

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Donald Dinan

Petitioner

v.

Adam Eidinge

Respondent.

Administrative Hearing

Order No. 19-043

Re: Challenge to Recall Petition

Filed Against Jack Evans

MEMORANDUM OPINION AND ORDER

Introduction and Background

This matter came before the Board pursuant to D.C. Official Code § 1-1001.17(k)(2) on Monday, December 16, 2019. It involves a challenge filed by Donald Dinan to the petition submitted by Adam Eidinge (“the Petition”) in support of his effort to recall Jack Evans, Ward Two Member of the Council of the District of Columbia. Board Chairman D. Michael Bennett and Board member Michael Gill presided over the hearing. Neither Mr. Dinan nor Mr. Eidinge appeared at the hearing.¹

Discussion

On November 18, 2019, Mr. Eidinge submitted the Petition to the Board. It contained 628 pages and 5627 signatures. Based upon the latest official count of the registered voters in Ward Two issued at least 30 days before November 18, 2019², the Petition was required to contain the

¹ Both parties were notified of this hearing in advance by email and telephone, but neither party confirmed an intention to make an appearance. Under 3 DCMR § 418.1(b), “If the default appears deliberate, the Chairperson may proceed with the hearing, obtain the testimony of those persons present, and, on the basis of the testimony and the record, issue a decision in the case.”

² As of October 15, 2019, there were 49,493 registered voters in Ward Two.

valid signatures of at least 4,949 of the registered voters in Ward Two in order for the recall measure to qualify for ballot access.³

On November 21, 2019, the Petition was posted for public inspection and a 10-day challenge period, as required by law. On November 29, 2019, Mr. Dinan filed a challenge to 3,152 signatures on the following grounds: the signer is not a duly registered voter; 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, 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 signature is not dated; the petition does not include the address of the signer; the petition does not include the name of the signer where the signature is not sufficiently legible for identification; the signature is not made by the person whose signature it purports to be; and the signer is not a registered voter in the ward of the elected official sought to be recalled.

The Registrar of Voters, Karen F. Brooks ("the Registrar"), reviewed the challenge, and preliminarily determined that 1,294 of the 3,152 signatures challenged were invalid based upon the following grounds:

³ D.C. Official Code § 1-204.112 provides that "[a]ny elected officer of the District of Columbia government (except the Delegate to Congress for the District of Columbia) may be recalled by the registered electors of the election ward from which he or she was elected or by the registered electors of the District of Columbia at large in the case of an at-large elected officer, whenever a petition demanding his or her recall, signed by 10 percent of the registered electors thereof, is filed with the District of Columbia Board of Elections and Ethics. The 10 percent shall be computed from the total number of the registered electors from the ward, according to the latest official count of registered electors by the Board of Elections and Ethics which was issued 30 or more days prior to submission of the signatures for the particular recall petition."

Ground for Disqualification	Number Disqualified
Inactive Voter	38
Address on Petition Does Not Match Address in Board Records, and Board Records Show that Voter Was Not Registered at Address on Petition at Time of Signing	318
Duplicate Signature	33
No Date Provided	1
No Address Provided	16
Illegible Signature/No Printed or Typed Name	88
Signer Not Registered in Ward Two	364
Signer Not Registered in DC	326
Signer Not Registered at Time of Signing	1
No Signature Provided	4
Signature Mismatch	105
Total Number of Challenged Signatures Determined to be Invalid	1,294

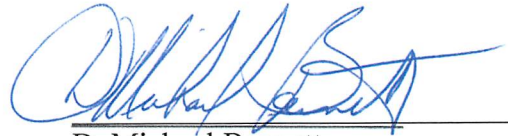
Accordingly, the Registrar determined that the challenge left the Petition with 2,475 unchallenged signatures in addition to 1,858 challenged signatures that were determined to be valid for a total of 4,333 signatures - 616 signatures below the number required for ballot access.⁴

During the hearing on December 16, 2019, the Board's Executive Director, Alice P. Miller, presented to the Board the Registrar's report, which set forth the above-referenced findings. On that date, based upon the findings contained in the Registrar's report, which included a review of Mr. Eidinger's response to the challenge, the Board adopted the Registrar's report and

ORDERED that the recall measure be denied ballot access due to the numerical insufficiency of the supporting petition.

⁴ D.C. Official Code § 1-1001.17(k)(1) requires the Board to verify each signature on a petition to recall a ward elected official in order to certify whether the petition contains the necessary number of signatures of registered qualified electors in the ward. Through this verification process, the Board determined that the Petition only contains the valid signatures of 3,885 registered voters in Ward 2 – 1,064 signatures below the number required for ballot access. *See In Re: Petition to Recall Ward Two Councilmember Jack Evans*, Board Order No. 19-042 (December 16, 2019).

Date: December 18, 2019



D. Michael Bennett
Chairman, Board of Election