

**DISTRICT OF COLUMBIA
BOARD OF ELECTIONS**

Detrick Campbell,)	
Challenger)	Administrative
)	Order #20-010
)	
v.)	Re: Nominating Petition
)	Challenge for the Office of
)	Advisory Neighborhood
Jamaal Burton,)	Commissioner for SMD 2C02
Candidate)	

MEMORANDUM OPINION AND ORDER

Introduction

This matter came before the District of Columbia Board of Elections (“the Board”) on September 2, 2020. It is a challenge to the nominating petition submitted by Jamaal Burton (“Mr. Burton”) in support of his candidacy for the Office of Advisory Neighborhood Commissioner for Single Member District 2C02, filed by Detrick Campbell (“Mr. Campbell”) pursuant to D.C. Code § 1-1001.08(o)(1) (2001 Ed.). Mr. Campbell appeared *pro se*. Mr. Burton did not appear. Accordingly, the hearing proceeded *ex parte* pursuant to 3 D.C.M.R. § 403.4. Chairman D. Michael Bennett, Board members Michael Gill and Karyn Greenfield presided over the hearing.

Background

On August 5, 2020, Mr. Burton submitted a nominating petition to appear on the ballot as a candidate in the November 3, 2020 General Election for the office of Advisory Neighborhood Commissioner (ANC) for the Single Member District (SMD) 2C02. The minimum requirement to obtain ballot access for this office is 10 signatures of District of Columbia voters, who are duly registered in the same SMD as the Candidate. Mr. Burton’s petition contained exactly 10

signatures. Pursuant to 3 D.C.M.R. § 1603.1, Karen F. Brooks (“Ms. Brooks”), the Board of Elections’ Registrar of Voters (“the Registrar”), accepted 10 signatures for review.

On August 8, 2020, the Petition was posted for public inspection for 10 days, as required by D.C. Official Code § 1-1001.08(o)(1). On August 17, 2020, the Petition was challenged by Mr. Campbell, a registered voter in the District of Columbia. On August 18, 2020, Office of the General Counsel (“OGC”) Staff Attorney Terrica Jennings (“Ms. Jennings”), sent Mr. Burton an email informing him that Mr. Campbell had filed a challenge to his Petition.

Mr. Campbell filed challenges to all 10 signatures, enumerated by line and page number on individual “challenge sheets” filed for each petition page. The signatures were challenged pursuant to 3 D.C.M.R. § 1607.1 of the Board’s regulations on the following grounds: the signature is not dated; and the signer is not a registered voter in the ward or Single-Member District from which the candidate seeks nomination at the time the Petition was signed.

Registrar’s Preliminary Determination

After the Registrar’s initial review, it was determined that only one of the 10 challenges were valid. The Registrar determined that the signature on page 1, line 1 of Mr. Burton’s nominating petition was not dated.¹ This left Mr. Burton’s nominating petition with nine signatures, one signature below the number required for ballot access.

September 1, 2020 Pre-Hearing Conference

Pursuant to Title 3 D.C.M.R. § 415.1, the OGC convened a pre-hearing conference (teleconference) on Tuesday, September 1, 2020. Mr. Campbell and Mr. Burton appeared *pro se*. At the start of the hearing, the Registrar read her preliminary report into the record, and informed the parties that Mr. Burton did not qualify for ballot access, because he only had nine valid

¹ 3 D.C.M.R. § 1607.1(d).

signatures on his Petition, one less than the number required for ballot access. Mr. Campbell agreed with the Registrar's report. However, Mr. Burton objected to the preliminary report, and requested a hearing before the Board. The undated signature on page 1, line 1 belonged to Mr. Burton.

September 2, 2020 Board Hearing

On September 2, 2020, the Board remotely convened a Special Board Meeting, and Mr. Campbell appeared *pro se*. Mr. Burton did not appear. Accordingly, the hearing proceeded *ex parte*, pursuant to 3 D.C.M.R. § 403.4. At the start of the hearing, the Registrar presented the Board with her preliminary determination that Mr. Burton did not qualify for ballot access, because his Petition only contained nine valid signatures. The Registrar further explained that the challenged was upheld pursuant to 3 D.C.M.R. § 1607.1(d).

Terri Stroud ("Ms. Stroud"), General Counsel, recommended that the Board deny Mr. Burton ballot access, in the contest for the Office of Advisory Neighborhood Commissioner for Single Member District 2C02. The Board unanimously accepted Ms. Stroud's recommendation, and Mr. Burton was denied ballot access.

Discussion

The minimum requirement to obtain ballot access for the Office of Advisory Neighborhood Commissioner for Single Member District 2C02 is 10 signatures of registered District voters, who are duly registered in the same SMD as the candidate. Mr. Burton submitted a nominating petition with exactly 10 signatures. During the 10-day nominating petition challenge period, all 10 signatures were challenged by Mr. Campbell, a registered voter in the District of Columbia. Following the challenge period, the Registrar determined that only one of the challenges was valid. Unfortunately, it was Mr. Burton who signed his Petition on page 1, line 1, but failed to date it.

That error left Mr. Burton with nine valid signatures, one signature below the number required for ballot access.

Conclusion

For the reasons indicated above, it is hereby:

ORDERED that candidate Jamaal Burton is denied ballot access for the Office of Advisory Neighborhood Commissioner for Single Member District 2C02, in the November 3, 2020 General Election.

Date: September 4, 2020



D. Michael Bennett
Chairman
Board of Elections