

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Sandra Seegars et al.,
Complainants,

v.

Sharece Crawford,
Respondent.

Administrative Hearing
No. 13-004

Re: Residency Challenge
Sharece Crawford,

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on February 19, 2013. It is a challenge to the voter registration of Sharece Crawford (“Ms. Crawford”) based upon the allegation that she does not legally reside at her given address of 1381 Congress Street, S.E. Washington D.C. 20032 (“Congress Street home”). The challenge was collectively filed by three duly registered voters, Ms. Sandra Seegars, Ms. Sandra Williams, and Mr. Brian Townes (“Complainants”). One challenge was filed jointly by Ms. Seegars and Ms. Williams. The other challenge was filed by Mr. Townes pursuant to D.C. CODE § 1-1001.08 (o)(1) (2011). The Complainants asserted that Ms. Crawford is not a signatory on the lease for the Congress Street home, and thus they concluded, she is not living at the address legally, if at all.

Chairman Deborah K. Nichols and Board member Devarieste Curry presided over the hearing. Both the Complainants and Ms. Crawford appeared *pro se*.

PROCEDURAL AND FACTUAL BACKGROUND

On December 12, 2012, Mr. Townes submitted a voter registration challenge by email, pursuant to D.C. CODE §1-1001.07(e)(5)(A)(2011). On December 18, 2012, the Registrar of Voters (“Registrar”) informed Ms. Crawford of the challenge to her voter registration. Both parties submitted evidence to support their respective positions.

Mr. Townes, on behalf of his fellow complainants Ms. Seegars and Ms. Williams, submitted as evidence of Ms. Crawford’s non-residency a chain of electronic mail correspondence dated December 10, 2012 from Ms. Seegars to Robin Lofland, a manager of the Congress Street home. Complainants also submitted an address in Maryland for a Sharece Crawford, which Ms. Williams found on a White Pages website. Complainants said that they did not produce a copy of the lease for the Congress Street home, which they deemed important and, apparently, decisive, because Ms. Lofland was unauthorized to show them a copy of the lease absent a subpoena requiring her to do so.

On January 4, 2013 the Registrar received correspondence from Ms. Crawford dated December 28, 2012 in which she submitted a copy of her license and a cellular bill to verify her residence. On January 24, 2013, the Registrar made a determination to keep Ms. Crawford on the list of active voters in the District of Columbia based upon the evidence Ms. Crawford submitted as verification.

A Pre-hearing conference on this matter was held on Thursday, February 14, 2013 at the Board’s offices. All parties were in attendance at the Pre-hearing conference, and the Registrar gave her preliminary report concerning the challenge, explaining that the evidence submitted by both parties militated against removing Ms. Crawford from the active voter roll because the Complainants had submitted no evidence to contradict Ms.

Crawford's record of her District of Columbia residence: her District of Columbia driver's license and cellular phone bill, both of which confirmed the Congress Street home address. During the Pre-hearing Conference, the Complainants were afforded an opportunity to examine Ms. Crawford, and she admitted on the record that she in fact is not listed on the lease of her address. She explained that she lives with her mother who is the lease holder of the residence. Notwithstanding the admission that she was not the lease holder of the property, Ms. Crawford maintained that she did in fact live on the premises with her mother. The Complainants did not dispute that she lived at the address, but they took issue with her living there while not being listed on or signing the lease as noted by the following statement by Mr. Townes: "I don't have any question that she actually lives at the address; the problem is that she is not living there legally." The Complainants requested a hearing before the Board.

A hearing before the Board was scheduled for and conducted on Tuesday, February 19, 2013 at 10:00 a.m., and all parties were notified. The Complainants and the Respondent appeared *pro se*. At the hearing, the Registrar gave her preliminary determination that Ms. Crawford timely filed with the Board a letter of her residency and other supporting documents verifying her residency in the District of Columbia. Ms. Seegars "still maintain[ed] that by Ms. Crawford's name not being on the lease, she does not live there." Bd. Hearing Transcript p. 8. During the hearing, the Chairman suggested that evidence of Ms. Crawford not being on a lease is not evidence of non-residency. *Id.* at 22. Member Curry went on to explain that:

I think anyone can take notice; and if you were a judge you'd say judicial notice, that many, many people live somewhere and their name is not on the lease. Their name is not on the contract for the home, whoever owns the home. Living arrangements across this country, not just in this city,

they're varied. And whether someone's name is not on a lease is just simply not within our purview.

Bd. Hearing Transcript pp. 26-27.

The Office of the General Counsel offered testimony that it had conducted an investigation based upon the alternative address submitted by Ms. Williams. The Office contacted the Prince George's County Board of Elections to determine whether Ms Crawford was registered to vote at the alternate address provided by the Complainants. The voter services in Prince Georges County stated in writing that Ms. Crawford has never been a registrant in Maryland, nor is there an application for registration pending. The Chairman closed the hearing by advising Ms. Seegars that if she obtained evidence of non-residence, then the Board would hear that evidence. Bd. Hearing Transcript p. 32.

DISCUSSION

Ms. Crawford's residency has been challenged by three registered voters, pursuant to D.C. CODE § 1-1001.07. The challengers' main assertion is that Ms. Crawford's name is not on the lease of the Congress Street home. Ms. Crawford readily admitted her name is not on the lease; however, she maintains that she resides there with her mother. The challengers were able to locate a former address in Maryland, but Ms. Crawford testified that she has not lived at that address since 2010. The Board, through its General Counsel, has investigated the Complainants' claim and finds Ms. Crawford has not registered to vote in Maryland. The Board upholds the Registrar's determination of residency because the Complainants have not offered creditable evidence to rebut the presumption of residency for the purposes of voting.

According to D.C. CODE § 1-1001.02 (16)(A), a person's residence, for purposes of voting, means:

[T]he principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which the person's habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence.

D.C. CODE § 1-1001.02 (16)(A). Ms. Crawford asserts through her sworn representation on her voter registration that she resides with her mother at 1381 Congress Street, S.E. Washington D.C. 20032, albeit without her name being on the lease. Pursuant to D.C. CODE § 1-1001.02 (16)(B) the Board took into account Ms. Crawford's driver's license and cellular phone bill in determining her principal or primary home.

In the instant case, the Complainants presented no creditable evidence to rebut Ms. Crawford's evidence that the Congress Street home is her residence. They presented no evidence to show that she lives elsewhere. On the other hand, while not obligated to do so, Ms. Crawford presented her cellular phone bill and her driver's license. Even if the Respondent is living in her property illegally by virtue of not being listed on or a signatory of the lease, that does not suggest that she does not in fact live where she says she does. Ms. Crawford maintains that she lives at the address in question with her mother.

To date, the Complainants have not submitted any evidence to rebut Ms. Crawford's presumption of domiciliary intent. Notwithstanding her admission that her name is not on the lease of the place where she resides, the Court of Appeals has held that alone does not rebut the presumption of residency. *See generally Allen v. District of Columbia Bd. of Elections and Ethics*, 663 A.2d 489 (D.C.1995) (presumption that sworn representation was truthful was not overcome by failure to include name on lease). In *Allen*, the District of Columbia Court of Appeals resolved a controversy over an

extraordinarily close election. The Petitioners in *Allen* challenged a particular voter's residency on the same basis raised in the instant proceeding before the Board, and the Court deemed the Board's acceptance of the voter's sworn statement of residency as reasonable:

On March 13, 1995, Anthony Richardson swore on his change-of-address form that he lived at 1911 Savannah Street, S.E., Apt. 4. ***The presumption that his sworn representation was truthful was not overcome by the failure of two neighbors to volunteer his name to petitioners' investigator, or by Masters' failure to include Richardson's name on the lease.*** At the very least, the Board could reasonably so conclude.

Allen at 497. (emphasis added). Accordingly, the Complainants' assertions that Ms. Crawford's name is not on the lease, which they attempt to buttress by the hearsay statement of the property manager that she does not know Ms Crawford, are of no moment in determining residency for the purposes of voting.

The Complainants voiced their dismay that the Board would not pursue action against the Respondent for living in a HUD property without having her name on the lease because they deemed such action as fraudulent. Such an allegation would not fall within the Board's jurisdiction because the conduct does not constitute a corrupt election practice as contemplated in D.C. CODE § 1-1001.14. The Complainants are construing the alleged conduct as a false representation as to Ms. Crawford's qualifications to register or vote or hold elective office, but the Board does not have the jurisdiction to address allegations of Department of Housing and Urban Development fraud. The Complainants cited no authority, and there is no provision in District of Columbia election statutes or regulations that mandates the Board report bare allegations of fraud that are raised within the context of a residency challenge. While the Board has forwarded substantive evidence of violations of election law to the appropriate


authorities, the Board's jurisdiction is election administration, and the Complainants did not present any authority or evidence to dictate that the Board should act outside of its jurisdiction.

CONCLUSION

Pursuant to D.C. Mun. Regs. tit. 3 § 424.1, the party who asserts a claim bears the affirmative duty of establishing the truth of the assertion. The Complainants' submission of evidence *en toto* does not establish that Ms. Crawford is not a bona fide resident of the single member district that she serves as an ANC Commissioner. The Board is not prone to remove a voter from the rolls without substantive evidence that the person does not live at her claimed address. In light of ample evidence to support Ms. Crawford's claim that she lives at 1381 Congress Street, S.E. and none to say she lives elsewhere, the Board is obligated to deny the Complainants' appeal of the Registrar's determination.

Accordingly, it is hereby **ORDERED**, that the Complainants' appeal be **DENIED**.

March 21, 2013
Date


Ms. Deborah K. Nichols
Chairman,
Board of Elections