

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

Jonathan Orr,)	
)	
Complainant,)	
)	Administrative Hearing
)	No. 02-028
)	
Charles Howe,)	Re: Challenge to Nomination Petition
)	
Respondent.)	
)	

MEMORANDUM OPINION AND ORDER

This matter came before the Board of Elections and Ethics on Monday September 30, 2002, and involved a challenge to the candidacy of Charles Howe, candidate for the office of Advisory Neighborhood Commissioner for the single member district 3B02. The challenge was brought by Jonathan Orr. Both the Challenger and Candidate failed to appear at the hearing. Accordingly, the Board proceeded *ex parte* pursuant to DC Municipal Reg. tit 3 §414.1(c).

According to the evidence presented to the Board, Candidate Howe submitted a nominating petition containing a total of 30 signatures. The minimum signature requirement to qualify for the ballot for this office is 25 signatures of persons who are duly registered voters residing in Single Member District 3B02. Challenger Orr filed a total of 9 challenges to signatures on the nominating petition. As required by the Board's regulations, Challenger Johnson specified the alleged defects pursuant to 3 D.C.M.R. §1609.2.

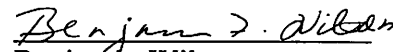
The review of the challenge conducted by the Registrar of Voters indicated that 9 of the challenges were found to be valid. This decreased the number of valid signatures obtained by Candidate Black to 21 registered qualified electors, which falls below the minimum number required for ballot access. However, 6 challenged signatures were upheld on the basis of not being dated on the nominating petition pursuant to 3 DCMR §1707.5(d). Customarily, the Board invokes 3 DCMR §1608.5(c) in instances where the petition conforms with the Board's

regulation in all substantive areas save for formal errors. In the instant case the Board was able to discern that the signatories who omitted the date were in fact registered voters. Further the Board noted that dated signatures on the nominating petition preceded and followed the signatures of the undated signatures, and in no instance did the circulator's dated signature predate a signatory to the nominating petition. The Board decided to waive the formal error of the signatories and the circulator for not dating the signatures on the candidate's nominating petition.

In view of the evidence presented, the Board finds within its discretion to waive the formal error of the candidate and allow the six challenged signatures to be included in the candidates total signatures collected. Therefore, the Board denies the challenge as specified herein. Accordingly, it is hereby

ORDERED that Candidate Howe be granted access to the ballot in the November 5, 2002 General Election as a candidate for Advisory Neighborhood Commissioner SMD 3B02.

10/1/2002
Date


Benjamin Wilson,
Chairman Board of Elections &
Ethics