

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Mary Pina,
Complainant,

v.

Wendell Felder,
Respondent.

Administrative Hearing
No. 12-008

Re: Challenge to the Nominating Petition of
Wendell Felder,
Candidate for Advisory Neighborhood
Commissioner Single Member District 7E07

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on August 31, 2012. It is a challenge to the nominating petition of Wendell Felder (“Mr. Felder”) for the office of Advisory Neighborhood Commissioner, (ANC) Single Member District 7E07 filed by Mary Pina (“Ms. Pina”) pursuant to D.C. CODE § 1-1001.08 (o)(1) (2011). The Complainant did not appear notwithstanding notice sent via electronic mail on Wednesday August 29, 2012. Accordingly, the Board proceeded *ex parte* pursuant to 3 D.C.M.R. § 403.4¹. Chairman Deborah K. Nichols and Board member Stephen I. Danzansky presided over the hearing.

Background

On August 6, 2012, Mr. Felder submitted a Nominating Petition for the office of ANC 7E07 with forty-nine (49) signatures. On August 11, 2012 the petition was posted

¹ If any person or party waives the right to be present at the hearing or fails to appear at the hearing, the Board may proceed *ex parte*, unless the Board extends the time of the hearing or unless their appearance is required by statute. 3 D.C.M.R. § 403.4.

for inspection, pursuant to D.C. CODE §1-1001.08(o)(1) (2011), for a full 10-day challenge period.²

On August 19, 2012, Ms. Pina filed a challenge to the petition in which she challenged twenty-seven (27) of the forty-nine (49) signatures. Each signature was challenged on a specific ground or grounds as required by the Board's regulations.

A pre-hearing on this matter was scheduled for Monday, August 27 at 12:00 p.m. at the Board's offices. Ms. Pina was not in attendance and failed to send a representative. At the pre-hearing, the Registrar of Voters ("Registrar") gave her preliminary report concerning the challenge. The Registrar's review of the challenges referencing the Municipal Regulations concluded that eighteen (18) of the challenges to Mr. Felder's nominating petition were valid – leaving the candidate with thirty-one (31) 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 secured enough signatures on his nominating petition for ballot access.

All parties were notified that a hearing before the Board was scheduled for Friday, August 31, 2012 at 10:15 a.m. Ms. Pina was not in attendance and failed to send a representative. Having concluded that Ms. Pina received adequate notice of the proceedings, the Board proceeded ex parte pursuant to 3 DCMR §403.4. Since Ms. Pina gave no additional testimony contradicting the Registrar's preliminary review of the

² D.C. CODE § 1-1001.08(o)(1) (2006) states in relevant part:

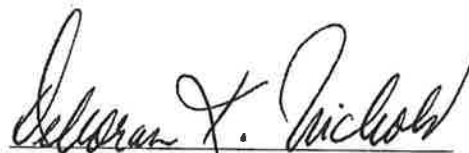
The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto if the original or facsimile thereof has been posted in a suitable public place for a 10-day period beginning on the third day after the filing 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.

challenged signatures, the Board accepts the Registrar's review of the challenges and upon that basis finds that Mr. Felder does have the requisite number of signatures for ballot access.

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

ORDERED that candidate Wendell Felder is granted ballot access to appear on the ballot in the forthcoming election for ANC-SMD 7E07.

September 10, 2012
Date


Ms. Deborah K. Nichols
Chairman,
Board of Elections