

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

Lee Brian Reba,

Complainant,

v.

Paul Poe.

Respondent.

Administrative Hearing

No. 08-10

Re: Challenge to Nominating
Paul Poe,
Advisory Neighborhood Commissioner
Single Member District 3C01

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the Board of Elections and Ethics on October 1, 2008. It is a challenge to the Nominating Petition of Paul Poe (“Poe”) as a candidate for the office of Advisory Neighborhood Commissioner, (ANC) Single Member District 3C01 filed by Lee Brian Reba (“Reba”) pursuant to D.C. CODE § 1-1001.08(o)(1) (2006). Chairman Errol R. Arthur and Board members Dr. Lenora Cole and Charles R. Lowery, Jr. presided over the hearing. The Respondent appeared *pro se*, but the Complainant did not appear, and the Board accordingly proceeded *ex parte*.

Background

On August 29, 2008, Poe submitted a Nominating Petition for the office of ANC 5A03 containing three (3) petition sheets with twenty-nine (29) signatures. On September 8, 2008, the petition was posted for inspection, pursuant to D.C. CODE § 1-1001.08(o)(1) (2006), for a 10-day challenge period.¹

¹ D.C. CODE § 1-1001.08(o)(1) (2006) states in relevant part:

On September 17, 2008, Reba filed a challenge to the petition in which he challenged six of the 29 signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations. Specifically, Reba challenged signatures on the following basis: 1) Pursuant to 3 D.C.M.R. § 1607.2, two signatures are invalid because they do not match the signature on file; 2) According to 3 D.C.M.R. § 1607.5(b), signers of the petition were not registered to vote at the address listed on the petition; and 3) 3 D.C.M.R. § 1607.5(c) signer is not a duly registered voter.

The Registrar of Voters' ("Registrar") review of the challenges referencing the Municipal Regulations concluded that five (5) of the challenges to Poe's nominating petition were valid while one (1) was invalid—leaving the Candidate with twenty-four (24) signatures. The minimum requirement of signatures for this office is twenty-five (25), pursuant to D.C. CODE § 1-309.05(b)(1)(b) (2006). Accordingly, the Registrar concluded the Candidate had not secured enough signatures on his nominating petition for ballot access. Poe decided to avail himself of the option to update the voter registry by filing a change of address card for Mr. Randall Jackson (Sheet 3, line 15) pursuant to D.C. CODE § 1-1001.08(o)(3).²

In sum, the Board accepted Mr. Poe's change of address for Mr. Randall Jackson, and upon that basis found that he had secured the requisite amount of twenty-five (25)

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.

² Although his own address was not challenged, Mr. Poe submitted a change of address for himself because his information was not updated in the voter registry to reflect his new address.

signatures for ballot access. Based on the Board's findings and conclusions, it is hereby:
ORDERED that Paul Poe be **GRANTED** Ballot Access in the November 4, 2008
General Election for the office of Advisory Neighborhood Commissioner, Single
Member District 3C01.

October 7, 2008



Errol R Arthur
Chairman, Board of Elections and Ethics

Dr. Lenora Cole
Member, Board of Elections and Ethics

Charles R. Lowery, Jr.
Member, Board of Elections and Ethics

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing order was hand-delivered this 7th day of October, 2008 to Lee Brian Reba, 1350 Pennsylvania Avenue, N.W. Suite 504 Washington, D.C. 20004, and Paul Poe, 2758 Woodley Place NW, Washington, D.C. 20008.
