

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

Sandra Seegars

Complainant,

v.

Charles Fuller

Respondent.

Administrative Hearing  
No. 10-015

Re: Challenge to Nomination Petition

**MEMORANDUM OPINION AND ORDER**

This matter came before the Board of Elections and Ethics on Friday, September 24, 2010, and involved a challenge to the candidacy of Charles Fuller to appear on the ballot in the November 2, 2010 General Election for the Office of Advisory Neighborhood Commissioner Single Member District 8E05. The Challenge was brought by Sandra Seegars. Both the Challenger and the Candidate appeared pro se.

Pursuant to D.C. CODE § 1-1001.05(g) the Board heard the case by a one (1) member panel. Board member Charles Lowery presided over the hearing.

According to the evidence presented to the Board, candidate Fuller submitted a nominating petition containing fifty-five (55) signatures. The minimum signature requirement to qualify for the ballot for this office is twenty-five (25) signatures of qualified electors who live in the single-member district pursuant to D.C. CODE § 1-309.04(b)(1)(B). Challenger Seegars filed a challenge to all fifty-five (55) signatures on the nominating petition. As required by the Board's regulations, Challenger Seegars alleged the signatures were defective because: the signer was not registered to vote at

address listed on petition at time signed (3 D.C.M.R. § 1607.5(b)); the signer is not duly registered in the single-member district from which the candidate seeks election at the time the petition is signed (3 D.C.M.R. § 1607.5 (f)); the signature is not dated (3 D.C.M.R. § 1607.5 (d)); the signer is not a duly registered voter (3 D.C.M.R. § 1607.5(c)); and finally, Ms. Seegars asserted that Mr. Fuller was not truthful on his circulator affidavits.

The review of the challenge conducted by the Registrar of Voters and reported to the Board at the hearing indicated that a total of thirty-three (33) of the challenges were found to be valid. This decreased the number of valid signatures obtained by Candidate Fuller to twenty-two (22) registered qualified electors, which is three below the minimum number required for ballot access.

Pursuant to D.C. CODE § 1-1001.08 (o)(3), an address different than the address appearing on the signer's registration record shall be deemed valid if the signer's current address is within the single member district, and the signer files a change of address form with the Board during the first 10 days of the period designated for resolving challenges to petitions. Consequently, the candidate may gather change of address forms from signatories challenged on the basis that the signer is not registered to vote at the address listed on the petition at the time the petition was signed. *See* 3 D.C.M.R. § 1607.5 (b). Mr. Fuller availed himself of this opportunity and produced a change of address form for JoAnn Caldwell (p.1 ln. 11).<sup>1</sup>

Ms. Seegars asserts that Shamicka Oliver (p.1 ln. 20), Kiera Oliver, (p.2 ln. 19),

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<sup>1</sup> Ms. Caldwell omitted "Road" from her address, and Ms. Seegars asserted that she did not know where Ms. Caldwell lived—or if she was in fact registered to vote. Mr. Fuller brought in a change of address form for Ms. Caldwell indicating that she lived on Wheeler Road, and the Registrar found this address and indicated that Ms. Caldwell was in fact a registered voter living in Mr. Fuller's single-member district.

and Deborah Oliver (p. 2 ln. 20) were all written in the same hand, and thus Mr. Fuller as circulator couldn't possibly witness each signature he attested to. The Registrar of Voters agreed with Ms. Seegars with respect to Deborah Oliver's signature not matching, and included the signatory as a valid challenge. The Board however, examined the signatures on the petition against the signatures on file in the voter registry and disagreed with both Mses. Seegars' and Brooks' assessment. Moreover, the candidate himself circulated the petition and testified under oath that each of the signatories at issue in fact signed his nominating petition.

Pursuant to title 3 D.C.M.R. §424.1, "The party who asserts the claim bears the affirmative duty of establishing the truth of the assertion." In the instant matter, Ms. Seegars asserts that Mses. Olivers did not sign the petition; however, the Board is of the opinion that the three signatures in question sufficiently match the registry records to preclude disallowing them. The Board errs on the side of opening the franchise rather than narrowing it, and Ms. Seegars provided no evidence to bolster her claim. Had she submitted any of the signatories to provide corroborating testimony, then that evidence would have tended to weigh in her favor.

Finally, Mr. Fuller took issue with the Registrar's decision to disallow Stephen Howard's signature as a valid challenge. Mr. Howard printed his first name on his nominating petition as "Steve," and neither Ms. Seegars nor Ms. Brooks were able to locate a "Steve Howard" registered at the address. Ms. Brooks was able to find "Stephen Howard," which incidentally is how the signatory signed the nominating petition, and she initially gave credit to Mr. Fuller for the signature. During the pre-hearing conference, Ms. Seegars requested to see the voter's signature card to be assured that "Stephen

Howard” was in fact the registered voter who signed the petition. Ms. Brooks was unable to locate the signatory’s voter registration card with his signature, and she decided to credit Ms. Seegars with a valid challenge and disallowed Mr. Howard’s signature. The Board disagrees with the Registrar’s findings in this instance because she did verify that Mr. Howard is a registered voter in the single-member district from which Mr. Fuller seeks election.

The Board is mindful of the fact that the “prime purpose of Congress formulating the District of Columbia Election law was to keep the franchise open to as many as possible.” *See Gollin v. District of Columbia Board of Elections and Ethics*, 359 A.2d 590, 595 (D.C. 1976). A person’s manifestation of support for a candidate should not be quashed because they printed their common nickname and signed the petition with the name on the voter registry. Therefore, in accordance with established case law, the Board interprets qualifications for candidacy “in an inclusive spirit.” *See Lawrence v. Board of Elections and Ethics*, 611 A.2d 529 (D.C. App. 1992). The Board will not disallow the Howard signature based on the staff’s inability to find his signature card where he has been identified as a registered voter living in the proper single-member district. Moreover, as aforementioned, it is the challenger and not the candidate who bears the burden of proof to show that a signature is not qualified. *See D.C. CODE § 1-1001.08(o)(1)*: “The Board is authorized to accept any nominating petition for a candidate for any office as bona fide with respect to the qualifications of the signatures thereto. . .”


With the addition of Stephen Howard, Deborah Oliver, and JoAnn Caldwell, Mr. Fuller has the minimum twenty-five (25) signatures for ballot access. Accordingly, the

challenge fails to provide an adequate legal basis upon which to reduce the number of valid signatures obtained by Candidate Charles Fuller below the legal minimum requirement.

In view of the evidence presented, the Board finds that the challenge is insufficient to remove the candidate's name from the ballot. Therefore, the Board denies the challenge as specified herein.

**ORDERED** that candidate Charles Fuller is granted access to appear on the ballot in the November 2, 2010 General Election for the Office of Advisory Neighborhood Commissioner Single Member District 8E05.

September 29, 2010  
Date

  
Mr. Charles R. Lowery, Jr.,  
Board Member,  
Board of Elections and Ethics