

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

In Re:
"D.C. Republican Committee Slate"

Administrative Hearing
No. 07-007

Re: Preliminary Determination
Of Ineligibility

MEMORANDUM OPINION AND ORDER

This matter originally came before the Board of Elections and Ethics (hereinafter "The Board") on Wednesday, December 26, 2007. Chairman Charles R. Lowery, Jr. presided over the matter as a one member panel pursuant to D.C. CODE § 1-1001.05(g), D.C. Mun. Regs. tit. 3 §406.10. This matter involved an appeal of the Acting Registrar of Voters' preliminary determination of ineligibility of the sixty-eight individuals selected as At-Large Members of the D.C. Republican Committee Slate. The proposed candidates were represented by Scott S. Ward, Esq., General Counsel for the Republican Leadership Committee.

On December 14, 2007, the proposed slate candidates submitted their declarations of candidacy and nominating petitions totaling sixty-three sheets containing 444 signatures to the Board of Elections and Ethics. Pursuant to D.C. Mun. Regs. tit. 3 §1702.2, "The members of a slate shall file with the Board a 'Statement of Slate Registration,' on a form provided by the Board, no later than 4:45 p.m. on the third (3rd) day after the deadline for filing petitions." In addition, D.C. Mun. Regs. tit. 3 §1702.3(e) requires "[t]he signatures and printed name of each of the candidates who are members of the slate."

In an attempt to comply with this requirement the proposed slate submitted

fourteen (14) original signatures and fifty-four (54) facsimile signatures of slate candidates. Furthermore, the proposed slate submitted a single individual form for each of the 68 candidates rather than utilizing the Board's "Statement of Slate Registration" form which allows for six (6) signatures per sheet.

On December 19, 2007, the acting Registrar of Voters, Ms. Sylvia Goldsberry-Adams, wrote to inform each of the sixty-eight individuals seeking eligibility to appear on the February 12, 2008 ballot for At-Large Member of the D.C. Republican Committee Slate of her preliminary determination of ineligibility. Her decision was based on the fact that the D.C. Republican Committee slate failed to file with the Board a proper "Statement of Slate Registration" as required by sections 1702.2 and 1702.3 of the regulations of the D.C. Board of Elections and Ethics,.

Pursuant to section 603.1 of the Board's regulations, a party may file with the Board a written appeal of any adverse determination of eligibility within three (3) days of receipt of notice. *See* D.C. Mun. Regs. tit. 3 § 603.1 (1998). The proposed slate filed an appeal of the adverse determination on December 21, 2007.

During the hearing, Mr. Ward stated that the decision by the Republican party to permit as many as sixty-eight (68)¹ candidates to run on one slate made securing six signatures per page on the registration statement logistically difficult, and instead of missing the deadline for submission or submitting a Statement of Slate Registration with missing signatures, the proposed slate submitted facsimile signatures for each candidate who was unable to append their original signature to the Statement of Slate Registration. Moreover, Mr. Ward noted that each of the 68 candidates did timely file an original

¹ The D.C. Republican Committee Slate initially proposed and circulated nominating petitions for a slate of seventy-four (74) individuals.

“Declaration of Candidacy”, which did include an original signature. Mr. Ward asserted that this clearly evinced the candidates’ intent to serve as members of the slate and thereby fulfilled the spirit and purpose of the Statement of Slate Registration. Additionally, Mr. Ward also noted the absence of any other competing slates for the At-Large Member of the D.C. Republican Committee.

The Board took into consideration counsel’s assertion that there are no opposing candidates or slates for the position of Member of the Republican Committee, and accordingly, the Board concluded that there would be no resulting prejudice to another candidate or slate by granting leave to file an amended “Statement of Slate Registration”. Furthermore, the Board recognizes this ministerial misstep of submitting one registration form for each candidate instead of six candidate signatures per form, as a formal error, which the Board has authority to waive pursuant to D.C. Mun. Regs. tit. 3 §1705.6(c). The Board nevertheless would still require that the proposed slate secure original signatures from each of the candidates to satisfy the requirement of D.C. Mun. Regs. tit. 3 §1702.3(e). Whenever the Board’s regulations specify that a document must be signed, an original signature is always required should an issue surface that would require signature verification. Only under certain circumstances, which are specifically provided by regulations, will the transmission of a signature via facsimile be acceptable.

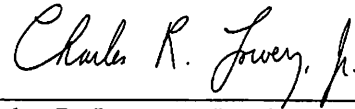
While the Board recognizes the difficulty in obtaining sixty-eight original signatures, especially during a holiday season when many individuals may be unavailable, it does not believe the requirement is unreasonable, especially since the proposed slate obtained the required registration form on November 1, 2007, far in advance of the due date of December 19th, 2007. Mr. Ward assured the Board that the

proposed slate could secure the original signatures of all the candidates by the close of business on January 11, 2007.

Accordingly, it is hereby

ORDERED that the proposed D.C. Republican Committee Slate be granted leave to file an amended Statement of Slate Registration containing the original signatures of each proposed member no later than the close of business on Friday January 11, 2007.

January 4, 2008
Date



Charles R. Lowery, Jr., Esq.
Chairman,
Board of Elections & Ethics