

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Darrell Gaston,)	
Challenger)	Administrative Hearing
Sandra Seegars,)	No. 14-07
Challenger)	
)	Re: Nominating Petition
v.)	Challenge for the Ward
)	8 Member of the State
Derrell Simpson,)	Board of Education
Candidate.)	

MEMORANDUM OPINION AND ORDER

INTRODUCTION

This matter came before the District of Columbia Board of Elections (“the Board”) on May 12, 2014. It is a challenge to the nominating petition of Derrell Simpson (“Mr. Simpson”) for the office of Ward 8 Member of the State Board of Education (“Board of Education”), filed by Darrell Gaston (“Mr. Gaston”) pursuant to D.C. Code § 1-1001.08 (o)(1) (2013). Additionally, Sandra Seegars (“Ms. Seegars”) filed a challenge to Mr. Simpson’s nominating petition. The challenges are herein consolidated. Ms. Seegars appeared *pro se* and Mr. Gaston and Mr. Simpson were not present. Chairman Deborah K. Nichols presided over the hearing as a one-member panel pursuant to D.C. CODE § 1-1001.05 (g).¹

¹ D.C. CODE § 1-0001.05(g) (2013) states in relevant part:

[T]he Board may hear any case brought before it under this subchapter [...] by 1 member panels. An appeal from a decision of any 1 member panel may be taken to either the full Board or to the District of Columbia Court of Appeals, at the option of any adversely affected party.

BACKGROUND

Mr. Simpson submitted a nominating petition for the office of the Ward 8 Member of the State Board of Education with 289 signatures on April 17, 2014. The minimum signature requirement is 200 registered qualified electors who are residents of the ward from which the candidate seeks election pursuant to D.C. CODE §1-1001.08(n).

Mr. Gaston, a duly registered voter in the District of Columbia, filed a challenge to the petition on April 24, 2014 in which he challenged 180 of the total 289 signatures. Each signature was challenged on a specific ground, or grounds, as required by the Board's regulations. Specifically, Mr. Gaston challenged signatures on the grounds that: (1) the signer is not a duly registered voter; (2) the signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed; (3) the petition does not include the address of the signer; (4) the signer is not duly registered in the ward from which the candidate seeks election at the time the petition was signed; (5) the petition does not contain the printed or typed name of the signer where the signature is not sufficiently legible for identification; and (6) the signature on the petition was not made by the person whose signature it purports to be.

Pursuant to 3 DCMR §415.1, the Office of the General Counsel conducted a Pre-Hearing conference in this matter on Friday, April 30, 2014, on the challenge filed by Mr. Gaston. Both Mr. Gaston and Mr. Simpson appeared *pro se*.

The Registrar determined that 130 of the 180 challenges were valid and 50 challenges were invalid—leaving Mr. Simpson with 159 signatures, which is 41 below the number required for ballot access.

Ms. Seegars, a duly registered voter in the District of Columbia, also filed a challenge to the petition on April 28, 2014 in which she challenged 171 of the total 289 signatures. Each signature was challenged on a specific ground, or grounds, as required by the Board's regulations. Specifically, Ms. Seegars challenged signatures on the grounds that: (1) the signer is not a duly registered voter; (2) the signer, according to the Board's records, is not registered to vote at the address listed on the petition at the time the petition was signed; (3) the petition does not include the address of the signer; (4) the signer is not duly registered in the ward from which the candidate seeks election at the time the petition was signed; (5) the petition does not contain the printed or typed name of the signer where the signature is not sufficiently legible for identification; (6) the signature on the petition was not made by the person whose signature it purports to be; and (7) the individual does not meet the qualifications for candidacy.

The Registrar determined that 132 of the total 171 challenges filed by Ms. Seegars² were valid and 39 challenges were invalid—leaving Mr. Simpson with 157 signatures, which is 43 below the number required for ballot access.

DISCUSSION

The United States Supreme Court has long recognized that states and localities have a responsibility to protect the integrity and reliability of the election process, and has generally accorded them latitude in establishing rules and procedures toward that end. “[T]here must be substantial regulation of elections if they are to be fair and honest and if some sort of order is to accompany the democratic processes.” *Buckley v. American Constitutional Law Foundation*,

² There was no pre-hearing conference for Ms. Seegars' challenge to Mr. Simpson's petition because after the Gaston/Simpson pre-hearing conference, Mr. Simpson expressed to counsel the intent to not appear at further hearings. Therefore, Mr. Simpson did not contest the issues Ms. Seegars raised with respect to the challenge. The cases have been consolidated and notwithstanding the fact that the Registrar upheld both challenges, the Board relies upon the uncontested challenge raised by Ms. Seegars for the illustrative purposes of demonstrating that Mr. Simpson failed to procure the requisite number of signatures for ballot access.

Inc., 525 U.S. 182, 187 (1999). Accordingly, the District of Columbia has established a nominating petition process that requires prospective candidates to demonstrate a modicum of support from a specific number of qualified electors as a condition precedent to ballot access.

Mr. Simpson did not appear before the Board and therefore, the Board proceeded *ex parte* pursuant to D.C. CODE §1-1001.05(g), 3 D.C.M.R. §418.1(b). Accordingly, the Registrar's preliminary determination was uncontested, and the Board hereby adopts the Registrar's findings.

CONCLUSION

Mr. Simpson secured 157 valid signatures, which is 43 below the number required for ballot address. Mr. Simpson was not present at the hearing before the Board. It is hereby:

ORDERED that the candidate, Mr. Simpson, is denied ballot access for the office of Ward 8 Member of the State Board of Education.

May 19, 2014
Date

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

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