominating petition for ballot access.

The Respondent availed himself of the option to update the voter registry by filing 9 change of address cards, pursuant to D.C. Code § 1-1001.08(o)(3). He also provided 11 affidavits of individuals who signed his initial petition without providing their full name.

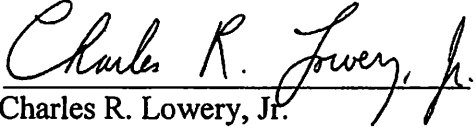
² D.C. CODE § 1-1001.08(o)(1) (2006) states in relevant part:

The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto if the original or facsimile thereof has been posted in a suitable public place for a 10-day period beginning on the third day after the filing deadline for nominating petitions for the office. Any registered qualified elector may within the 10-day period challenge the validity of any petition by written statement signed by the challenger and filed with the Board and specifying concisely the alleged defects in the petition.

The Board accepted two (2) of the Respondent's change of address cards and six of his affidavits.

The Respondent did not submit any additional documentation following the hearing and therefore did not secure the requisite number of signatures for ballot access. The Board hereby affirms the determination of the Registrar with respect to the Complainant's challenge. Based on the Board's findings and conclusions, it is hereby **ORDERED** that the challenge to the nominating petition of Carlos Allen, candidate for the office of Mayor of the District of Columbia, be upheld. It is **FURTHER ORDERED** that Carlos Allen be denied ballot access in the September 14, 2010 Congressional and Council Primary Election as a Democratic candidate for that office.

July 29, 2010


Charles R. Lowery, Jr.
Member, Board of Elections and Ethics