

**DISTRICT OF COLUMBIA  
BOARD OF ELECTIONS**

Sandra Seegars et al.,  
Complainants,

v.

Joshua Johnson,  
Respondent.

Administrative Hearing  
No. 13-002

Re: Challenge to Nominating  
Joshua Johnson,  
Advisory Neighborhood Commissioner  
Single Member District 8E03

**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 nominating petition of Joshua Johnson (“Mr. Johnson”) as a candidate for the office of Advisory Neighborhood Commissioner, (ANC) Single Member District (SMD) 8E03. Two separate challenges were lodged, and the Board conjoined them for procedural expediency. One challenge was filed jointly by Sandra Seegars and Sandra Williams (“Ms. Seegars and Ms. Williams”), and the other challenge was filed by Anthony Muhammad (“Mr. Muhammad”) pursuant to D.C. CODE § 1-1001.08 (o)(1) (2011). The Complainants asserted that their petition challenges, if valid, would leave Mr. Johnson’s nominating petition below the statutory minimum of 25 registered voters, and thus disqualify Mr. Johnson from ballot access in the April 23, 2013 Special Election held to fill the vacancy in SMD 8E03.

Chairman Deborah K. Nichols and Board member Devarieste Curry presided over the hearing. The Complainants appeared pro se, and Mr. Johnson was not in attendance and failed to send a representative.<sup>1</sup>

### PROCEDURAL BACKGROUND

On January 28, 2013, Mr. Johnson submitted a Nominating Petition for the office of ANC 8E03 with thirty-five (35) signatures. On January 31, 2013 the petition was posted for inspection, pursuant to D.C. CODE §1-1001.08(o)(1)(2011), for a full 10-day challenge period.<sup>2</sup>

On February 4, 2013, Mr. Muhammad filed a challenge to the petition in which he challenged fifteen (15) of the thirty-five (35) signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. On February 5, 2013, Ms. Seegars and Ms. Williams jointly filed another challenge to the petition in which they challenged twenty-eight (28) of the thirty-five (35) signatures. Each signature was also challenged on a specific ground or grounds as required by the Board's regulations.

Pre-hearing conferences on these matters were scheduled for Thursday, February 14 at the Board's offices. Mr. Johnson was not in attendance and failed to send a

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<sup>1</sup> Mr. Johnson indicated to the Registrar of Voters by telephone on Thursday February 14, 2013 that he wished to withdraw his candidacy and would send a letter to that effect; however, he did not send that letter. The Registrar sent Mr. Johnson a withdrawal form on Friday February 15, and he was notified by electronic mail of this hearing.

<sup>2</sup> D.C. CODE § 1-1001.08(o)(1) (2011) 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.

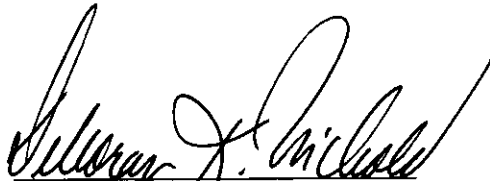
representative. At the pre-hearing, the Registrar of Voters (“Registrar”) gave her preliminary report concerning the challenges. The Registrar’s review of the challenges referencing the Municipal Regulations concluded that fourteen (14) of the fifteen (15) challenges lodged by Mr. Muhammad to Mr. Johnson’s nominating petition were valid – leaving the candidate with twenty-one (21) signatures. With respect to the challenge lodged by Ms. Seegars and Ms. Williams, the Registrar’s review of the challenges referencing the Municipal Regulations concluded that (20) of the twenty-eight (28) challenges are valid -- leaving the candidate with fifteen (15) signatures. The minimum requirement of signatures for this office is twenty-five (25), pursuant to D.C. CODE §1-309.05(b)(1)(B) (2011). Accordingly, the Registrar concluded that the Candidate did not secure enough signatures on his nominating petition for ballot access.

All parties were notified that a hearing before the Board was scheduled for Tuesday, February 19<sup>th</sup>, at 10:30 a.m. Mr. Johnson was not present at the hearing. Having concluded that Mr. Johnson received adequate notice of the proceedings, the Board proceeded *ex parte* pursuant to 3 DCMR §403.4. Since Mr. Johnson gave no additional testimony contradicting the Registrar’s preliminary review of the challenged signatures, the Board accepts the Registrar’s review of the challenges and upon that basis finds that Mr. Johnson does not have the requisite number of signatures for ballot access.

In view of the evidence presented, the Board finds that the challenge is sufficient to remove the candidate's name from the ballot. Therefore, the Board upholds the challenge as specified herein.

**ORDERED** that candidate Joshua Johnson is denied access to appear on the ballot in the forthcoming election to fill the vacancy in ANC-SMD 8E03.

February 21, 2013  
Date

  
Ms. Deborah K. Nichols  
Chairman,  
Board of Elections