

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

_____)	
Kathy Henderson,)	
Complainant)	Administrative Hearing
)	No. 14-17
)	
v.)	Re: Nominating Petition
)	Challenge, Office of
)	Advisory Neighborhood
Marjorie Thomas,)	Commissioner 5D05
Respondent.)	
_____)	

MEMORANDUM OPINION AND ORDER

I. Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 3, 2014 pursuant to a challenge filed by Kathy Henderson (“Ms. Henderson”) to the nominating petition submitted by Marjorie Thomas (“Ms. Thomas”) in support of her candidacy for the office of Advisory Neighborhood Commissioner (“ANC”) for Single-Member District (“SMD”) 5D05. Ms. Henderson appeared *pro se*, but Ms. Thomas did not appear. Accordingly, the hearing proceeded *ex-parte* pursuant to Title 3 of the District of Columbia Municipal Regulations (“DCMR”) §403.4.¹ Chairman Deborah K. Nichols and Board member Stephen Danzansky presided over the hearing pursuant to 3 DCMR §406.10.²

¹ 3 DCMR §403.4 states in relevant part:

“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*.”

² 3 DCMR § 406.10 states in relevant part:

“A majority of the board shall constitute a quorum.”

II. Statement of Facts

On August 6, 2014, Ms. Thomas timely submitted a nominating petition in support of her candidacy for the office of the ANC SMD 5D05 (“the Petition.”) The Petition contained a total of 95 signatures. The minimum signature requirement for this office is 25 signatures of duly registered voters who reside in the same SMD from which the candidate seeks election pursuant to D.C. Official Code § 1-309.05(b)(1)(B) (2013).

On August 18, 2014, Ms. Henderson, a duly registered voter in the District of Columbia, timely filed a challenge to the Petition in which she alleged that 74 of the 95 signatures were invalid. Each signature was challenged on a specific ground or grounds as required by the Board’s regulations. Specifically, Ms. Henderson challenges signatures on the grounds that: (1) the signer is not duly registered in the SMD from which the candidate seeks election at the time the petition was signed; (2) the signature is not made by the person whose signature it purports to be; (3) the petition does not include the address of the signer; (4) the petition does not contain the printed or typed name of the signer where the signature is not sufficiently legible for identification; (5) the signer’s voter registration was designated as inactive on the voter roll at the time the petition was signed; and (6) the signature is not dated.

Pursuant to 3 DCMR §415.1, the Board’s Office of the General Counsel conducted a pre-hearing conference in this matter on Friday, August 22, 2014. Mmes. Henderson and Ms. Thomas appeared *pro se*. During the pre-hearing conference, Karen Brooks, the Registrar of Voters (“the Registrar”) rendered a preliminary determination report which indicated that 68 of 74 challenges were valid, leaving the Petition with 27 signatures, 2 signatures above the required minimal for ballot access. The Registrar determined there were no signatures that could be cured with change of address forms pursuant to D.C. Official Code § 1-1001.08(o)(3).

During the pre-hearing conference, Ms. Henderson took issue with the Registrar's findings with respect to one challenge that was upheld in the candidate's favor. This signature is Marilyn Theresa Hill (page 5, line 9). Ms. Henderson also wanted to raise the issue of why Ms. Thomas did not follow the master index and guidance given to her by the Board of Elections when collecting signatures. According to Ms. Henderson, Ms. Thomas lacked due diligence and care.

III. Discussion

Upon reviewing the challenge, the Board has determined that the Registrar's findings with respect to the one signature that was challenged on the ground that it was not made by the person it purports to be, Marilyn Theresa Hill, should be upheld. As to the alleged carelessness of Ms. Thomas while collecting signatures, the Board determined that it has no authority or jurisdiction over such matters.

CONCLUSION

Accordingly, the Board finds that the Petition contains 27 valid signatures, 2 above the minimum required in order to allow Ms. Thomas to appear on the ballot. Therefore, it is hereby: **ORDERED** that the candidate Ms. Marjorie Thomas be granted ballot access as a candidate for the office of Advisory Neighborhood Commissioner 5D05 in the November 4, 2014 General Election.

September 8, 2014
Date

A handwritten signature in cursive script, appearing to read "Deborah K. Nichols", written over a horizontal line.

Deborah K. Nichols, Esq.
Chairman,
Board of Elections