

circulator instructions on those forms stated, “You must personally witness the signing of each signature that appears on this petition[.]” The affidavit portion required the circulator to “swear or affirm” that the circulator “personally witnessed the signing of each signature hereon; and ... personally inquired of each signer whether the signer is a duly registered voter in the District of Columbia.” In addition, the instructions on circulating and filing petitions that were provided to Mr. Cleckley stated that circulators must “[p]ersonally witness the signing of each signature on each petition sheet for which they sign a circulator’s affidavit [and] [i]nquire whether each signer is a registered voter in the District of Columbia and, if applicable, whether each signer is a registered voter in the same ward or single-member district as the candidate[.]” They also cautioned that knowingly and willingly violating the petition circulation requirements is a criminal offense.

The regulations provided to Mr. Cleckley stated:

The petition shall contain the following information: ...

A circulator’s affidavit, providing space for the circulator of a nominating petition to record their name and address. By signing the affidavit, the circulator swears under oath or affirms that they:

- (1) Are a qualified petition circulator;
- (2) Personally circulated the petition sheet;
- (3) Personally witnessed the signing of each signature on the petition sheet; and
- (4) Inquired whether each signer is a registered voter in the District of Columbia, and where applicable, that the signer is a registered voter in the same political party and/or ward or single-member district as the candidate seeking nomination.

3 DCMR 1602.2.

On April 17, 2025, Mr. Cleckley submitted his Petition. After the Petition was accepted by the Board's staff and posted as required by law, a D.C. voter submitted a timely challenge to the Petition's signatures. As a result, the Board's Registrar of Voters reviewed the challenged signatures and issued a report of her findings. In that report, the Registrar found, among other things, that Petition sheet number seven contained an apparent discrepancy with the circulator affidavit: the circulator, Monique Posey, had failed to sign the affidavit, and Mr. Cleckley had affixed his signature there instead. The Registrar rejected the identified nine signatures on sheet seven.

The Registrar's report was emailed to Mr. Cleckley on April 28, 2025. In light of that report's findings with respect to sheet seven, the Office of General Counsel ("OGC") attorney assigned to the challenge matter sent an email to Mr. Cleckley that, *inter alia*, reminded him of the requirement that circulators "[p]ersonally witness[] each person sign the petition" (D.C. Official Code § 1-1001.08(b)(3)) and, with respect to possible false circulator affidavits, of the prohibition against making false statements to D.C. government entities (D.C. Official Code § 22-2405(b)) and of the criminal penalties for violating these requirements. Following issuance of the Registrar's report and the subsequent OGC communication, Mr. Cleckley withdrew his candidacy for the Ward 8 Councilmember seat.

After the conclusion of the 2025 special election, OGC launched an investigation into the suspect signatures. On November 25, 2025, a prehearing conference was conducted before OGC. Mr. Cleckley was present. He was advised of his right to counsel and his right against self-incrimination, both of which he knowingly and voluntarily waived. He was also advised of the maximum penalties under federal and D.C. law for fraudulently completing a petition, for making false statements to a government entity, and for the Board's authority to impose civil penalties of

up to \$2,000 for each violation. During the prehearing conference, Mr. Cleckley stated that he was physically present while Ms. Posey collected signatures, but did not personally collect them. He affirmed there was no malicious intent to commit fraud or deceive the Board. As a result of information obtained at the prehearing conference and its investigation, OGC determined that Mr. Cleckley had signed the circulator's affidavit on Petition sheet number seven, attesting that he personally witnessed the signatures on that sheet, when in fact the signatures were collected by Monique Posey.

Following the prehearing conference, Mr. Cleckley was duly notified that this matter would be presented to the Board at its March 4, 2026 meeting.

During the March 4, 2026 regular meeting of the Board, the OGC attorney assigned to the matter presented the procedural background and facts of this matter to the Board as well as the stipulation signed by the parties. Despite receiving notice of the hearing, Mr. Cleckley did not appear.

The Board Chair asked the General Counsel for her recommendation. The General Counsel recommended that the Board impose a civil fine of \$150.00 on Mr. Cleckley. The Board Chair made a motion that the General Counsel's recommendation be accepted. The motion was duly seconded and passed unanimously.

Discussion

As noted above, the law requires that circulators personally witness each person signing the petition sheet that they are circulating. D.C. Official Code § 1-1001.08(b)(3). We have previously explained the importance of the circulator affidavit in connection with protecting the integrity of the ballot access process.¹ Both a circulator's failure to witness personally each

¹ See, e.g., *In the Matter of Sherice Muhammad*, BOE Case No. 25-002 (issued March 7, 2025) at pp. 6-7.

signature being entered on a petition and falsely attesting to doing so in the circulator affidavit at the bottom of a petition sheet exposes the circulator to criminal and civil penalties.

We are authorized, upon recommendation of the General Counsel, to take enforcement action for election law violations. D.C. Official Code § 1–1001.18(a). Our enforcement authority includes referring violators to prosecutorial authorities and/or imposing civil fines of not more than \$2,000 for each violation. D.C. Official Code § 1–1001.18(b). The issue is whether Mr. Cleckley complied with the circulator requirement that he personally witness signatures being entered by each signer of his Petition. Clearly, he did not with respect to page seven of the Petition. This record is sufficient for imposition of a fine on Mr. Cleckley for circulator misconduct with respect to that petition sheet. That said, Mr. Cleckley has acknowledged his error, cooperated fully with the investigation, and affirmed that there was no intent to deceive or commit fraud. This record is sufficient for imposition of a fine of \$150.00 on Mr. Cleckley for circulator misconduct.

Conclusion

In light of the General Counsel’s recommendation in this matter, it is hereby:

ORDERED that the General Counsel’s recommendation is **ACCEPTED**. Mr. Cleckley is directed to pay a civil fine of \$150.00 by no later than April 30, 2026.²

Date: March 5, 2025



Gary Thompson
Chairman
Board of Elections

² **Payment must be made by check or money order made out to the “D.C. Treasurer.”** It may be mailed to the attention of the General Counsel at the Board’s offices (1015 Half Street, Suite 750, S.E., Washington, D.C. 20003) or hand delivered at that address.