

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

In re

Advisory Neighborhood
Commission, Single
Member District 5B01

Administrative Hearing

No. 04-026

Re: Recount Election Results

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics (“the Board”) on Tuesday December 14, 2004 for certification of new election results pursuant to a recount of votes cast during the November 2, 2004 General Election for Advisory Neighborhood Commission (ANC), Single Member District (SMD) 5B01. Chairman Wilma A. Lewis and board members Dr. Lenora Cole and Charles R. Lowery, Jr. presided over the matter.

On November 2, 2004, the Board of Elections conducted the 2004 General Election which included the SMD 5B01 contest. On November 18, 2004, the Board certified the results of the contest. The certification cited William Shelton as the winner with four hundred thirty-five (435) votes, and Mercile Banks as the second-place finisher with two hundred twenty (220) votes. On November 24, 2004, Mercile Banks filed a petition with the Board of Elections and Ethics requesting a recount of the SMD 5B01 contest. The Board conducted a recount on December 1, 2004. Ms. Banks was present during the recount proceedings, and Mr. Shelton designated a representative to monitor the recount pursuant to D.C. Mun. Regs. Tit. 3, §816.3.

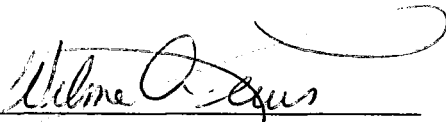
The recount result did not change the candidate certified by the Board as the winner. Pursuant to D.C. Mun. Regs. Tit. 3, §816.5, “[i]f all candidates certified by the

Board as winners appear to be winners in the recount, the preliminary determination of the Board shall become final.” The Board determined that William Shelton received three hundred sixty-nine (369) votes, and Mercile Banks received one hundred eighty-five (185) votes. Therefore, no new certification of the results of the election is required. D.C. Mun. Regs. Tit. 3, §816.6.

In view of the recount results as stated by the Board’s Executive Director, Alice Miller, William Shelton is the winner of the SMD 5B01 contest, and the vote totals shall be changed to reflect the results of the recount as specified herein. Accordingly, it is hereby:

ORDERED that Candidate Shelton is the winner of the SMD 5B01 contest by a margin of one hundred eighty-four (184) votes.

December 21, 2004



Wilma A. Lewis
Chairman, Board of Elections and Ethics

Dr. Lenora Cole
Member, Board of Elections and Ethics

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