

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

Norman Neverson

Challenger,

v.

Johnny Barnes

Candidate.

Administrative Hearing

No. 00-035

Re: Challenge to Nominating Petition

**MEMORANDUM OPINION AND ORDER**

I. Background.

Johnny Barnes submitted a nominating petition to appear on the ballot as a candidate in the May 2, 2000 Presidential Preference Primary for the Office of At large Member Democratic State Committee. The petition was posted for inspection for ten (10) days, as required by law, and challenged on March 6, 2000 by Norman Neverson—a registered voter in the District of Columbia—pursuant to D.C. CODE §1-1312(o)(1).

A preliminary review of the petition challenge indicates that Mr. Barnes submitted a total of five hundred twenty-seven (527) signatures. The minimum requirement for this office is five hundred (500) signatures of duly registered voters who are members of the Democratic Party.

Challenger Norman Neverson filed challenges to a total of 104 signatures, enumerated by line and page number on individual “challenge sheets” filed for each petition page. Only four challenges cited a specific ground or grounds, as required by the Board’s regulations. Consequently, the remaining 100 challenges were found to be invalid since there were no specific grounds for these challenges.

On March 20, 2000, the Board convened to hear the above challenge. Mr. Neverson appeared pro se, and Mr. Barnes was not present at the hearing. The Board proceeded with the hearing ex parte pursuant to 3 DCMR 403.4.

II. Contentions

Pursuant to D.C. Code §1-1312(o)(1) after the nominating petition supporting a candidate has been filed with the Board, any registered qualified elector of the District of Columbia is permitted to file a specific challenge to the validity of those signatures. Therefore, the

Board's disposition of the challenge determines whether the candidate's name will appear on the scheduled ballot.

Mr. Neverson challenged inter alia that Mr. Barnes had failed to file the minimum five hundred (500) valid signatures of registered voters who are members of the Democratic Party for the following reason(s):

- Signer not registered to vote at the address listed on the petition (3 DCMR 1607.5(b));
- The signer is not a duly registered voter (3 DCMR 1607.5(c));
- The signature not dated (3 DCMR 1607.5(d));
- Signer did not include address (3 DCMR 1607.5(g));

A review of the petition challenges by the Registrar of Voters indicated that a total of four (4) of the one hundred four (104) challenges were valid. The final determination of this challenge indicates Barnes filed five hundred twenty-three (523) valid signatures, twenty-three (23) signatures more than the minimum 500 for ballot access.

### III. Conclusion

The Board, having adopted the Registrar's Report denying the challenge of Norman Neverson to the candidacy of Johnny Barnes for At Large Member of the Democratic State Committee, it is hereby,

ORDERED, that Mr Barnes be granted access to the May 2 2000 Presidential Preference Primary Election for the Office of At Large Member of the Democratic State Committee.

3-27-2000

Date



Dr. Lenora C. Alexander, Acting Chair